

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 26-cv-1068 (ECT/ECW)

MICAELA LIZBETH GUALOTUNA  
TACO,

Petitioner,

v.

**FEDERAL RESPONDENTS’  
RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS**

PAMELA BONDI, *et al.*,

Respondents.

Petitioner filed this petition for a writ of habeas corpus to secure release or a bond hearing in connection with Petitioner’s detention by the U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is currently detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A), as Petitioner falls under the statutory definition of an “applicant for admission,” *see* 8 U.S.C. § 1225(b)(1), and an examining immigration officer has determined that Petitioner is “not clearly and without a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Under that provision, Petitioner is ineligible for release or bond. *See id.*

This petition raises legal and factual issues similar to those in prior habeas petitions this Court has decided. Those issues were recently addressed by the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, \_\_\_ F.4th \_\_\_, 2026 WL 323330 (5th Cir. Feb. 6, 2026), and are currently before the Eighth Circuit on expedited review in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025). Rather than belabor these proceedings by rearguing points the Court has considered and rejected, Federal Respondents assert all arguments

raised by the government in *Avila* (and now adopted by the Fifth Circuit) and respectfully request that the Court preserve those arguments for any appeal in this case. *Cf. Mauro Johnny P.P. v. Lyons*, Case No. 26-cv-204 (LMP/DJF), Order, ECF No. 5 at 2 n.1 (calling abbreviated response “a model example” in the circumstances, as it “preserves the Government’s arguments for appeal while avoiding the effort of filing the same recycled template that this Court has already rejected”).

Concerning remedy, a bond hearing is appropriate in this case, particularly given that Petitioner was served with a warrant of arrest. *See* Declaration of David Fuller, Exhibit A.

Dated: February 7, 2026

DANIEL N. ROSEN  
United States Attorney

*s/ David W. Fuller*

BY: DAVID W. FULLER  
Assistant United States Attorney  
Attorney ID Number 390922  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5600  
David.fuller@usdoj.gov