
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pablo Josue Quintanilla Mendoza

**PETITIONER'S RESPONSE TO
RESPONDENT'S REPLY**

Plaintiff(s)

Case No: 0:26-cv-00821

v.

Kristi Noem et al.

Defendant(s)

Respondents submitted response to Petitioner's petition for a writ of habeas corpus seeking immediate release from custody. Petitioner submits this response to Respondent's reply. The Court should immediately return Petitioner to Minnesota and enjoin Respondents from removing Petitioner from the District of Minnesota until a final decision is made on the habeas petition. Further, Petitioner respectfully requests that the Court grant Petitioner's request for habeas relief.

BACKGROUND

Petitioner is a citizen and native of Nicaragua who entered the United States on or about September 20, 2022. Petitioner was granted humanitarian parole under Section 212(d)(5)(A) and released with an I-94. Petitioner was taken into ICE custody in the State of Minnesota on January 7, 2026, before being transferred to the State of Texas (El Paso). Petitioner is unlawfully detained by Respondents and respectfully requests that the Court finds his continued detention a violation of his due process rights and grants his request for habeas relief.

ARGUMENT

I. This Court Has Jurisdiction Because Petitioner Was Apprehended by Federal Officers and Placed in Federal Custody Within the District of Minnesota

Petitioner was initially apprehended in the District of Minnesota on January 7, 2026, before being transferred to El Paso, Texas. This Court has previously found that its habeas jurisdiction attached at the time of an individual's apprehension in this District. Petitioner was apprehended within the District of Minnesota by federal officers and immediately placed into federal custody, therefore, this Court holds jurisdiction over the habeas petition. The Court's jurisdiction over the habeas petition is not defeated by any subsequent decision by Respondents to transfer Petitioner to another state. Habeas jurisdiction turns on custody and control, not on the Government's unilateral post-seizure movement of the detainee. The position that jurisdiction lies exclusively in the district to which Respondents transfer Petitioner would permit the Government to determine the forum for judicial review through its own logistics. Federal courts may not be divested of jurisdiction in that manner.

Respondents improperly cite *Padilla v. Rumsfeld*, 542 U.S. 426, 443 (2004) to support their claim that the Court should dismiss this case or transfer it to the Western District of Texas, however, in *Padilla*, the Supreme Court stated the district of confinement rule applies to "core habeas petitions challenging present physical confinement." 542 U.S. at 443. Further, the Court expressly declined to decide whether habeas petitions filed by noncitizens "detained pending deportation" are this type of "core challenge[]." *Id.* at 435 & n.8.

Critically, in *Padilla*, the Supreme Court held that the only proper respondent to a traditional habeas corpus petition involving a “core challenge[]” to “present physical confinement” is the actual or “immediate custodian” of the facility where the individual is detained. *Id.* at 435. Here, the Supreme Court expressly left open the question of the identity of the proper respondent(s) to a petition filed by a noncitizen “detained pending deportation.” *Id.* at 435 n.8 (recognizing circuit split on “the question whether the Attorney General is a proper respondent to a habeas petition filed by [a noncitizen] detained pending deportation” and stating “[b]ecause the issue is not before us today, we again decline to resolve it”).

Notably, numerous Courts, including this Court, have repeatedly recognized national-level policy making officials, such as the U.S. Attorney General, as proper respondents. *See, e.g., Santos v. Smith*, 260 F. Supp. 3d 598, 607-08 (W.D. Va. 2017); *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 723-25 (D. Md. 2016); *Somir v. United States*, 354 F. Supp. 2d 215, 217-18 (E.D.N.Y. 2005); *S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 407 (S.D.N.Y. 2018).

Still others recognize as the proper respondent the federal official with responsibility over the detention facility or the federal contract governing the detention facility, usually the ICE Field Office Director, or the person with legal authority over the claim. *See, e.g., Campbell v. Ganter*, 353 F. Supp. 2d 332, 336 (E.D.N.Y. 2004); *Masingene v. Martin*, 424 F. Supp. 3d 1298, 1301-02 (S.D. Fla. 2020).

Significantly, in order to exercise personal jurisdiction over a habeas petition, a district court need only find that one named respondent is proper. *Dunn v. U.S. Parole Commission*, 818 F.2d 742, 744 (10th Cir. 1987) (“So long as the petitioner names as

respondent a person or entity with power to release him, there is no reason to avoid reaching the merits of his petition.”) (quoting *Lee v. United States*, 501 F.2d 494, 502-03 (8th Cir. 1974) (Webster, J. concurring)).

Indeed, a NILA survey of attorneys who regularly file habeas petitions challenging detention reveals that most name the warden or superintendent of the detention facility, the ICE Field Office Director, the DHS Secretary, and the U.S. Attorney General. In cases involving unaccompanied children detained in the custody of the Office of Refugee Resettlement (ORR), the relevant officers and agencies would be national-level officials or officials with responsibility over the detention facility from ORR or the U.S. Department of Health and Human Services. *See, e.g., Santos*, 260 F. Supp. 3d at 607-08 (finding director of ORR and director of juvenile detention center proper respondents).

In the case of Petitioner, named respondents include U.S. Secretary of Homeland Security, Kristi Noem, Acting Director of Immigration and Customs Enforcement (ICE), Todd M. Lyons, Minneapolis-St. Paul Field Office Director of Enforcement and Removal Operations (ERO), David Easterwood, El Paso Field Office Director of ERO, Mary De Anda-Ybarra, and the Warden of El Paso Camp East Montana Detention Center.

Respondents assert that petitions brought under 28 U.S.C. § 2241 provide only district court with subject matter jurisdiction, however, Petitioner’s writ of habeas corpus is expressly brought under 28 U.S.C. § 2241 and 28 U.S.C. § 1391(b), (e). If a petition is not filed in the district of confinement, the venue section must explain why venue is proper under 28 U.S.C. § 1391(e).

Petitioner maintains that venue is proper in this district pursuant to 28 U.S.C. § 1391(e) because Petitioner was apprehended in the State of Minnesota prior to being transferred to the State of Texas, a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district, and Respondents in this case are national-level officials and officials with responsibility over the detention facility where Petitioner is detained. *Sue H. v. Donald Trump*, No. 26-cv-00416 (D. Minn. Jan. 20, 2026), and *Victor P. v. Kristi Noem, et al.*, No. 26-cv-430 (MJD/SGE)(D. Minn. Jan. 19, 2026); *see also Jose A. v. Kristi Noem*, No. 26-cv-480 (JMB/ECW) (finding that jurisdiction was proper in Minnesota despite petitioner being transferred to El Paso, Texas because the decision to detain and arrest petitioner was made in Minnesota, witnesses of petitioner's arrest are in Minnesota, and petitioner was for some time actually detained in Minnesota).

II. Petitioner is Subject to Detention Under § 1226 Rather Than § 1225.

Respondents arguments improperly characterize Petitioner's detention as mandatory pursuant to § 1225. This Court has repeatedly ruled against the government's arguments for holding that detention under these circumstances is appropriately characterized as mandatory detention pursuant to § 1225. *See, e.g., Roberto M.F. v. Olson*, No. 25-cv-4456 (LMP/ECW), 2025 WL 3524455 (D. Minn. Dec. 9, 2025). *Beltran v. Bondi*, 2025 WL 3719856 (D. Minn. Dec. 23, 2025).

Respondents rely on an incorrect interpretation of sections 1225 and 1226 to justify detention without a bond hearing. Courts have overwhelmingly rejected Respondents' interpretation that section 1225(b)(2) requires the mandatory detention of all noncitizens living in the country who are "inadmissible" because they entered the United States without inspection. *See, e.g., Barco Mercado v. Francis*, No. 25-CV-6582

(LAK), 2025 WL 3295903, at *4 & n.22 (S.D.N.Y. Nov. 26, 2025) (noting that this interpretation had been rejected in 350 cases “decided by over 160 different judges sitting in about fifty different courts spread across the United States” and collecting cases in an Appendix A); *Jose Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312, at *1 n.2 (D. Minn. Nov. 4, 2025) (collecting cases); *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *5–6 (D. Minn. Oct. 1, 2025) (collecting cases). This Court should also find Respondents’ interpretation of section 1225(b)(1) as applicable to individuals paroled into the United States unpersuasive.

When interpreting a statute, “every clause and word of a statute should have meaning.” *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023) (internal quotation marks omitted) (quoting *Montclair v. Ramsdell*, 107 U.S. 147, 152 (1883)). Noncitizens who have been residing in the United States but who entered without inspection have not, historically, been considered to still be “arriving” under section 1225(b). This is because the statute itself states that, in order to apply, several conditions must be met; specifically, an immigration officer must determine that the noncitizen “is an applicant for admission . . . seeking admission . . . [and] not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Determining the plain meaning of the statute requires consideration of the tense of the verb “is” and the present participle “seeking.” Here, section 1225(b)(2) applies to persons who presently are applicants for admission and who presently are seeking admission at the time of their detention. To be seeking admission means to be seeking entry, which “by its own force implies a coming from outside.” *United States ex rel. Claussen v. Day*, 279 U.S. 398, 401

(1929). In this case, Petitioner has been residing in the United States and is, therefore, not currently “seeking admission” into the United States.

In addition, Respondents’ interpretation of 1225(b)(2) renders superfluous other immigration laws. Specifically, interpreting section 1225(b)(2) as applying to noncitizens who have already entered the country and are not currently seeking admission into the country, as Respondents urge, would render meaningless a recent amendment to section 1226 by the Laken Riley Act (LRA). The LRA added new categories of noncitizens subject to mandatory detention under section 1226(c), and one such category was for noncitizens lacking valid documentation *and* who have been charged with or convicted of certain crimes. *See* 8 U.S.C. § 1226(c)(1)(E)(i)–(ii). But if Respondents’ interpretation of section 1225 were correct, then there would have been no need for the LRA to create these additional categories because all noncitizens who are present in the United States and have not been admitted would have already been ineligible for bond under section 1225(b)(2)(A).

Respondents further acknowledge that Petitioner’s case presents similar legal and factual issues to prior habeas petitions where this Court and others have repeatedly rejected Respondent’s erroneous interpretation of the Immigration and Nationality Act (INA) and found a procedural due process violation in favor of Petitioner’s release from detention. *See Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA’s analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25- 11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL

2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Portugues Sanchez v. Noem et al.*, 25- cv-02010 (ADA/ML) (W.D. Tex. January 20, 2026); *Santiago v. Noem*, No. 3:25-cv-361- KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, --- F. Supp. 3d ----, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025). Indeed, Respondents do not dispute that decisions in favor of the government's position reflect the minority position.

The Court has previously agreed with those courts that have found that Respondents' interpretation of section 1225(b) is "at odds with both the relevant legislative history and longstanding agency practice." *Belsai D.S.*, 2025 WL 2802947, at *7; *see, e.g., Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1150 (D. Minn. 2025) (discussing the longstanding practice of treating noncitizens who resided in the United States, but who had entered without inspection, as being subject to section 1226(a)).

Petitioner was unlawfully detained pursuant to 8 U.S.C. § 1225, and this Court should accordingly find that mandatory detention under § 1225(b)(2) is improper in this case. As this Court has previously concluded in cases which appear materially indistinguishable, Respondents' interpretation lacks merit. Therefore, this Court should

conclude that Petitioner's detention is governed by section 1226(a), and he is not subject to section 1225(b)'s mandatory detention.

III. Petitioner is a Member of the Class Certified under *Maldonado Bautista*.

Separate and apart from the Court's conclusion above, the Court should also grant the Petition because Petitioner is a member of the class certified under *Maldonado Bautista*. The *Maldonado Bautista* class includes:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination. 2025 WL 3713987, at *32 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom.*

Maldonado Bautista v. Noem, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). Respondents do not present any argument concerning the assertion that Petitioner is a member of the class already granted habeas relief in *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-1873, Doc. No. 92 (C.D. Cal. Dec. 18, 2025). As a class member, Petitioner is subject to that court's declaratory relief and final judgment holding that class members are not subject to mandatory detention and are instead entitled to a bond hearing under section 1226(a).

IV. Petitioner Qualifies for Remaining Independent Grounds for Relief.

a. Respondents Failed to Obtain a Warrant as a Prerequisite of Petitioner's Detention Pursuant to Section 1226(a).

Respondents did not make any argument concerning their failure to comply with a statutory requirement that they obtain a warrant prior to arresting Petitioner. Because section 1226(a) applies, a warrant was a prerequisite to Petitioner's detention. *See Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5,

2026); *Juan S.R. v. Bondi*, No. 26-CV-5 (PJS/LIB), Doc. No. 8 at 3–4 (D. Minn. Jan. 1, 2026). *See also* 8 U.S.C. § 1226(a) (“*On a warrant issued by the Attorney General, [a noncitizen] may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States.*” (emphasis added)). The Petition alleges that Petitioner’s arrest was warrantless, and Respondents have not presented evidence to the contrary. Consequently, on this independent basis, the Court should grant the Petition and orders Petitioner’s immediate release.

b. Petitioner was Previously Released on Temporary Parole.

Respondents failed to follow any procedure when revoking Petitioner’s previous release and parole. The Court should also grant the request for immediate release based on the analysis of the court in *Rodriguez-Acurio v. Almodovar*, No. 2:25-CV-6065 (NJC), 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025). Like the petitioner in *Rodriguez-Acurio*, Petitioner was previously released on temporary parole, did not violate any terms of the release, and has not been provided with sufficient due process of law. *See id.* at *9–24, 30–31. Accordingly, the Court should order that Petitioner be released in Minnesota.

In light of Respondents’ unlawful detention of Petitioner, their failure to comply with statutory and procedural requirements, and their lack of any substantive response to critical aspects of Petitioner’s claims, Petitioner respectfully requests that the Court grant the Petition and order Petitioner’s immediate release.

Dated: February 3, 2026

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