

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JUSTIN DANIEL CAISALITIN ROCHA
(A# )

Civil File No. _____

Petitioner,

v.

PAMELA BONDI, in her official capacity as U.S. Attorney General; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; DAVID EASTERWOOD, in his official capacity as Field Office Director, Director of Enforcement and Removal Operations, St. Paul Field Office, U.S. Immigration and Customs Enforcement; and GEORGE DEDOS, in his official capacity as Warden, Cibola County Correctional Center,

Respondents.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

**REQUEST FOR EMERGENCY
TEMPORARY RESTRAINING
ORDER**

Expedited Handling Requested

INTRODUCTION

1. Petitioner Justin Daniel Caisalitin Rocha (“Mr. Caisalitin Rocha”), by and through his undersigned counsel, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to compel his immediate release from immigration jail where he has been held by the U.S. Department of Homeland Security (“DHS”) since being unlawfully detained on January 11, 2026, in Minneapolis, Minnesota without first being provided a due process hearing to determine whether his incarceration is justified. In the alternative, this petition seeks

the transfer of Mr. Caisalitin Rocha back to a facility in Minnesota, where he was originally detained and from which he was transferred to Texas and then later to New Mexico, and to provide a bond hearing pending the completion of any immigration proceedings.

2. Mr. Caisalitin Rocha—a lawful asylum seeker who has lived in the United States continuously for three years with no criminal history or even arrest record—was arrested with his family on his way home from church, without any notice, warrant, or reasoning offered for the arrest. He must be released from custody unless and until DHS proves to a neutral adjudicator, by clear and convincing evidence, changed circumstances showing that Mr. Caisalitin Rocha is a flight risk or danger to the community. DHS will be unable to do so. Due process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

4. Federal question jurisdiction exists because Mr. Caisalitin Rocha seeks to challenge his detention as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, the Declaratory Judgments Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court's inherent equitable powers.

6. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the DHS. *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

VENUE

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), (e)(1)(B), and 2241(d) because habeas jurisdiction “attached at the time of [Mr. Caisalitin Rocha’s] apprehension in this District,” when Respondents took custody and control of Mr. Caisalitin Rocha. *Sue H. v. Trump*, Civ. No. 0:26-CV-00416 (MJD/ECW), Doc. No. 6 at 2 (D. Minn. Jan. 20, 2026) (“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 a 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.”).

8. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

9. Venue is also equitable in this Court because the Mr. Caisalitin Rocha resides in this District, the decision to arrest and detain Mr. Caisalitin Rocha “was directed to personnel within this District, and therefore witnesses and information about the manner of h[er] arrest would also be found in this District,” the custodian can be reached by service of process, transferring venue would prolong Mr. Caisalitin Rocha’s detention and the adjudication of his claims, and divesting this Court of jurisdiction through the transfer of detainees to out-of-state facilities without their consent would encourage forum shopping. *Jose A. v. Noem*, Civ. No. 0:26-CV-00480 (JMB/ECW), 2026 WL 172524 at *2 (D. Minn. Jan. 22, 2026) (citing *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 (1973)).

10. Additionally, in the days between intake and preparing this petition, Mr. Caisalitin Rocha was transferred from Texas to New Mexico. Counsel only learned of this relocation in the process of verifying the Respondents prior to filing the present Petition. Mr. Caisalitin Rocha has now been detained in three different judicial districts. The complete lack of predictability in the relocation of Mr. Caisalitin Rocha and other detainees, which occurs seemingly on a whim, should weigh heavily in the equity analysis.

11. Like the petitioner in *Jose A.*, Mr. Caisalitin Rocha has resided in Minnesota for several years and there is no indication of the basis of his detention or what the length of that detention would be. *Id.* Transferring venue to New Mexico would prolong

his detention and the time taken to adjudicate his petition. He should not be penalized because he was unable to file his petition before being transferred due to circumstances outside of his control. Furthermore, Mr. Caisalitin Rocha has an open asylum case filed with Minnesota counsel. The District of Minnesota is the appropriate venue.

PARTIES

12. Petitioner Caisalitin Rocha is an asylum seeker, a citizen of Ecuador, and a resident of Minneapolis, Minnesota currently detained at the El Paso Processing Center in El Paso, Texas. He is in the custody, and under the direct control, of Respondents and their agents and has no scheduled release date.

13. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. In this capacity, Respondent Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely does and transacts business in the District of Minnesota, supervises the St. Paul Immigration and Customs Enforcement (“ICE”) Field Office, and is legally responsible for pursuing Petitioner’s detention and removal. Respondent Bondi is a legal custodian of Petitioner.

14. Respondent Kristi Noem is being sued in her official capacity as the United States Secretary of Homeland Security. In this capacity, Respondent Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the St.

Paul ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Petitioner.

15. Respondent Todd M. Lyons is being sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. He is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. Respondent Lyons is a legal custodian of Petitioner.

16. Respondent David Easterwood is being sued in his official capacity as the the Acting Field Office Director for U.S. Immigration and Customs Enforcement for the St. Paul Field Office, which has administrative jurisdiction over Petitioner's detention. Respondent Easterwood has supervisory authority over the agents responsible for detaining Petitioner and is a legal custodian of Petitioner. The address for the St. Paul Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

17. Respondent George Dedos is being sued in his official capacity as Warden of the Cibola County Correctional Center in New Mexico, where Petitioner is presently detained. He has immediate day-to-day control over and is a legal custodian of Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

18. Petitioner Caisalitin Rocha is a 20 year-old resident of Minneapolis, Minnesota and a citizen of Ecuador. He is a father, older brother, and an active member of his school and church communities. His child is only two years old and his youngest siblings are six and seven.

19. On information and belief, Mr. Caisalitin Rocha came to the United States as a minor child in November 2022 with his entire family—mother, father, and three minor siblings—and has resided in Minneapolis for over three years.

20. After crossing into the United States at age sixteen, Mr. Caisalitin Rocha and his family were briefly detained at the Laredo Processing Center in Laredo, Texas. Mr. Caisalitin Rocha and his family were then paroled into the United States on humanitarian grounds.

21. Mr. Caisalitin Rocha's parents were enrolled in the Alternatives to Detention program with telephonic reporting. His parents have consistently complied, have updated their address as required, and have not missed a check-in, including placement of an ankle monitor on Mr. Caisalitin Rocha's mother in October 2025.

22. Mr. Caisalitin Rocha was the victim of a felony assault in January 2025, at the age of nineteen. He assisted the Minneapolis Police Department in its investigation, and on July 15, 2025, the department signed as the certifying agency on his U Nonimmigrant Status Certification for use in a U Visa application. The certification was not yet expired when Mr. Caisalitin Rocha was taken into custody.

23. After being notified that removal proceedings had been initiated on July 31, 2025, Mr. Caisalitin Rocha timely applied for asylum with his whole family on September 25, 2025, retaining that same Minneapolis-based immigration lawyer.

24. Mr. Caisalitin Rocha's asylum application is pending and he is not subject to a final order of removal.

25. Mr. Caisalitin Rocha was transferred to the Cibola County Correctional Center in New Mexico on February 2, and that same day was assigned a remote master hearing scheduled for February 17, 2026 in New Mexico immigration court.

26. Mr. Caisalitin Rocha's asylum claim is based on direct threats of violence and death from [REDACTED]

[REDACTED]

Mr. Caisalitin Rocha and his family fled the country fearing for their lives.

27. On information and belief, Mr. Caisalitin Rocha was not detained from the period from his entry into the United States until his unlawful detainment on January 11, 2026.

28. Mr. Caisalitin Rocha is a father to a two-year old son, born in the United States. He and his partner Samantha reside with his mother, father, and three younger siblings ages six, seven, and eighteen.

29. On information and belief, Respondent DHS arrested Mr. Caisalitin Rocha in Minneapolis, Minnesota on Sunday, January 11, 2026, while following Mr. Caisalitin Rocha and his parents home from church. ICE agents began following Mr. Caisalitin Rocha's vehicle immediately after leaving the church. Agents tailed Mr. Caisalitin Rocha and his parents for several blocks before stopping them.

30. On information and belief, no ICE agent at any time showed Mr. Caisalitin Rocha a warrant or authorization for his arrest. To date, Respondents have not

provided Mr. Caisalitin Rocha with a valid warrant justifying his arrest and indefinite detention.

31. On information and belief, there has never been a warrant issued for Mr. Caisalitin Rocha's arrest.

32. On information and belief, Mr. Caisalitin Rocha and his family members presented their immigration papers. ICE agents ignored these papers and proceeded to unlawfully arrest Mr. Caisalitin Rocha, his mother, and his father. Mr. Caisalitin Rocha complied with all of the agents' orders and did not resist at any time.

33. On information and belief, despite Mr. Caisalitin Rocha's lack of resistance, ICE agents acted with aggression and shoved Mr. Caisalitin Rocha and his parents up against the car.

34. On information and belief, Mr. Caisalitin Rocha's has followed all immigration court instructions, attended all required appearances, and has no criminal history.

35. On information and belief, Respondents did not make an individualized finding of Mr. Caisalitin Rocha's flight risk.

36. Mr. Caisalitin Rocha is neither a danger to others nor a flight risk.

37. This arrest is part of an operation in Hennepin and Ramsey counties called "Operation Metro Surge." This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting

pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody regardless of the constitutionality of their actions. *See, e.g., Compl., Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. Dec. 17, 2025).

38. Since the operation began on December 1, 2025, the number of immigration officials in Minneapolis and St. Paul, or the Twin Cities Metro Area, has increased fourfold, and with them these new agents have brought a similarly massive increase in unconstitutional, unlawful, and downright violent behavior towards citizens and non-citizens alike.

39. Given the massive volume of perceived non-citizens being taken off the streets, Respondents are running out of physical space to continue detaining people. Detainees are being held in cramped quarters at the federal building, before being quickly sent to remote locations across Minnesota or to facilities as far away as El Paso, Texas.

40. Mr. Caisalitin Rocha is one of such detainees: he was initially detained at the Bishop Henry Whipple Federal Building and subsequently transferred that same day to the El Paso Camp East Montana in El Paso, Texas, far away from his family, community, legal resources and current counsel, and place of residence.

41. Three days ago, Mr. Caisalitin Rocha was again transferred, this time to the Cibola County Correctional Center in Milan, New Mexico.

42. Despite the fact that Mr. Caisalitin Rocha, his mother, and his father were all arrested at the same time and initially detained in Minnesota, each of them was

transported to separate detention centers across Texas. Mr. Caisalitin Rocha’s parents are now being held in different detention centers in Texas, while he has been transferred yet again to a detention center in New Mexico.

43. On information and belief, Respondents are detaining Mr. Caisalitin Rocha regardless of the individual facts and circumstances of his case.

44. On information and belief, Respondents are using the immigration detention system, including extra-territorial transfer and detention, as a means to punish individuals for asserting rights under the Refugee Act.

45. Detaining Mr. Caisalitin Rocha is an expensive and pointless endeavor. Mr. Caisalitin Rocha respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country—a process he initiated, retained legal counsel for, and has complied with since his entry.

REQUIREMENTS OF 28 U.S.C. § 2243

46. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

47. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England,

affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025).

EXHAUSTION OF REMEDIES

48. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025). Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties’ disagreement is based on a legal conclusion. *Id.* at 967–68.

49. Other courts in the Eighth Circuit have similarly declined to require prudential exhaustion when evaluating a detained immigrant’s habeas corpus petition under similar circumstances—to address a question of statutory interpretation that does not require developing a factual record, and where the agency is demonstrably unlikely to reverse its course. *Giron Reyes v. Lyons*, 2025 WL 2712427 at *3 (N.D. Iowa Sept. 23, 2025).

LEGAL FRAMEWORK

50. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

51. A petitioner may seek a writ of habeas corpus when their custody violates the U.S. Constitution or a Federal law. 28 U.S.C. § 2241(c)(3), which should be granted if the petitioner meets their burden of proof—a preponderance of evidence.

Jose J.O.E. v. Bondi, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670, at *5 (D. Minn. Aug. 27, 2025) (citing *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025)).

52. In July of 2025, Respondent DHS began ignoring the decades-long consensus of how 8 U.S.C. § 1225(b)(2) should be interpreted, which the Board of Immigration Appeals (“BIA”) articulated in a subsequent ruling. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). Respondents suddenly claim that individuals who have been residing within the United States for more than two years are somehow metaphorically “seeking admission,” simply because they may have pending claims for asylum or other forms of status.

53. However, this Court and the majority around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those whose detention is discretionary and governed by 8 U.S.C. § 1226(a). *Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

54. Indeed, the statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. §

1225(b)(2)(A). The Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)

55. Here, Mr. Caisalitin Rocha was apprehended within the United States, not at a border while seeking entry; nothing in the alleged facts indicate there is any basis for a redetermination of custody or for detaining him.

56. Accordingly, the mandatory detention provision of § 1225(b)(2) cannot apply to people like Mr. Caisalitin Rocha. At the time of his most recent detention on January 11, 2026, he had already entered the United States and had been residing in the country for over three years as he awaits the outcome of his asylum case. He was not actively seeking admission.

57. Under these circumstance it would be absurd to consider Petitioner Caisalitin Rocha to be “seeking admission” at the time of his most recent apprehension. *See, e.g., Contreras Maldonado v. Cabezas*, No. 25– 13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025) (finding the “invocation of 1225(b) as applied to Petitioner,” a former UC who had resided in the United States for years, to be “inconsistent with the statutory framework distinguishing between entry-based and interior detention authority”).

58. Respondents wrongly assert 8 U.S.C. § 1225(b)(2) as a basis for detaining Mr. Caisalitin Rocha without a hearing, when instead any detention could only be

pursuant to 8 U.S.C. § 1226(a), which would also require a warrant and which here the Respondents are not purporting to invoke.

59. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas*, 533 U.S. at 690.

60. The Immigration and Nationality Act (“INA”) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed, 8 U.S.C. § 1226(a).

61. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Mr. Caisalitin Rocha, should be removed from the United States. *See* 8 U.S.C. § 1229a.

62. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a right to apply for asylum to individuals seeking safe haven in the United States. The purpose of the Refugee Act is to enforce the “historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

63. The “motivation for the enactment of the Refugee Act” was the United Nations Protocol Relating to the Status of Refugees, “to which the United States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory meaning to our

national commitment to human rights and humanitarian concerns.” *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

64. The Refugee Act established the right to apply for asylum in the United States and defines the standards for granting asylum. It is codified in various sections of the INA.

65. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to noncitizens who satisfy the definition of “refugee.” Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution or fear. 8 U.S.C. § 1101(a)(42)(A).

66. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).

67. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

68. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he

does not present a danger to persons or property and is not a flight risk. *Zadvydas*, 533 U.S. at 690; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

69. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.

70. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual's release when the facts and circumstances warrant it. Revocation and return to custody is authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Due Process Under the Fifth Amendment and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2

71. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

72. Petitioner has due process rights as a resident of the United States. *Zadvydas*, 533 U.S. at 693.

73. Federal courts use the three-part test in *Mathews v. Eldridge* to determine whether civil detention violates a detainee’s due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

74. Here, all three factors favor the petitioner.

75. First, Petitioner has a significant private interest at stake. A person’s interest in freedom from physical detention is “the most elemental of liberty interests.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”). Petitioner is wrongfully confined, a direct attack on Petitioner’s liberty interests.

76. Second, Petitioner will continue to be deprived of this interest if the current procedure (detaining Petitioner without a legal basis) is followed. There is no rational explanation for detaining Petitioner. Respondents’ purported basis for detaining Petitioner under 8 U.S.C. § 1225(b)(2) has been rejected time and time again in this court. *Ahmed A. v. Bondi*, Case No. 25-cv-4776 (JWB/DJF), Doc. No. 12 at 6 (D. Minn. January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–

52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d at 968–70; *Mayamu K. v. Bondi*, Case No. 25-cv-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Mayamu K.*, Case No. 25-cv-3035 (JWB/LIB), 2025 WL 3641819, at *7–8; *R.E. v. Bondi*, Case No. 25-cv-3946 (NEB), 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025). Furthermore, the transfer of Petitioner to a facility across the country impedes Petitioner’s access to legal resources and thereby him due process rights. *See Orantes Hernandez v. Thornburgh*, 919 F.2d 549, 566 (9th Cir. 1990) (emphasizing constitutional importance of asylee’s ability to communicate with legal counsel).

77. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner, or at a minimum holding a bond hearing, would in fact *save* the government the resources and expense of continued imprisonment.

78. The placement of Petitioner in detention pending the resolution of ongoing immigration proceedings violates Petitioner’s constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)

Petitioner’s Ongoing Detention Pursuant to 8 U.S.C. § 1225(b)(2) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority

79. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

80. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner. Petitioner was nowhere near the border and was not “seeking admission.”

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

81. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

82. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

83. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

84. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

85. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

86. Respondents through its recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board's decision represents a change in the agencies' policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

87. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

REMEDY

88. An available remedy for Respondents' unlawful conduct as outlined in this complaint is for Petitioner Caisalitin Rocha to be released.

89. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas*, 533 U.S. at 687, 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose, there is no indication that Mr. Caisalitin Rocha's detention was based on any facts that might indicate that he should be in custody for some reason.

90. Since Section 1225 does not apply to noncitizens who are in Mr. Caisalitin Rocha's situation—noncitizens who have been detained while residing within the United States for more than three years, as opposed to those detained while in the process of physically entering the United States—the law that Respondents are using to detain Mr. Caisalitin Rocha simply does not apply so as to authorize Mr. Caisalitin

Rocha’s detention. *See Eliseo A.A. v. Olson*, Case No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Case No. 25-cv-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Case No. 25-cv-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Case No. 25-cv-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Case No. 25-cv-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

91. When a habeas petitioner’s detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive detention”).

92. Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Mr. Caisalitin Rocha should have been detained pursuant to § 1226, instead of § 1225, then the remedy is a bond hearing as opposed to outright release. *See, e.g., Ahmed A.*, Civ. No. 25-4776, Doc. No. 9. at 9–10.

However, this Court rejected this argument, saying that:

[A] bond hearing presupposes lawful detention authority under § 1226. Where that authority has not been invoked or established, ordering a bond hearing would treat the absence of statutory authority as a mere procedural irregularity rather than a substantive defect . . . Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.

Id., Doc. No. 10 at 6 (emphasis added).

93. Nor here would § 1226(a) have supported a lawful detention in the first instance. Detention under § 1226(a) would require a warrant issued by the Attorney

General. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d at 961. To put this plainly: “absent a warrant a noncitizen may not be arrested and detained under section 1226(a).” *See also Ahmed M. v. Bondi et al.*, 2026 WL 25627, *3 (D. Minn. Jan. 5, 2026) (quoting *Choglo Chafila v. Scott*, --- F. Supp. 3d ---, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)). Upon information and belief, Respondents had no such warrant.

94. Here, where detention is unlawfully based on 8 U.S.C. § 1225(b)(2), which does not apply to Mr. Caisalitin Rocha, release is an appropriate remedy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Justin Daniel Caisalitin Rocha respectfully requests this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue a writ of habeas corpus and an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment, and the Suspension Clause (U.S. Const. art. I, § 9, cl. 2), and the Separation of Powers;
- (4) Enjoin Respondents from removing Petitioner from the United States without the procedures for removal identified in the Immigration and Nationality Act;
- (5) Enjoin Respondents from re-detaining Petitioner under this same statutory theory, absent materially changed circumstances;
- (6) Order the immediate transfer and humane release of Petitioner:

- (a) in Minnesota;
 - (b) with all personal documents and belongings, such as Petitioner's driver's license, work permit, passport, other immigration documents, cell phone, wallet with the same amount of physical cash, credit cards, debit cards, or other payment mechanisms as when Petitioner was detained, and personal valuables including but not limited to jewelry;
 - (c) with all clothing and outerware Petitioner was wearing at the time of detention, or other proper winter attire sufficient to ensure Petitioner's physical safety;
 - (d) without imposition of new or additional monitoring conditions; and
 - (e) with reasonable notice to counsel to arrange for Petitioner's safe release.
- (7) Award reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, or any other applicable law; and
- (8) Grant any other and further relief that this Court deems just and proper.

Dated: February 5, 2026

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**Verification by Someone Acting on Petitioner's Behalf
Pursuant to 28 U.S.C. 2242**

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I, or I and others working under my supervision, have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

s/Ellie Soskin _____
Ellie Soskin

Date: February 5, 2026

CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant, the undersigned certifies and states that the true and correct copies of this Petition for Writ of Habeas Corpus will be served upon all counsels of record via the online CM/ECF system, on or before February 5, 2026.

s/Ellie Soskin

Ellie Soskin