

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Lourdes Roa-Maldonado,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of
Homeland Security,

Todd M. Lyons, Acting Director of Immigration
and Customs Enforcement,

David Easterwood, Acting Director, St. Paul
Field Office Immigration and Customs
Enforcement, and

Joel Brott, Sheriff of Sherburne County,
Minnesota,

Respondents.

Case No. 26-cv-1119

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling
Requested

INTRODUCTION

1. Petitioner, Ms. Lourdes Roa-Maldonado, (“Ms. Roa-Maldonado”), by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement (“ICE”) to release Ms. Roa-Maldonado from ICE detention, or in the alternative to enjoin Petitioner’s transfer to a facility outside of Minnesota and to provide a bond hearing pending the completion of any immigration proceedings.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked 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).

3. Federal question jurisdiction exists because Ms. Roa-Maldonado seeks to challenge this custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. 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 Department of Homeland Security (“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).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Ms. Roa-Maldonado was detained within the District of Minnesota.

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

PARTIES

7. Petitioner is a citizen of Ecuador and a resident of Mankato, Minnesota, who is currently being held at the Sherburne County Jail. Petitioner is under the direct control of the respondents and has no scheduled release date.

8. 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. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Ms. Roa-Maldonado.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary 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 Fort Snelling ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Noem is a legal custodian of Ms. Roa-Maldonado.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE

agents responsible for detaining Ms. Roa-Maldonado. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

12. Respondent Sheriff Blott is being sued in his official capacity as the Sheriff responsible for the Sherburne County detention facility. Because Petitioner is detained in the Sherburne County facility, Sheriff Blott has immediate day-to-day control over Ms. Roa-Maldonado.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a resident of Mankato and a citizen of Ecuador, and has lived in the United States since February of 2024.

14. Ms. Roa-Maldonado entered the United States without inspection and does not have a final order of removal. She believes she might have been offered a bond for \$15,000, or possibly \$20,000, but she is not sure. She does not have an immigration attorney or the current means to pay this bond.

15. Ms. Roa-Maldonado has employment authorization and is employed locally. She fled Ecuador due to experiencing gang violence.

16. Respondent ICE arrested Ms. Roa-Maldonado on December 18, 2025. Upon information and belief, they did not have a warrant for her arrest.

17. 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. 12/17/2025).

18. Since the operation began on December 1, 2025, the number of immigration officials in the twin city metro area has increased astronomically, 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. The people of Minnesota—of all races, nationalities, and citizenship status—are united in their shock and fear at the events of the past eight weeks, and are begging for the attacks on their community to stop.

19. 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.

20. In Ms. Roa-Maldonado's case, Petitioner has been brought to the Sherburne County detention facility.

21. Detaining Ms. Roa-Maldonado is an expensive and pointless endeavor. Ms. Roa-Maldonado 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.

22. Pending the adjudication of this Petition, Ms. Roa-Maldonado further seeks an order restraining the Respondents from transferring Petitioner to a location outside of the State of Minnesota, so that the jurisdiction of this Court is not impeded, and so that Petitioner remains accessible to legal counsel and loved ones.

STANDARD OF LAW

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The “Great Writ” has been referred to by US Courts 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) (emphasis added). A petitioner may seek a writ of habeas corpus when their custody violates the US 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. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025).

24. Detained noncitizens 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.

25. 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).

26. “[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).

27. Here, because a bond hearing was held, it would appear that Respondents invoke 8 U.S.C. § 1226(a) as the basis for Petitioner’s detention. However, discretionary detention under this provision would require a warrant issued by the Attorney General. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025). 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 *Chogllo 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.

28. To the extent that Respondents are purporting to justify Petitioner’s detention under its frequently invoked misreading of 8 U.S.C. § 1225(b)(2), this Court has resoundingly rejected that logic time and time again. *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (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 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No.

0:25-cv-3946-NEB, 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025).

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Respondents are Confining Petitioner without A Valid Legal Basis or any Semblance of Due Process.

29. Petitioner realleges and incorporates by reference the allegations contained above.

30. Ms. Roa-Maldonado has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

31. Federal courts use the three-part test in *Matthews 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.

32. Here, all three factors favor the petitioner.

33. First, Ms. Roa-Maldonado 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, 124 S.Ct. 2633, 159 L.Ed.2d 578

(2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 (“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.”). Ms. Roa-Maldonado is wrongfully confined, a direct attack on Petitioner’s liberty interests.

34. Second, Ms. Roa-Maldonado will continue to be deprived of this interest if the current procedure (detaining Ms. Roa-Maldonado subject to an unlawfully imposed fine that she cannot pay, and does not even know the amount of) is followed. There is no rational explanation for detaining Ms. Roa-Maldonado.

35. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Ms. Roa-Maldonado 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.

36. The placement of Ms. Roa-Maldonado in detention pending the resolution of ongoing immigration proceedings violates Ms. Roa-Maldonado’s constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO
Immigration and Nationality Act, 8 U.S.C. § 1226(a)

Petitioner’s Ongoing Detention Pursuant to 8 U.S.C. § 1226(a) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority

37. Petitioner realleges and incorporates by reference each and every allegation contained above.

38. Respondents violate the Immigration and Nationality Act by having detained Petitioner pursuant to 8 U.S.C. § 1226(a) without first providing a warrant.

REMEDY

39. The available remedy for Respondents' unlawful conduct as outlined in this complaint is for Petitioner to be released.

40. 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 v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose, there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody for some reason. Nor could Respondents have lawfully detained Petitioner in the first instance pursuant to 1226(a) without a warrant.

41. 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").

REQUEST FOR ORDER TO SHOW CAUSE

42. Within three days, unless good cause for a delay is shown, "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

43. The Undersigned Attorney, on behalf of Petitioner, respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

WHEREFORE, Ms. Roa-Maldonado prays that this Court grant the following relief;

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Respondents from transferring Petitioner out of the District of Minnesota pending the duration of these proceedings, or transport Petitioner back to Minnesota if he is moved out of state;
- (3) Order Respondents to show cause as to why Petitioner should not be released immediately, without conditions;
- (4) If the Court sees fit to order Petitioner's release, include conditions to ensure Petitioner's safety, including that release be:
 - (a) Inside the State of Minnesota;
 - (b) At a safe time and place communicated in advance to counsel; and
 - (c) With all of Petitioner's personal effects in Respondents' possession, such as driver's license, immigration papers, passport, cell phone, and keys;
- (5) Enjoin Respondents from implementing any condition of release, including ICE's "Alternatives to Detention" measures, which include ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application;

- (6) Retain jurisdiction over this matter to decide any future motion for an award of reasonable attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, Local Rule 54.3(a), and on any other basis justified under law; and
- (7) Grant any other and further relief that this Court may deem just and proper.

Date: Feb. 6, 2026

/s/ Kira A. Kelley
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Attorney for Petitioner

**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 Petitioner's attorney. My investigator has discussed the factual assertions in this petition with Petitioner, who I understand to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: Feb. 6, 2026

/s/ Kira A. Kelley
Kira A. Kelley, Esq.