UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Victor Alfredo Torres Ocampo, 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, and, David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement. Respondents.	Civ. No. 26-cv-1122 (ECT/LIB) **REPLY TO FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Victor Alfredo Torres Ocampo, ("Mr. Torres Ocampo"), by and through the undersigned attorney, respectfully submits this Reply in support of the Petition for a Writ of Habeas Corpus. This Reply will not rehash what the District of Minnesota has ruled repeatedly: "Respondents' broad reading of § 1225(b)(2) has been often rejected in this District, regardless of whether the petitioner entered without inspection, or was initially detained at the border and released." *Ivan R. v. Bondi*, Case No. 26-CV-485 (JWB/EMB) Doc. No. 8, 1-2 (D. Minn. Jan. 24, 2026) (gathering cases). Instead this Reply will address the issue of whether 8 U.S.C. § 1226(a) applies as an alternate basis for detaining Petitioner, given the purported existence of a warrant.

INSUFFICIENCIES OF THE WARRANT

Until recently, the vast majority of habeas corpus petitions filed in response to Operation Metro Surge have been without factual dispute, hinging only on a legal disagreement of whether 8 U.S.C. § 1225(b)(2) allows for mandatory detention of noncitizens apprehended while residing internally, as opposed to those seeking admission at the border. Since clear case law in Minnesota holds that an administrative warrant is a prerequisite to discretionary detention pursuant to 8 U.S.C. 1226(a), courts have been granting outright release as the remedy, as opposed to a bond hearing, in the vast majority of these habeas corpus petitions. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025); *Ahmed M. v. Bondi et al*., 2026 WL 25627, *3 (D. Minn. Jan. 5, 2026).

Seemingly in response, about two months into Operation Metro Surge, Respondents are for the first time now alleging the existence of administrative warrants issued by DHS. *Habib D. v. Bondi et al*, Case No. 26-cv-01236 (KMM/JFD) at Doc. No. 7, 4 ("[T]he Court observes that the use of warrants at the time of arrest of people like Petitioner seems to be a new practice in this district.") While Respondents continue to allege the authority to detain noncitizens without a warrant, and without a bond hearing, these warrants are offered instead simply to argue in the alternative that unlawfully detained noncitizens should at a minimum be held pending a bond hearing, as opposed to be released outright. See, e.g., ECF 4 at 1-2. The emergence of seemingly retro-actively and/or insufficiently filed or served administrative warrants appears to be a new tactic promoted by the Respondents to engage in *post-hoc* rationalization at best, and potential fabrication at worst.

The administrative warrant informally appended to Respondents' brief was not validly issued and served prior to Petitioner's detention, and thus is insufficient to support detaining Petitioner under § 1226(a).

Retroactively served warrants do not cure an otherwise warrantless, and thus unlawful, detention under 8 U.S.C. § 1226(a). *Alberto C.M. v. Noem*, No. CV 26-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where the I-200 "was not issued until after his arrest and initial detention"). The warrant can not be served *after the detention*. Additionally, I-200 warrants cannot predate a noncitizen's Notice to Appear. 8 C.F.R. § 236.1(b).

It is unclear whether or not Respondents understand and acknowledge that the law requires them to issue and serve warrants after a Notice to Appear but prior to detention, as many of these warrants are routinely openly served *after* the date of the arrest. *See*, e.g., *Alberto C.M. v. Noem*, No. 26-CV-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where it "was not issued until after his arrest and initial detention").

In its order to show cause, the Court directed Respondents to include in their answer "such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner's detention in light of the issues raised in the habeas petition." ECF 3 at 1. Here, Respondents note only that the government "attached a warrant to this Petition." ECF No. 5 at 2. No information or record evidence is offered to assert the validity of this warrant–it is attached directly to a filing submitted by counsel for Respondents, with no affidavit, no factual support for any kind of explanation as to how

or when or by whom this warrant was created, or presented to the Petitioner, or subsequently provided to Assistant United States Attorney Matthew Isihara.

Regardless, the credibility of this warrant need not be addressed: the warrant is signed and dated on February 7, 2026, which was **two days after** Petitioner's detention. ECF No's 1 and 5. This is insufficient to salvage the legality of Petitioner's detention, which cannot be done retroactively through the belated issuance and service of a warrant.

CONCLUSION

Given that the Warrant is not valid as it was not issued until after Mr. Torres Ocampo was already detained, Mr. Torres Ocampo reiterates that the appropriate form of relief in this case is immediate release.

In the alternative, if the Court determines that there are no facial insufficiencies to this warrant, Petitioner respectfully requests leave to file a motion for limited discovery to determine the factual basis for the administrative warrant used to justify Mr. Torres Ocampo's arrest, the purpose and motivation for retroactively issuing a warrant for someone who is already in detention, the timing it was served in relation to Petitioner's detention, and the qualifications of the person purporting to serve it.

Respectfully submitted,

Date: Feb. 10, 2026

/s/ Kira A. Kelley

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