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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Diego Armando Guacho Paguay

Petitioner,

v.

Kristi Noem, *et.al.*

Respondents.

Case No. 0:26-cv-00855 -NEB-DLM

**PETITIONER'S OBJECTION TO
RESPONDENTS' MOTION TO
DISMISS OR TRANSFER**

1. As stated in Petitioner's petition he was detained at Ft. Snelling, Minnesota on January 29, 2026, while complying with his ICE check-ins.
2. The Minnesota Court has jurisdiction and venue for the reasons previously outlined in Petitioner's petition. Respondents spending taxpayer dollars to move detainees around the country to different states and using public resources to hold immigrants that are already in immigration proceedings and complying with their requirements is violating due process for detainees. ICE is clearly not interested in detainees being able to fight their cases, contact their lawyers, or be in the same state where their homes and families are located. This is the basis for their relocating detainees to different states, to make it more difficult for them to fight their cases. For DHS to have the ability to strip proper jurisdiction from one state to another with no connections to the Petitioner and where no substantial part of relevant events occurred is a dangerous precedent and is forum-shopping.
3. Petitioner was detained in Minnesota, where he lives with his children and family. His case was initiated in the State of Minnesota. His attorneys are in Minnesota. He was complying with his ICE check-ins in Minnesota.
4. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Minnesota, as that is where Petitioner was initially detained, where he lives, where his attorneys are, where his case was filed, where he was doing his check-ins, and the venue and forum most convenient and applicable to his case.
5. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a

substantial part of the events or omissions giving rise to the claims occurred in the District of Minnesota such as Petitioner's case being filed and presented before the EOIR Immigration court in Minnesota, his attorneys being in Minnesota, his ICE check-ins being in Minnesota, his residence being in Minnesota and his family being in Minnesota.

"in cases where the respondent is a U.S. officer, employee or agency, venue lies in any judicial district where *respondent resides, where a substantial part of the relevant events/omissions occurred, or where the petitioner resides* [emphasis added] if no real property is involved in the action." *Id.*

6. Contrary to Respondents' response, Petitioner is in fact prejudiced by transferring his case to Texas as that is not where he resides and not where his attorneys are or where is case is pending. He can not "easily file" a petition in the Western District of Texas as he is detained and his lawyers are in Minnesota. On the other hand, it would not prejudice the Respondents to return Petitioner to the State of Minnesota and have his case heard in his state of residence.
7. It should be noted that detainees have been released outside at unknown locations without their phones, money, or documents. Petitioner seeks release at the Whipple Building at Ft. Snelling, Minnesota.
8. The Respondents are bound by, and Petitioner is entitled to release pursuant to *Bautista*.
9. Continuing Petitioner's unlawful detention is a violation of his Fifth Amendment Due Process rights.

PRAYER FOR RELIEF

- a. That Respondents' motion to dismiss or transfer be denied.

- b. That Respondents immediately return the Petitioner to the State of Minnesota at Respondents' expense.
- c. Enjoin Respondents from transporting Petitioner out of the State of Minnesota again.
- d. That Petitioner be transported to the Whipple Building, at Ft. Snelling, Minnesota and be immediately released.
- e. That Petitioner be released with all of his belongings including his phone, money, identification and all documents.
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 3rd day of February, 2026.

Respectfully submitted,

KHANH NGUYEN LAW OFFICE

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