

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

Lou LEE, Petitioner, v. Warden, ERO El Paso Camp East Montana facility, 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.	Case No. 0:26-cv-01211-ECT-LIB PETITIONER'S SUPPLEMENT TO PETITION FOR HABEAS CORPUS PETITION UNDER 28 U.S.C. § 2241
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SUPPLEMENTAL MEMORANDUM ON JURISDICTION AND VENUE

INTRODUCTION

On February 8, 2026, the Court ordered a briefing schedule asking Petitioner to file a Supplement to the Petition for Writ of Habeas Corpus outlining arguments as to how this case is different from *Ali A. v. Bondi*, No.

26-cv-826 (ECT/DJF) (D. Minn. Feb. 3, 2026). The Court ordered a response by February 10, 2026. Petitioner is compliant with that deadline.

The briefing schedule referred only to arguments pertaining to jurisdiction. Therefore, Petitioner, through counsel, submits this Supplement with arguments exclusively on why the District of Minnesota maintains jurisdiction and is the only proper venue for this habeas action.

ARGUMENTS

A. The “Practical Impossibility” of the Texas Forum

The Court in *Christian A.S.C. v. Bondi* found that immediate transfers out of state after an arrest create a "practical impossibility" for a petitioner to file in the district where they are physically confined because they are cut off from their family, their evidence, and their Minnesota-based counsel. No. 26-cv-1080 (ECT/DJF), 2026 WL 323098 (D. Minn. Feb. 6, 2026).

That is the case here. Petitioner was immediately transferred the same day, February 4, after his arrest at his ISAP appointment from Minnesota to Texas. Even if Petitioner's counsel found out immediately when he was arrested, there is a high probability the habeas corpus case could not have been filed in time before his transfer to Texas.

The timing of the transfer—occurring immediately after a routine appointment—was a calculated effort to "race" Petitioner to a different circuit (the Fifth Circuit) before he could invoke the protections of the District of

Minnesota. This is especially true given the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*, 2026 WL 520247 (5th Cir. Feb. 6, 2026) (reversing lower courts to hold that noncitizens who entered without inspection are "applicants for admission" subject to mandatory detention under § 1225(b)(2) but distinguishing that § 1226(a) continues to govern "admitted" noncitizens).

As this Court has repeatedly emphasized in the wake of "Operation Metro Surge," the government may not dictate venue through tactical, notice-less physical movements designed to "incentivize forum shopping" and create a "practical impossibility" for detainees to seek relief in their home district. *See Jose A. v. Noem*, No. 26-cv-333, 2026 WL 172524 (D. Minn. Jan. 22, 2026), at 2; *Abdiselan A.A. v. Bondi*, No. 26-cv-358, 2026 WL 161526 (D. Minn. Jan. 21, 2026) at 1–2; *Christian A.S.C. v. Bondi*, 2026 WL 323098; *Morocho Calle v. Bondi*, No. 26-cv-333, Doc. 14 (D. Minn. Feb. 2, 2026).

B. The Immediate Custodian Rule

The "immediate custodian" rule dictates that jurisdiction for a § 2241 petition is determined at the moment the petition is filed. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004). At the time Petitioner was apprehended during his ISAP appointment in Minnesota, he was in the legal and physical custody of the St. Paul Field Office. Under the reasoning in *Christian A.S.C.*, a "government-controlled transfer" executed shortly after detention does not divest the originating court of jurisdiction. Because the St. Paul Field Office Director

initiated the arrest and authorized the transfer, they remain a proper respondent who is within the reach of this Court's process. 2026 WL 323098.

C. Minnesota is the only convenient and lawful venue

Petitioner has resided in Minnesota for 37 years since 1989. All records regarding his initial refugee admission, his 2003 lawful permanent residency revocation, and his subsequent compliance with OSUP are in the St. Paul Field Office and at the Fort Snelling Immigration Court.

In *Jose A. v. Noem*, the Court rejected the government's venue challenges, noting that moving a case to Texas would reward "forum shopping." If the government's theory were accepted, it could effectively choose which district court hears a case simply by choosing which airplane to put the detainee on. 2026 WL 172524.

Because Petitioner was admitted to the United States in 1989, (unlike the petitioner in *Ali A. v. Bondi*), his legal status is rooted in his entry through Minnesota. The Texas court has no connection to the underlying 37-year administrative history that is central to this habeas claim.

CONCLUSION

The District of Minnesota is the proper forum because the arrest occurred here, the custodian is located here, and the government's rapid-transfer tactic was an intentional attempt to subvert this Court's jurisdiction. Even if counsel somehow found out right away that Petitioner was being

transferred to Texas immediately after his arrest, there is a high probability counsel would not have been able to file this case before he arrived in Texas anyways.

Consistent with *Christian A.S.C.* and *Yociris P.*, this Court should retain jurisdiction and order Petitioner's return to this district for further proceedings.

In the event this Court disagrees with the arguments presented in this Supplement, Petitioner respectfully requests this case be transferred to the jurisdiction where he is physically confined.

Respectfully Submitted,

Dated this 10th of February of 2026

By: /s/ Sherene Mostaghimi

Sherene Mostaghimi (#8394431)
GUZIOR ARMBRECHT MAHER
842 Raymond Avenue
St. Paul, MN 55114
(612) 373-0007
Attorney for Petitioner
smostaghimi@gamlaw.net

Dated this 10th of February of 2026

By: /s/ Joseph D. Kantor

Joseph D. Kantor (#0342373)
GUZIOR ARMBRECHT MAHER
842 Raymond Avenue
St. Paul, MN 55114
612 373-007
Attorney for Petitioner
jkantor@gamlaw.net

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. My firm has discussed the factual assertions in this petition with Petitioner. I hereby verify that the statements made in the attached Supplement of 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: February 10, 2026

/s/ Sherene Mostaghimi

Sherene Mostaghimi