

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RAYMILE DE LOS ANGELES
PALOMERES PEREZ,

Civil File No. _____

Petitioner,

v.

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

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 her official capacity as Acting Director, U.S. Immigration and Customs Enforcement; DAVID EASTERWOOD, in her official capacity as Field Office Director, Director of Enforcement and Removal Operations, St. Paul Field Office, U.S. Immigration and Customs Enforcement,

Respondents.

INTRODUCTION

1. Raymile de Los Angeles Palomeres Perez has two girls, [REDACTED] who is five and [REDACTED] who is six. For almost two weeks Ms. Perez has been held in detention in a facility with "no beds, no real blankets, minimal food, [and] extremely cold temperatures" despite her valid Temporary Protected Status.¹ Subsequently, she has

¹ Henry, Ben, "New filings shed insight on Whipple Building; Homeland Security stands firm on conditions," KSTP (avail. at <https://kstp.com/kstp-news/top-news/new-insight-inside-whipple-building-dhs-stands-firm-on-conditions-and-treatment/>, last visited Feb. 11, 2026).

been transferred, shackled, in spite of no criminal record, to Crow Wing County Jail. Ms. Palomeres Perez asks the Court for a writ of habeas corpus and to compel her release from jail and reunification with her little girls.

2. Although this is not Ms. Palomeres Perez's first attempt at seeking release, the court in the previous action intentionally marked the dismissal as being without prejudice, apparently so that the record of Ms. Palomeres Perez's current immigration status could be better developed. *See Perez v. Bondi*, No. 26-cv-00918 (DMT/JFD). This petition fills that void.

3. Ms. Palomeres Perez has been granted Temporary Protected Status by the United States government. The TPS statute provides that "[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. 1254a(d)(4) (emphasis added). The government "shall not remove the alien from the United States during the period in which such [TPS] status is in effect." 8 U.S.C. 1254a(a)(1)(A). *See also* 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to "deny temporary protected status to an alien based on the alien's immigration status"); 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to "otherwise deportable" non-citizens).

4. Nevertheless, Ms. Palomeres Perez was violently arrested (car windows shattered while she was going to get groceries) without warrant and without cause.

She has been held in detention without needed medical attention. She went days with only a few apples to eat. She now suffers from a high fever stemming from an infectious disease, dehydration, and malnutrition. *See* Alexander Decl. ¶¶ 10-12.

5. Due process requires the government to provide noncitizens with notice and a hearing prior to detention, and that 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

6. 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).

7. Federal question jurisdiction exists because Ms. Palomeres Perez seeks to challenge her detention as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*

8. 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.

9. 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. *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

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), (e)(1)(B), and 2241(d). Ms. Palomeres Perez is currently detained within the State of Minnesota.

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

PARTIES

12. Ms. Palomeres Perez is a holder of Temporary Protected Status, a citizen of Venezuela, and a resident of Minneapolis, Minnesota currently detained at Crow Wing County Jail in Brainerd, Minnesota. She 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 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 her official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. She 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 her 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.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

17. Ms. Palomeres Perez lives in St. Paul, Minnesota with her husband and her two daughters (aged five and six).

18. Ms. Palomeres Perez has Temporary Protected Status as a person at risk of harm in the country where she was born, Venezuela. She has a valid work permit. Alexander Decl. Exs. 1-2; Grundman Decl. Ex. 6.

19. Ms. Palomeres Perez is beloved by her family and by her community. Alexander Decl. ¶ 4, Ex. 3. Her "love for others is evident in everything she does,"

her pastor says. *Id.* “[H]er family, our church community, and our community as a whole would be better with her here.” *Id.* Alexander Decl. Ex. 3. She has no criminal record. She was never arrested prior to her detention by Respondents’ agents.

20. On January 31, 2026, Ms. Palomeres Perez was traveling with two other women when ICE agents stopped their car. The agents broke the car windows. Some pointed guns at the women while others violently arrested them. All three women were shackled with glass embedded in their skin from the attack.

21. ICE agents did not have a warrant authorizing the arrest of any of the women. The agents did not specify any reason for targeting them.

22. Ms. Palomeres Perez and her companions were brought that same night to the Whipple Federal Building in St. Paul, Minnesota. All three were shackled by their wrists and their feet. They were all bleeding from the broken car glass and still had glass sticking into their bodies. They had not received any medical care, food, or water. They were not told the reason they were detained. *See* Alexander Decl. ¶¶ 6-8.

23. During her time at the Whipple building, Ms. Palomeres Perez was kept bound at the wrists and ankles. She was given only a few apples to eat and had almost no access to water. She could not remove the glass from her skin or clean the wounds. She was crowded with other people detained, with no room to lie down to sleep. She had no bedding or blankets. She was scared, cold, hungry, thirsty, and in pain.

Alexander Decl. ¶¶ 9-12.

24. Her conditions did not change for four days. *See* Alexander Decl. ¶¶ 9-12.

25. By the time she was finally transferred to the Crow Wing County Jail, Ms. Palomeres Perez had developed a severe case of influenza. She is still very sick at the time of this petition. She has received only cursory medical attention. Alexander Decl. ¶¶ 11-12.

26. While reports such as Ms. Palomeres Perez's may seem incredible, her statement is bolstered by numerous reports. Other detainees have reported, like Ms. Palomeres Perez, lack of food, water, medical attention, and the space to lie down.

The young Muslim woman was shackled at the ankles. For 24 hours, she was locked inside a bathroom with three men at the Bishop Henry Whipple Federal Building, she said. They were given no bedding or pillows. Meals consisted of one sandwich a day. The sink faucet did not work, but the single toilet did. When the men pulled down their pants to use it, the woman hid her face.

Grundman Decl. Ex. 5.

27. No ICE agent has at any time shown Ms. Palomeres Perez a warrant or authorization for her arrest. No immigration court removal proceedings have been scheduled. Grundman Decl. Ex. 4.

28. Respondents did not make an individualized finding of Ms. Palomeres Perez's flight risk. She is not a flight risk nor a danger to others.

29. Respondents arrested Ms. Palomeres Perez as part of an operation called "Operation Metro Surge." Thousands of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) hold themselves out as ICE agents but refuse to identify themselves by name or to present warrants. They physically assault pedestrians, pepper spray and arrest citizen

observers, hit passersby with vehicles, and attempt 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).

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

31. 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 the country.

32. Ms. Palomeres Perez is one such detainee: She was initially detained at the Bishop Henry Whipple Federal Building and subsequently transferred to Brainerd, Minnesota, far away from her family, community, legal resources and current counsel, and place of residence.

33. Respondents are detaining Ms. Palomeres Perez regardless of the individual facts and circumstances of her case. Detaining her is an expensive and pointless endeavor. Ms. Palomeres Perez respectfully seeks the opportunity to return home.

REQUIREMENTS OF 28 U.S.C. § 2243

34. The Court must grant the petition for writ of habeas corpus or issue an order to show cause 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.*

35. 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).

EXHAUSTION OF REMEDIES

36. 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.

37. 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 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

Temporary Protected Status

38. Venezuelans living in the United States first received temporary protection from removal on January 19, 2021, when President Trump—on the last day of his first

Administration—directed the Secretaries of State and Homeland Security to “take appropriate measures to defer for 18 months the removal of any national of Venezuela . . . who is present in the United States as of January 20, 2021,” with limited exceptions, and “to take appropriate measures to authorize employment for aliens whose removal has been deferred, as provided by this memorandum, for the duration of such deferral.” Memorandum re Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

39. DHS then designated TPS for Venezuela on March 9, 2021, based on the Secretary’s determination that “extraordinary and temporary conditions in the foreign state prevent [Venezuelans] from returning in safety” and “permitting [Venezuelans] to remain temporarily in the United States” is not “contrary to the national interests of the United States.” 86 Fed. Reg. 13574 at 13575. The Secretary found that “Venezuela is currently facing a severe humanitarian emergency” and “has been in the midst of a severe political and economic crisis for several years . . . marked by a wide range of factors including: Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID-19

pandemic, among other factors.” *Id.* at 13576.

40. DHS extended and broadened TPS protection for Venezuela twice after that initial designation. DHS extended Venezuela’s TPS designation for 18 months on September 8, 2022, through March 10, 2024. 87 Fed. Reg. 55024. DHS again extended the 2021 designation of Venezuela for 18 months on October 3, 2023. At that time DHS also re-designated Venezuela for TPS for 18 months. 88 Fed. Reg. 68130 (“2023 Venezuela Designation”), allowing individuals who had come to the United States after March 2021 to become eligible. The extension of the 2021 designation ran from March 11, 2024 to September 10, 2025. The new 2023 re-designation ran from October 3, 2023 through April 2, 2025.

41. Finally, on January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18 months, through October 2, 2026. 90 Fed. Reg. 5961 (“January 2025 Extension”).

42. In support of that extension, the DHS Secretary found that “Venezuela is experiencing a complex, serious and multidimensional humanitarian crisis. The crisis has reportedly disrupted every aspect of life in Venezuela. Basic services like electricity, internet access, and water are patchy; malnutrition is on the rise; the healthcare system has collapsed; and children receive poor or no education. Inflation rates are also among the highest in the world. Venezuela's complex crisis has pushed Venezuelans into poverty, hunger, poor health, crime, desperation and migration. Moreover, Nicolas Maduro's declaration of victory in the July 28, 2024 presidential election—which has been contested as fraudulent by the opposition—

has been followed by yet another sweeping crackdown on dissent.” *Id.* at 5963 (internal quotation marks and citations omitted).

43. After the election the government reversed course on TPS for Venezuela. On January 28, 2025, the new DHS Secretary purported to “vacate” the January 2025 Extension of TPS for Venezuela.² That decision was the first attempted vacatur of a TPS extension in the 35-year history of the TPS statute. DHS published it via notice in the Federal Register on February 3, 2025. 90 Fed. Reg. 8805.

44. On February 1, 2025, the new Secretary “decided to terminate” the 2023 Venezuela Designation, ordering an end to the legal status of approximately 350,000 Venezuelans, effective in April.³

45. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040.

46. On February 19, 2025, the National TPS Alliance sued the federal government, alleging that the vacatur and subsequent termination of TPS for Venezuela were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *See National TPS Alliance v. Noem*, No. 3:25 CV 01766 (N.D. Cal.).

² USCIS, *Temporary Protected Status Designated Country: Venezuela*, available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>.

³ USCIS, *Temporary Protected Status Designated Country: Venezuela*, available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>.

47. On January 28, 2026, the Ninth Circuit issued a permanent injunction that immediately nullified the administration's effort to terminate the 2023 designation. *See National TPS Alliance v. Noem*, --- F.4th ----, 2026 WL 226573, at *18 (9th Cir. Jan. 28, 2026). The court reasoned:

Congress designed the TPS statute, carefully and deliberately, to restrain the Secretary's authority to designate, or extend or terminate an existing designation of, a foreign nation for TPS. The statute contains numerous procedural safeguards that ensure individuals with TPS enjoy predictability and stability during periods of extraordinary and temporary conditions in their home country.

Id.

48. The first Trump administration also attempted to strip several hundred thousand people of their TPS status. That attempt ultimately proved unsuccessful, as everyone who held TPS in 2017 remained eligible for it by the end of the first Trump administration. *See generally Ramos v. Nielsen*, 709 F. Supp. 3d 871 (N.D. Cal. 2023) (explaining procedural history).

Due Process

49. “[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).

50. 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)).

51. In July of 2025, Respondents 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.

52. However, most courts in this District 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).

53. 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)

54. Here, Ms. Palomeres Perez 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 her.

55. Accordingly, the mandatory detention provision of § 1225(b)(2) cannot apply to people like Ms. Palomeres Perez. At the time of her most recent detention on January 11, 2026, she had already entered the United States and had been residing in the country for over three years as She awaits the outcome of her asylum case. She was not actively seeking admission.

56. Under these circumstance it would be absurd to consider Petitioner Caisalitin Rocha to be “seeking admission” at the time of her 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”).

57. Respondents wrongly assert 8 U.S.C. § 1225(b)(2) as a basis for detaining Ms. Palomeres Perez 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.

58. 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.

59. 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).

60. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Ms. Palomeres Perez, should be removed from the United States. *See* 8 U.S.C. § 1229a. No removal proceedings have been instituted against Ms. Palomeres Perez.

61. 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).

62. 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 she 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).

63. 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.

64. 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

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

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

67. 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.

68. Here, all three factors favor Ms. Palomeres Perez.

69. 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.

70. 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. She is a person who has Temporary Protected Status and by federal law, cannot be detained or removed until that status has lifted. 8 U.S.C. 1254a(d)(4).

71. 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 Ms. Palomeres Perez to a facility across the country impedes Petitioner's access to legal resources and thereby her 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).

72. 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.

73. 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)

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

75. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

76. Section 1254a(d)(4) states “[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States.” (emphasis added). There is no

exception to this rule provided in the statute.

77. Thus, Petitioners' detention violates Section 1254a, and she is entitled to immediate release from custody

78. Respondents further 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

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

80. 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).

81. 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).

82. 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.

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

84. 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.

85. 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

86. An available remedy for Respondents' unlawful conduct as outlined in this complaint is for Ms. Palomeres Perez to be released.

87. 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 Ms. Palomeres Perez's detention was based on any facts that might indicate that she should be in custody for some reason.

88. Since Section 1225 does not apply to noncitizens who are in Ms. Palomeres Perez'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 Ms. Palomeres Perez simply does not apply so as to authorize Ms. Palomeres Perez’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).

89. 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”).

90. Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Ms. Palomeres Perez 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.

91. 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 *Chogllo Chafla 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.

92. Here, where detention is unlawfully based on 8 U.S.C. § 1225(b)(2), which does not apply to Ms. Palomeres Perez, release is an appropriate remedy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Raymile De Los Angeles Palomeres Perez 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) Release Petitioner: (a) in Minnesota; (b) with all personal documents and belongings, such as his driver's license, passport, other immigration documents, and cell phone; (c) without conditions such as ankle monitors or tracking devices; (d) with all clothing and outerwear he was wearing at the time of detention, or other proper winter attire; and with reasonable advance notice to counsel;
- (6) Enjoin Respondents from re-detaining Petitioner absent changed circumstances;
- (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;
- (8) 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
- (9) Grant any other and further relief that this Court deems just and proper.

Dated: February 11, 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. Executed on February 11, 2026.

/s/ Luke Grundman