

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

Erneifrank Johander Miquilena Garcia,

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.

Case No. 26-CV-1371

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling
Requested

INTRODUCTION

1. Petitioner, Erneifrank Johander Miquilena Garcia, (“Mr. Miquilena Garcia”), 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 Mr. Miquilena Garcia from ICE detention, and in the meantime to enjoin Petitioner’s transfer to a facility outside of the District of Minnesota.

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 Mr. Miquilena Garcia 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 Mr. Miquilena Garcia 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 Venezuela and a resident of St. Paul, Minnesota, who is upon information and belief currently being held at the Bishop Henry Whipple Federal Building (“Whipple”)] in St. Paul, Minnesota. 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 Mr. Miquilena Garcia.

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 Mr. Miquilena Garcia.

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 Mr. Miquilena Garcia. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

12. Petitioner is a citizen of Venezuela, who moved to the United States in the summer of 2022 and has lived here ever since.

13. Mr. Miquilena Garcia has a work permit and does not have a final order of removal.

14. He works as a barber, and lives in an apartment in St. Paul.

15. Respondent ICE arrested Mr. Miquilena Garcia on February 11, 2026, outside his apartment.

16. 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 perceived noncitizens 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).

17. 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.

18. 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.

19. In Mr. Miquilena Garcia’s case, Petitioner has been brought to the Whipple. He was able to place a brief call to his girlfriend to let her know that he was detained, but since then his loved ones have not heard from him. At 1:44 a.m. on February 12, 2026, the undersigned counsel’s search of Petitioner’s name, country of origin, and birthday on the ICE Detainee Locator turned up the following page:



20. Detaining Mr. Miquilena Garcia is an expensive and pointless endeavor. Mr. Miquilena Garcia respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for noncitizens to seek status in this country.

21. Pending the adjudication of this Petition, Mr. Miquilena Garcia 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

22. 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).

23. 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.

24. Other courts in the Eighth Circuit have similarly declined to require prudential exhaustion when evaluating a detained noncitizen'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).

25. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

26. In July of 2025, Respondent DHS 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—sometimes for decades—are somehow metaphorically “seeking admission,” simply because they may have pending claims for asylum or other forms of status.

27. However, this Court 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).

28. Here, Petitioner was apprehended within the United States, not at a border while seeking entry.

29. Respondents wrongly assert 8 U.S.C. § 1225(b)(2) as a basis for detaining Mr. Miquilena Garcia 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.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

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

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

31. Mr. Miquilena Garcia has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

32. 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.

33. Here, all three factors favor the petitioner.

34. First, Mr. Miquilena Garcia 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.”). Mr. Miquilena Garcia is wrongfully confined, a direct attack on Petitioner’s liberty interests.

35. Second, Mr. Miquilena Garcia will continue to be deprived of this interest if the current procedure (detaining Mr. Miquilena Garcia without a legal basis) is followed. There is no rational explanation for detaining Mr. Miquilena Garcia. 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. 25-4776 (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).

36. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Mr. Miquilena Garcia 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.

37. The placement of Mr. Miquilena Garcia in detention pending the resolution of ongoing immigration proceedings violates Mr. Miquilena Garcia’s constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)

Petitioner’s Ongoing Detention Pursuant to 8 U.S.C. § 1225(b)(2) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority

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

39. Respondents 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

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

40. Mr. Miquilena Garcia re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

41. 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).

42. 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).

43. 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.

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

45. 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.

46. The application of § 1225(b)(2) to Mr. Miquilena Garcia is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REMEDY

47. 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").

48. 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.

49. Since § 1225(b)(2) does not apply to noncitizens who are in Petitioner's situation—who have been detained while residing within the United States, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner's detention. See *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).

50. Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Petitioner 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. at Doc. No. 10 at 6.

51. 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 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 Chafra v. Scott*, --- F. Supp. 3d ---, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)).

52. Approximately 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.”) This is curious to say the least. Respondents continue to allege the authority to detain noncitizens without a warrant, and without a bond hearing. Yet Respondents offer these warrants 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., Leiner Leonel G. G. v. Bondi*, Case No. 26-CV-1062 (SHL/DTS) Doc. No. 4, 2 (D. Minn. Feb. 9, 2026) (“Attached to this response is a copy of the warrant for Petitioner’s arrest provided by ICE. The fact that Petitioner is detained pursuant to a warrant means that if the Court determines Petitioner is detained under § 1226(a) and not under § 1225(b)(2), then the appropriate remedy is to order a custody redetermination hearing instead of immediate release.”).

53. The emergence of seemingly retro-active and/or insufficiently filed or served administrative warrants appears to be a new tactic by the Respondents. It appears to be *post-hoc* rationalization at best, and potential fabrication at worst.

54. So many of these warrants have openly been served after the date of arrest that it is unclear whether or not Respondents understand and acknowledge that the law requires them to obtain warrants before the fact of arrest and detention. *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 warrant “was not issued until after his arrest and initial detention”); *Victor O. v. Bondi*, No. 26-CV-1122 (ECT/LIB), Doc. No’s 1, 5 (where a warrant shows a signature dated February 7, 2026, when the petitioner’s detention was on February 5, 2026).

55. Similarly, I-200 warrants cannot be drawn or served until after a Notice to Appear has been issued, 8 C.F.R. § 236.1(b), and yet Respondents appear also unaware or unconcerned with that requirement. *See, e.g., Henry V. P. v. Bondi*, Case No. 26-CV-1121 (MJD/JFD) Doc. No. 6-1 (Respondents provided a warrant that was **blank** where it ought to have indicated the person who was the subject of the warrant, and was purportedly served three days prior to the issuance of a Notice to Appear).

56. Lastly, administrative warrants must be issued and served by a specified subset of immigration officers with training in enforcement of immigration law. *Arizona v. United States*, 132 S. Ct. 2492, 2505-6 (2012) and 8 C.F.R. 287.5(e)(2-3) (establishing who may issue and serve an administrative arrest warrant, and requiring those officers to “have successfully completed basic immigration law enforcement training.”). Given that these warrants are being offered without any authenticating evidence as to who has issued or signed them, and that training requirements are being routinely disregarded or possibly cut in half, it is an open question as to whether qualifying officers are in fact issuing and serving these warrants. *See, e.g., Darius Radzius, ICE Hiring Surge Triggers Capitol Hill Concerns Over Training Standards, MILITARY.COM* (Jan. 6, 2026) <https://www.military.com/daily-news/headlines/2026/01/06/ice-hiring-surge-triggers-oversight-concerns-over-training-standards.html>; *AL JAZEERA, Has US ICE Officer Training Been Reduced to 47 Days?* <https://www.aljazeera.com/news/2026/1/13/has-us-ice-officer-training-been-reduced-to-47-days> (comparing various news sources and statements from Respondents about how much or little training ICE officers receive).

57. These developments run counter to ICE’s currently available documentation about training requirements for Basic Immigration Law Enforcement Training Program, which is 13 weeks long at a minimum—not including the additional Spanish Language Training Program requirements for those not already proficient. Immigration and Customs Enforcement Academy, *Basic Immigration Law Enforcement Training Orientation Information*, (April 2008) https://www.ice.gov/doclib/about/offices/ero/pdf/ice_d_handbook.pdf.

58. Respondents now occasionally produce warrants, replete with inconsistencies, errors, incompletions, and illegalities, sometimes as unverified attachments to Respondents’ answer and sometimes as attachments to affidavits of Assistant U.S. Attorneys, but always without an affidavit from anyone with (or even a reference to the source of) personal knowledge as to the creation or service of the warrant or its factual basis. These warrants are facially insufficient.

REQUEST FOR ORDER TO SHOW CAUSE

59. 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.

60. 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.

61. Petitioner respectfully requests that an Order to Show Cause directs Respondents, should they offer a warrant in this case, to provide sufficient details to establish the validity of this warrant, such as: (1) the name, title, training, and qualifications of the officer who issued the warrant; (2) the time and place at which the warrant was issued; (3) the evidence the issuing officer relied upon in making their determination that an arrest was warranted in this case, including whether a Notice to Appear already existed; (4) the name, title, training and qualifications of the agent who served the warrant upon Petitioner; (5) the time, place, and manner by which the warrant was served upon Petitioner; and (6) whether the warrant was created specifically in response to or in anticipation of this habeas corpus petition.

PRAYER FOR RELIEF

WHEREFORE, Mr. Miquilena Garcia 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, or in the alternative afforded a bond hearing;
- (4) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

- (5) 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;
- (6) 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;
- (7) 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
- (8) Grant any other and further relief that this Court may deem just and proper.

Date: Feb. 12, 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 and I discussed the factual assertions in this petition with Petitioner's girlfriend, who is acting on Petitioner's behalf and 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. 12, 2026

/s/ Kira A. Kelley

Kira A. Kelley, Esq.