UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-01393-SRN-LIB

WALTER A.,

Petitioner,

FEDERAL RESPONDENTS' RESPONSE TO HABEAS PETITION

v.

NOEM, et al,

Respondents.

Petitioner Walter A. is an alien held in civil immigration detention who brings this Petition alleging that his detention pursuant to § 8 U.S.C. § 1231(a)(6) has become unreasonably long, thereby violating his rights under the Fifth Amendment's Due Process Clause. Because Petitioner has not established that his detention violates his due process rights pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and for the additional reasons set forth below, the Court should deny the Petition.

Petitioner filed a motion for temporary restraining order, and the Court ordered DHS to respond. Because Petitioner's TRO motion asks for release from custody under the habeas petition, Federal Respondents provides this full response to both the TRO Motion and Petition.

The Department notes that the Petition submitted by Petitioner's Counsel relies mainly on conclusory allegations and extraneous commentary. Nonetheless, this case presents a discrete legal issue, whether a significant likelihood of removal exists, with such allegations being unnecessary to the Court's determination on the same.

STATEMENT OF THE RELEVANT FACTS

The material facts are not in dispute. Despite claims to the contrary, as the procedural history shows, Petitioner continues to be afforded the process due to him, including a habeas petition which was already denied by this Court. The Department relies on the attached declaration of Deportation Officer William J. Robinson, as well as a review of the Immigration Court proceedings in Petitioner's removal case, Alien No. [redacted], for recitation of these facts. Petitioner not only has a final administrative removal order, but a criminal history, which the Petitioner fails to fully disclose.

Petitioner is a citizen and national of Guatemala, who unlawfully entered the United States at an unknown location on an unknown date without inspection or parole.[1] On June 11, 2023, the Sioux Falls Police Department, Minnehaha County, South Dakota (SD) arrested and charged Petitioner for driving under the influence (DUI) (SDCL 32-23-1(1)). On October 18, the Second Judicial Circuit Court of SD convicted Petitioner of DUI (SDCL 32-23-1(1) and SDCL 32-23-2) and sentenced him to 180 days jail, with the same sentence then suspended by the court.

On April 10, 2024, South Dakota Highway Patrol in Minnehaha County, South Dakota (SD) arrested and charged Petitioner for driving under the influence 2nd (DUI) (SDCL 32-23-1(1)), reckless driving (SDCL 32-24-1) and purchase, possession, or consumption of alcoholic beverage under 21 years (SDCL 35-9-2), among other charges, that remain without disposition. On June 23, DHS Immigration and Customs

[1] Petitioner states that he unlawfully entered on March 20, 2020 in his Form I-589 Application for Asylum and Withholding of removal filed with the Immigration Court, A No. [redacted]). DHS has no information to affirm or refute such claim.

Enforcement (ICE) officers encountered Petitioner at the Minnehaha County Jail during routine ICE Criminal Apprehension Program (CAP) operations. Officers conducted records checks in DHS databases, yielding negative results. Records checks were then conducted through DHS indices which yielded positive results, showing Petitioner to be a citizen and national of Guatemala who entered the United States illegally. On June 24, a Warrant for Arrest of Alien (I-200) was issued. ICE arrested Petitioner after his release from the custody of Minnehaha County Jail.

Petitioner was then transported to the ICE office in Sioux Falls, SD for processing. ICE then issued Petitioner a Notice to Appear (Form I-862), charging him under § 212(a)(6)(A)(i) of the INA, as amended, for being an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. An Immigration Officer also made an initial determination that Petitioner was ineligible for bond.

On June 25, 2024 Petitioner filed his first motion for custody redetermination with the Immigration Court; Petitioner was not prepared to move forward with his bond request and the Immigration Judge allowed Petitioner to withdraw the same to re-file. On August 5, Petitioner's Counsel entered her appearance in Petitioner's removal proceedings and continues to represent him in the same. On September 10, Petitioner filed an untimely Form I-589, Application for Asylum and Withholding of Removal.

On October 1, Petitioner filed a requested bond and filed supporting evidence. On October 7, Petitioner filed a Motion to Terminate Removal Proceedings, which the

Immigration Judge denied. On October 9, 2024, Petitioner filed a second Motion to Terminate Removal Proceedings. On October 15, Petitioner filed a Motion to Withdraw and Amend Pleadings. On October 19, Petitioner renewed his bond redetermination request. On October 31, the Immigration Judge denied Petitioner's Motion to Amend and Withdraw Pleadings, Petitioner then admitted the factual allegations, and the Immigration Judge found Petitioner removable as charged and denied Petitioner's bond request. In denying Petitioner's bond request, concluding that Petitioner failed to establish that he did not pose a danger to persons or property based on his criminal history. Petitioner timely appealed to the Board of Immigration Appeals (BIA).

On December 10, 2024, Petitioner filed his third Motion to Terminate Removal Proceedings, asserting eligibility for a T-nonimmigrant visa and Special Immigrant Juvenile Status. On January 8, 2025, the Immigration Judge denied Petitioner's motion.

On February 13, 2025, the BIA affirmed the Immigration Judge's denial of Petitioner's bond request. On February 19, Petitioner field a fourth Motion to Terminate, which the Immigration Judge granted, ordering that Petitioner's proceedings be terminated without prejudice, DHS appealed the same.

On March 3, 2025, Petitioner filed a third motion for bond, which the Immigration Judge denied. On March 19, the BIA issued a briefing order on DHS's appeal of the Immigration Judge's order terminating removal proceedings, with both parties then filing briefs on or before April 9. On August 4, the BIA sustained DHS's appeal, reinstated Petitioner's removal proceedings, and remanded.

On September 5, 2025, Petitioner filed a fourth bond request, which the Immigration Judge denied. On October 14, the Immigration Judge held an individual merits hearing on Petitioner's asylum application. The Immigration Judge denied relief and ordered Petitioner removed to Guatemala. Petitioner did not timely appeal, rendering such a final administrative removal order.

On November 19, 2025, Petitioner filed a Writ of Habeas Corpus and Emergency Temporary Restraining Order (TRO) and Preliminary Injunction with this Court, case number 0:25-cv-04376. On November 25, the District Court denied Petitioner's habeas petition TRO request, but granted Petitioner an emergency stay of removal. On November 26, Petitioner filed an untimely appeal of his removal order. On November 28, the BIA rejected and dismissed Petitioner's appeal; Petitioner then moved to reopen removal proceedings and stay of removal with the Immigration Judge.

On December 1, 2025, the Immigration Judge denied Petitioner's motion to reopen and stay of removal. On December 3, Petitioner filed an appeal of the denial, which remains pending. On December 10, this Court granted an extension of Petitioner's stay of removal through December 22, which the Court again extended.

As explained by DO Robinson, Petitioner has a valid and unexpired passport from Guatemala, the designated country of removal. Guatemala currently accepts its citizens ordered removed from the U.S. if the individual is confirmed to be a Guatemalan citizen by providing evidence such as a valid unexpired passport. Once the stay of removal is lifted or lapses, DHS will then be able to expeditiously repatriate

Petitioner to Guatemala.

JURISDICTION AND BURDEN OF PROOF

28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. The burden is on the habeas petitioner to demonstrate that he or she is in custody in violation of the Constitution or laws or treatises of the United States to warrant relief. *See Skaftouros v. United States*, 667 F.3d 144, 158 (2d Cir. 2011).

For immigration detainees, courts must employ a narrow standard of review of decisions made by the Congress or the President regarding immigration and must exercise "the greatest caution" in evaluating constitutional claims that implicate those decisions." *Mathews v. Diaz*, 426 U.S. 67, 81-82 (1976)).

ARGUMENT

I. PETITIONER'S DETENTION IS LAWFUL AND SATISFIES CONSTITUTIONAL DUE PROCESS STANDARDS.

A. Scope of Review

Judicial review of immigration matters, including immigration detention issues, is limited. *See I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *see also Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) ("[T]he power over aliens is of a political character and therefore subject only to narrow judicial review."). The Supreme Court has thus "underscore[d] the limited scope of inquiry into immigration legislation," and "has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens." *Fiallo v. Bell*, 430 U.S. 787, 792 (1977). The plenary power of Congress and the Executive Branch over

immigration necessarily encompasses immigration detention because the authority to detain is elemental to the authority to deport, and because public safety is at stake. *See Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of th[e] deportation procedure."); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody . . . while arrangements were being made for their deportation.").

The Petition raises statutory and constitutional Fifth Amendment due process challenges to his continued civil immigration detention stemming from the December 2023 date of his re-arrest. *See generally* Petition. Petitioner does not challenge his final order of removal here, nor could he. *See id.* Apart from an administrative appeal of his already-denied motion to reopen, jurisdiction over a challenge to a final order of removal lies exclusively with the appropriate Circuit Court of Appeals. *See* 8 U.S.C. § 1252; *see also Tostado v. Carlson*, 481 F.3d 1012, 1014 (8th Cir. 2007) (exclusive jurisdiction to review final orders of removal is with the circuit, not district, court).

B. Detention Authority

Two main statutory provisions authorize detention of aliens in removal proceedings, depending on whether they are awaiting adjudication (8 U.S.C. § 1226) or are already subject to a final order of removal (8 U.S.C. § 1231). Because Petitioner has been subject to an administratively final removal order since November 13, 2025, his

detention is authorized under 8 U.S.C. § 1231.

An alien in the United States may be placed in proceedings before an immigration judge to determine whether the alien is removable from the country. *See* 8 U.S.C. § 1229a (setting out the features of removal proceedings). Depending on the circumstances, an alien placed in removal proceedings may be detained at the agency's discretion, *see id.* § 1226(a), or may be subject to mandatory detention, *id.* § 1226(c).

Once an alien has been ordered removed and finally adjudged to lack any right to remain in the United States, his liberty interest is reduced, and the governing legal rules reflect this. For an alien subject to an administratively final removal order, detention is governed by 8 U.S.C. § 1231 (and its implementing regulations at 8 C.F.R. pt. 241). Under § 1231, "when an alien is ordered removed," the Secretary of Homeland Security "*shall detain* the alien" "[d]uring the *removal period*." 8 U.S.C. § 1231(a)(1)(A), (a)(2).[2] The "removal period" is the period during which the U.S. Department of Homeland Security (DHS) begins to take steps to execute the alien's final removal order. *See id.* § 1231(a)(1)(A)-(B). The period begins on the latest of three dates: (i) the "date the order of removal becomes administratively final"; (ii) "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order"; or (iii) "[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement." *Id.*

[2] Although § 1231 and other provisions of the Immigration and Nationality Act refer to the "Attorney General," under the Homeland Security Act of 2002 many of those references are now read to mean the Secretary of Homeland Security. *See Straker v. Jones*, 986 F. Supp. 2d 345, 351 (S.D.N.Y. 2013).

§ 1231(a)(1)(B)(i)-(iii).

Although § 1231 initially provides a 90-day period for the government to execute a final removal order, the removal period may be extended in certain circumstances. For example, certain aliens determined to be "a risk to the community or unlikely to comply with the order of removal" "may be detained beyond the removal period." *Id.* § 1231(a)(6) (emphasis added); *see also id.* § 1231(a)(1)(C) (suspension of period in certain circumstances). And DHS conducts periodic post-order custody reviews to determine whether an alien subject to a final removal order should continue to be detained beyond the initial removal period. *See* 8 C.F.R. § 241.4 (addressing continued detention for inadmissible, criminal, and other aliens). An alien held beyond the removal period may seek release from DHS custody, by showing that "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." 8 C.F.R. § 241.13(a). Beyond these statutory and regulatory mechanisms, the Supreme Court has held that an alien subject to a final removal order can file a habeas petition and seek release if he can show that his detention has become prolonged and that there is "no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

D. There Is a Significant Likelihood of Petitioner's Removal in the Reasonably Foreseeable Future.

There exists a significant likelihood of Petitioner's removal in the reasonably foreseeable future and his continued detention is therefore constitutional and lawful.

Petitioner's current post-final-order detention commenced just over three months

ago, 93 days as of this filing, upon his removal order becoming final. Since that time, Petitioner himself has caused his detention to be prolonged by filing multiple motions and appeals. Those proceedings are likely to reach a conclusion in the coming months, as briefs have already been submitted to the BIA, and, assuming the BIA denies his recent appeal, Petitioner's removal to Guatemala is expected to occur in short order. In the meantime, the required custody reviews have been performed and the agency consistently concluded detention is warranted. His continued detention is constitutional and lawful.

Under the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. *Id.* at 699-700. *Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional. 533 U.S. at 701; *see also Sokpa-Anku v. Paget*, No. 17-cv-1107 (DWF/KMM), 2018 WL 3130681, at *3 (D. Minn. June 8, 2018) (report and recommendation) ("Once a person is finally ordered removed from the United States, it is presumptively constitutional for the government to detain him for a 6-month period."), R&R adopted, 2018 WL 3129002 (June 26, 2018). The *Zadvydas* six-month benchmark, however, does not mean continued detention becomes unconstitutional after six months. To the contrary, detention longer than six months still comports with due process if there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. The Court in *Zadvydas* explained:

> After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to

> rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink. *This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.*

Id. (emphasis added). Thus, under *Zadvydas*, a habeas petitioner has the initial burden of demonstrating that there is no significant likelihood of his removal in the reasonably foreseeable future. *Id.* If the petitioner does so, the government must rebut that showing. *Id.*

Petitioner has not established a due process violation under *Zadvydas* as he has not met his initial burden to "provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]" *See id.* (Emphasis added); *Mehighlovesky v. U.S. Dep't of Homeland Sec.*, No. CIV. 12-902 RHK/JJG, 2012 WL 6878901, at *4 (D. Minn. Dec. 7, 2012), report and recommendation adopted, No. CIV. 12-902 RHK/JJG, 2013 WL 187553 (D. Minn. Jan. 17, 2013). In his Petition, *see generally*, he admits that once the initial 90-day post-final removal order deadline is passed, DHS has an additional 90 days to conduct a custody review. *See id.*, pg. 19. Here, with only 93 days elapsing, DHS is well within the 180-day deadline to conduct a custody review. And while Petitioner is fully within his rights to appeal the denial of his motion to reopen, the fact of his doing so should not be cause to find a Due Process violation just because the appeal necessarily prolongs detention.

Petitioner's continued detention serves a clear purpose and has an obvious end-point: resolution of the appeal of the Immigraiton Judges denial of his Motion to Reopen

appeal and (assuming it is an affirmance of the latest IJ order) ultimate removal to Guatemala within expeditiously thereafter. Thus, the Court should find Petitioner failed to establish that his detention under 8 U.S.C. 1231(a)(6) violates his due process rights.

Generally, there are five circumstances where courts have found no significant likelihood of removal:

> (1) where the detainee is stateless and no country will accept him; (2) where the detainee's country of origin refuses to issue a travel document; (3) where there is no repatriation agreement between the detainee's native country and the United States; (4) where political conditions in the country of origin render removal virtually impossible; and (5) where a foreign country's delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue.

Ahmed v. Brott, 2015 WL 1542131, *4 (D. Minn. March 17, 2015) ("In other words, for there to be *no* significant likelihood of removal in the foreseeable future, there must be some indication that the government is either unwilling or, due to seemingly insurmountable barriers, incapable executing an alien's removal.") (emphasis in original).

Here, none of the factors identified in *Ahmed* are in fact currently present. Indeed, ICE has shown that it is neither unwilling to remove, nor incapable of removing Petitioner to Guatemala once that becomes possible because the BIA denies his pending appeal (assuming it does). *See Akinwale v. Ashcroft,* 287 F.3d 1050, 1052 (11th Cir. 2002) (affirming the dismissal of an alien's § 2241 petition where there were no "facts indicating that the INS is incapable of executing his removal to Nigeria and that his detention will, therefore, be of an indefinite nature"); *Khan v. Fasano*, 194 F. Supp. 2d

1134, 1137 (S.D. Cal. 2001) (rejecting a *Zadvydas* claim where there were no institutional or individual barriers to removal, and "[p]rogress, however slow, [was] being made").

Petitioner has most recently been in detention for slightly more than 90 days since his removal order became final under § 1231, but "the mere passage of time . . . is not alone sufficient to show that no such likelihood exists" without more. *See Chen v. Banieke*, No. CIV. 15-2188 DSD/BRT, 2015 WL 4919889, at *4 (D. Minn. Aug. 11, 2015); *Jaiteh v. Gonzales*, No. 07-cv-1727, 2008 WL 2097592 at *2–3 (D. Minn. Apr. 28, 2008). Accordingly, Petitioner has failed to meet his initial burden under *Zadvydas*. *See, e.g., Chen,* 2015 WL 4919889, at *5 ("That Chen has now been detained for over nine months, that approximately two months have passed since ICE resubmitted its request for travel documents, and that the Chinese government has yet to respond to that renewed request do not alone show that travel documents will not issue in the foreseeable future. . .").

Second, even assuming *arguendo* that Petitioner has met his initial burden of proof under *Zadvydas*, Federal Respondents have rebutted any presumption that there is no significant likelihood of his removal to Guatemala in the reasonably foreseeable future through testimony that should the pending appeal be dismissed, that accomplishing the removal to Guatemala should happen shortly thereafter. *See Zadvydas*, 533 U.S. at 701; *Ahmed*, 2015 WL 1542131, at *4 (finding that where "ICE has made diligent and reasonable efforts to obtain travel documents," the alien's native country "ordinarily accepts repatriation," and "that country is acting on an application for travel documents,"

most courts conclude that there is a significant likelihood of removal in the foreseeable future.").

Indeed, the Court's decision in *Zadvydas* "was primarily concerned with situations where 'removal seems a remote possibility at best,' is 'no longer practically attainable,' and 'has no obvious termination point' because the 'Government finds itself unable to remove' an alien, not where removal is temporarily impeded by bureaucratic delays, setbacks, and ongoing negotiations with foreign governments." *Chen*, 2015 WL 4919889 at *5 citing *Zadvydas*, 533 U.S. at 690, 695, 697.

For the reasons discussed above, Petitioner's detention for removal purposes has an obvious termination point, is practically attainable, and faces only a temporary and routine impediment – namely the pending appeal of the denial of his motion to reopen, which is proceeding apace. To a significant extent the duration of Petitioner's detention is the result of his own litigation choices, such as several motions and appeals.

The record thus shows a significant likelihood that Petitioner will be removed from the United States in the reasonably foreseeable future. The constitutional due process standard set forth in *Zadvydas* is met, and the Petition should be denied.

E. Deferred Action does not prevent removal or require release.

SIJS or Special Immigration Juvenile status is granted to juveniles who have been abused, abandoned, or neglected by a parent; the granting of SIJS allows an alien to then apply for lawful permanent residency, but does not in and of itself grant permanent status. *See* 8 CFR § 204.11. Despite statements to the contrary, the INA *does not prevent removal under a valid final order of removal*. Deferred action allows an alien to obtain

work authorization and deferred action, it does not provide permanent legal status. *See* 8 C.F.R. § 214.14(d)(3).

"Deferred action" is "an act of administrative convenience to the government that gives some cases lower priority" for removal. 8 C.F.R. § 274a.12(c)(14). In the preamble to the 2007 rulemaking, which created the U-visa regulations in 8 C.F.R. § 214.14, stays of removal were distinguished from deferred action:

> A stay of deportation or removal is an administrative decision to stop temporarily the deportation or removal of an alien who has been ordered deported or removed from the United States. See 8 CFR 241.6; 8 CFR 1241.6. *Deferred action is an exercise of prosecutorial discretion that defers the removal of the alien based on the alien's case being made a lower priority for removal.* Immigration and Customs Enforcement, Department of Homeland Security, Detention and Deportation Officer's Field Manual, ch. 20.8 (2005). *Deferred action does not confer any immigration status upon an alien.*

72 Fed. Reg. 53014, 53016 n.3 (Sept. 17, 2007) (emphasis added).

While deferred action does not provide immigrant or nonimmigrant status, an individual with deferred action does not accrue unlawful presence in the United States during the deferred-action period. 8 C.F.R. § 214.14(d)(3). "However, a petitioner may be removed from the waiting list, and the deferred action or parole may be terminated at the discretion of USCIS." *Id.* It is neither arbitrary, nor capricious for DHS to proceed with removal proceedings after Petitioner received a grant of deferred action; indeed the Immigration Judge and BIA rejected Petitioner's motions terminate for the same reason. And it is telling that Petitioner's Counsel fails to cite to any legal authority to support such a claim. *See* Petition, pg. 43.

Petitioner incorrectly alleges that his pending SIJS application impedes Respondents' ability to detain and potentially remove him. It is telling that the Petitioner cites to no legal authority to support the same. *See id.* As Judge Provinzino recently explained, deferred action is merely an exercise of prosecutorial discretion. *Id.* at 5 n.5. Slip Op., *Domingo M.M. v. Shea, et al.,* No. 25-cv-2830 (LMP/ECW) (D. Minn. August 1, 2025) (ECF 24). Such discretion DHS refused to exercise in this case, and which the Immigration Judge also denied multiple times.

Finally, regarding Petitioner's request to be immediately released to attend his biometrics appointment on February 17, 2026, is meritless and simply another red herring. Petitioner explains that such biometrics appointment is required for a pending U-visa. But Petitioner fails to disclose is that he applied for the same while detained on April 18, 2025; and, as recited above, it was Petitioner's own criminal history that led to his current detention. Further, should Petitioner ultimately be removed, he can still apply for and receive a U-visa while abroad and then consular process to legally enter the United States. *See* https://travel.state.gov/content/travel/en/us-visas/other-visa-categories/visas-for-victims-of-criminal-activity.html. If the Court is inclined to grant any relief, then such temporary relief should be to facilitate a biometrics appointment, not release from custody.

F. An evidentiary hearing is not necessary.

Finally, the Court an evidentiary hearing is not appropriate here, as no material facts are in dispute. *Toney v. Gammon*, 79 F.3d 693, 697 (8th Cir. 1996); *Ruiz v. Norris*, 71 F.3d 1404, 1406 (8th Cir. 1995). An evidentiary hearing is not required where the

question is what conclusion can properly be drawn from the undisputed facts. *Id.*; *see also United States v. Winters*, 411 F.3d 967, 973 (8th Cir. 2005). Federal Respondents have provided sufficient facts based on the materials filed in this case, and an evidentiary hearing is therefore unnecessary.

CONCLUSION

For the foregoing reasons, the Court should deny the Petition.

Respectfully submitted,

Daniel Rosen
United States Attorney

s/ *David R. Hackworthy*
David R. Hackworthy (0400704)
Special Assistant U.S. Attorney
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
Phone: 612-664-5600
David.r.hackworthy@ice.dhs.gov

Counsel for Federal Respondents

DATED: February 14, 2026