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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Gbolahan Omotoyinbo,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Department of
Homeland Security, in her official capacity;

Todd M. LYONS, Acting Director of
Immigration and Customs Enforcement;
Immigration and Customs Enforcement, in
his official capacity;

David EASTERWOOD, Field Office
Director of Enforcement and Removal
Operations, Minneapolis - St. Paul Field
Office, Immigration and Customs
Enforcement, in his official capacity

Eric TOLLEFSON, Sheriff of Kandiyohi
County, Minnesota, custodian of detainees at
the Kandiyohi County Jail, in his official
capacity.

Respondents.

Case No. 0:26-cv-01426

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, James Gbolahan Omotoyinbo, is a non-citizen from Nigeria. Petitioner entered the United States on or about August 7, 2021, on an F-1 student visa pursuant to Section 101(a)(15)(F) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1101(a)(15)(F).
2. The F-1 visa category permits foreign nationals to enter the United States temporarily to pursue a full course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or accredited language training program. *See* Ex. A. I-94 Arrival and Departure Record.
3. Petitioner was admitted to the United States on an F-1 student visa on August 7, 2021, valid through Duration of Status (D/S). *See* Ex. A. *See also* Ex. B. F-1 Student Visa.
4. Following completion of his academic program at Collin College in McKinney, Texas, Petitioner received authorization to engage in Post-Completion Occupational Practical Training (OPT) for the period of December 16, 2024, to December 15, 2025.
5. On October 4, 2025, prior to the expiration of his initial 12-month OPT period, Petitioner timely applied for an extension of his STEM OPT by filing Form I-983, Training Plan for STEM OPT Students, which is now pending. *See* Ex. C. Form I-983, Training Plan for STEM OPT Students.
6. Timely filing STEM OPT extension application prior to expiration of initial OPT entitles Petitioner to an automatic 180-day extension of his employment authorization pending a final decision. Petitioner's SEVIS record remains active, as confirmed by

written verification from his school. *See* Ex. D. Letter from Collins College Verifying Active SEVIS.

7. On December 8, 2025, Petitioner submitted Form I-20, Certificate of Eligibility for Nonimmigrant Student Status applying for authorization of extension of his STEM OPT for the period of December 16, 2025, to December 15, 2027. *See* Ex. E. Form I-20, Certificate of Eligibility for Nonimmigrant Student Status.
8. On December 8, 2025, University of North Dakota terminated Petitioner's employment. Termination of employment does not constitute termination from the OPT program, nor does it automatically terminate F-1 status. OPT is not employer-sponsored status. It is a benefit attached to the student's SEVIS record, administered by the DSO, not the employer. Petitioner's F-1 status is governed by his SEVIS record maintained by Collins College, his academic institution, and is not dependent on continued employment with the University of North Dakota, which functioned only as his OPT employer.
9. Under 8 CFR § 214.2(f)(10)(ii)(E), an F-1 student on post-completion OPT is permitted periods of unemployment (up to 90 days during initial OPT, and up to 150 days in total when including STEM OPT). Loss of employment merely triggers the unemployment clock; it does not, by itself, terminate OPT authorization or F-1 status.
10. On December 15, 2025, Petitioner's initial 12-month OPT period expired. Respondent was terminated from his employment on December 8, 2025, and initial OPT expiration date was December 15, 2025. The unemployment days between these two periods is 7 days which does not surpass 90 days of unemployment.

11. On December 16, 2025, Respondent commenced employment pursuant to his timely filed STEM OPT extension application and automatic continuation of employment authorization while his STEM OPT extension application remains pending.
12. For the past 4 years, Petitioner has lived peaceably in the United States. He has strong ties to the community. Upon information and belief, aside from a misdemeanor conviction for allegedly violating a disorderly conduct restraining order, Respondent has no criminal history.
13. To date, Petitioner's STEM OPT extension application remains pending with USCIS. Because Petitioner timely filed his STEM OPT extension application prior to expiration of his initial OPT, he is authorized to continue employment for up to 180 days while the application remains pending pursuant to applicable regulations.
14. Nevertheless, despite maintaining his current valid F-1 status and timely filing the extension of his STEM OPT prior to expiration, he was taken into ICE custody on December 31, 2025, and placed into removal proceedings. *See* Ex. F. Notice to Appear.
15. ICE officers detained Petitioner without adequate consideration of his prior case history or procedural status. His mandatory detention appears arbitrary and inconsistent with established principles of due process and proportional immigration enforcement. Respondents did not provide Petitioner or counsel with any written custody determination or explanation for the detention.
16. Petitioner was initially detained at the Grand Forks County Correctional Center in Grand Forks, North Dakota, and then transferred to the Kandiyohi County Jail in Willmar, Minnesota, with no notice to his counsel. Petitioner is currently being detained by Respondents at the Kandiyohi County Jail in Willmar, Minnesota.

17. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
18. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to release him from custody. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

JURISDICTION AND VENUE

19. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.
20. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).
21. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district. Venue is proper because Petitioner is in Respondents’ custody in the District of Minnesota, and this district is the district of Petitioner’s current confinement. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

22. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.*

23. 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).

24. Petitioner is “in custody” for the purpose of § 2241 because Petitioner was arrested and is currently detained by Respondents.

PARTIES

25. Petitioner, James Gbolahan Omotoyinbo, is a 21-year-old Nigerian national who currently resides in North Dakota. Respondents arrested Petitioner in North Dakota on December 31, 2025, and detained him at the Grand Forks County Correctional Center in Grand Forks, North Dakota, before transferring him to the Kandiyohi County Jail in Willmar, Minnesota on February 12, 2026. Petitioner is now detained at the Kandiyohi County Jail in Willmar, Minnesota.

26. Respondent Kristi Noem is the Secretary of Homeland Security. In that capacity, Defendant Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner. She is sued in her official capacity.

27. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner. He is sued in his official capacity.
28. Respondent David Easterwood is 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 Petitioner. He is sued in his official capacity.
29. Eric Tollefson is the Sheriff of Kandiyohi County, Minnesota, and the custodian of detained non-citizens, including Petitioner, housed at the Kandiyohi County Jail. He is sued in his official capacity.

EXHAUSTION OF REMEDIES

30. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. See *Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.
31. In making that decision, the Court should consider the urgency of the need for immediate review. “Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent.” *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

32. Moreover, the judicially created “general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts” does not apply to Petitioner’s present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).
33. Additionally, “the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues” (quotations and citation omitted). *United States v. Gonzalez-Roque*, 301 F.3d 39, 48 (2d Cir. 2002). Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.
34. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner’s constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); see also *Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional issues”).

FACTUAL BACKGROUND

35. Petitioner, James Gbolahan Omotoyinbo, is a 21-year-old Nigerian national who entered the United States on August 7, 2021, on an F-1 student visa pursuant to Section 101(a)(15)(F) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. §

1101(a)(15)(M) which was valid through Duration of Status (D/S). *See* Ex. A. *See also* Ex. B.

36. Following completion of his academic program at Collin College in McKinney, Texas, Petitioner received authorization to engage in Post-Completion Occupational Practical Training (OPT) for the period of December 16, 2024, to December 15, 2025.

37. On October 4, 2025, prior to the expiration of his initial 12-month OPT period, Petitioner timely applied for an extension of his STEM OPT by filing Form I-983, Training Plan for STEM OPT Students, which is now pending. *See* Ex. C.

38. Timely filing STEM OPT extension application prior to expiration of initial OPT entitles Petitioner to an automatic 180-day extension of his employment authorization pending a final decision. Petitioner's SEVIS record remains active, as confirmed by written verification from his school. *See* Ex. D.

39. On December 8, 2025, Petitioner submitted Form I-20, Certificate of Eligibility for Nonimmigrant Student Status applying for authorization of extension of his STEM OPT for the period of December 16, 2025, to December 15, 2027. *See* Ex. E.

40. On December 8, 2025, University of North Dakota terminated Petitioner's employment. Termination of employment does not constitute termination from the OPT program, nor does it automatically terminate F-1 status. OPT is not employer-sponsored status. It is a benefit attached to the student's SEVIS record, administered by the DSO, not the employer. Petitioner's F-1 status is governed by his SEVIS record maintained by Collins College, his academic institution, and is not dependent on continued employment with the University of North Dakota, which functioned only as his OPT employer.

41. Under 8 CFR § 214.2(f)(10)(ii)(E), an F-1 student on post-completion OPT is permitted periods of unemployment (up to 90 days during initial OPT, and up to 150 days in total when including STEM OPT). Loss of employment merely triggers the unemployment clock; it does not, by itself, terminate OPT authorization or F-1 status.
42. On December 15, 2025, Petitioner's initial 12-month OPT period expired. Respondent was terminated from his employment on December 8, 2025, and initial OPT expiration date was December 15, 2025. The unemployment days between these two periods is 7 days which does not surpass 90 days of unemployment.
43. On December 16, 2025, Respondent commenced employment pursuant to his timely filed STEM OPT extension application and automatic continuation of employment authorization while his STEM OPT extension application remains pending.
44. To date, Petitioner's STEM OPT extension application remains pending with USCIS. Because Petitioner timely filed his STEM OPT extension application prior to expiration of his initial OPT, he is authorized to continue employment for up to 180 days while the application remains pending pursuant to applicable regulations.
45. Despite his valid F-1 status, Respondents detained Petitioner in North Dakota on December 31, 2025, for no apparent lawful reason. Petitioner is currently in removal proceedings and has complied with all requirements imposed by U.S. immigration authorities. *See* Ex. F.
46. Upon information and belief, aside from a misdemeanor conviction for allegedly violating a disorderly conduct restraining order, Respondent has no criminal history.
47. Petitioner was initially detained at the Grand Forks Correctional Center in Grand Forks, North Dakota, before being transferred to the State of Minnesota without any

proper notice and detained at the Kandiyohi County Jail in Willmar, Minnesota.

Petitioner is currently detained at the Kandiyohi County Jail in Willmar, Minnesota.

48. Detaining Petitioner is an expensive and pointless endeavor. Petitioner respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

LEGAL BACKGROUND

49. 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).
50. 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.
51. The INA guarantees to noncitizens in standard removal proceedings valuable procedural rights that reduce the risk of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. § 1229a(b)(4)(A) and § 1362; to present supporting evidence

(both documentary and through lay and expert witness testimony) and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an adverse decision of an IJ to the Board of Immigration Appeals based on the full evidentiary record, 8 U.S.C. § 1229a(c)(5), and to appeal an adverse decision of the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

52. Noncitizens in removal proceedings are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

53. Petitioner's detention violates the Fifth Amendment's protection for liberty, for at least three related reasons. First, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.

54. Second, he is not subject to a final removal order and is actively seeking protection through a pending STEM OPT extension application. As such, he is not in the same category as a "deportable alien" who has been found removable and whose detention the Court reviewed under a more deferential standard in *Demore*. In the absence of a final order or established removability, the Due Process Clause requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. *Reno v. Flores*, 507 U.S. 292, 301–02 (1993). Civil immigration detention without bond, individualized assessment, or statutory basis fails to meet that standard.

55. Third, at a bare minimum, “the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) 9 (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention also violates the Due Process Clause.
56. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.
57. On July 8, 2025, without congressional authorization, the Executive Branch announced a new policy entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The policy asserts that all undocumented noncitizens deemed “applicants for admission” are subject to mandatory detention under § 1225(b)(2)(A).
58. ICE and EOIR have adopted this policy even though numerous federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon

arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). Accordingly, federal courts have roundly rejected Respondent's erroneous interpretation of the INA since ICE implemented its July 8, 2025 memo. See *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Portugues Sanchez v. Noem et al.*, 25-cv-02010 (ADA/ML) (W.D. Tex. January 20, 2026); *Santiago v. Noem*, No. 3:25-cv-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, --- F. Supp. 3d ----, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025).

59. Petitioner's mandatory detention pursuant to § 1225(b) is unlawful and improper. Petitioner was charged as removable under Section 237(a)(1)(C)(i) for failure to maintain

status, however, Petitioner currently holds valid F-1 status and his timely filed STEM OPT extension application remains pending. Petitioner was admitted to the United States on an F-1 student visa and is not subject to expedited removal or mandatory detention pursuant to § 1225(b).

60. Petitioner was lawfully admitted to the United States on an F-1 nonimmigrant visa and apprehended well after his admission, not at a port of entry or while seeking admission. Accordingly, 8 U.S.C. § 1225(b)(2), which governs the detention of certain noncitizens seeking admission at the border, does not apply to his circumstances. Nevertheless, Respondents improperly rely on that provision to justify his detention. Because Petitioner was admitted and later placed in removal proceedings from within the United States, any detention authority must arise, if at all, under 8 U.S.C. § 1226(a).

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process (Arbitrary Detention)

61. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
62. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the presence is “lawful, unlawful, temporary, or permanent,” the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
63. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

64. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.
65. 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.
66. 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, 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.”). Petitioner is wrongfully confined, a direct attack on Petitioner’s liberty interests.
67. 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. 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) (December 31, 2025); *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).

68. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Upon information and belief, aside from a misdemeanor conviction for allegedly violating a disorderly conduct restraining order, Petitioner has no criminal history. Releasing Petitioner would in fact *save* the government the resources and expense of continued imprisonment.
69. Petitioner has a fundamental interest in liberty and being free from official restraint.
70. 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 II

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (5 U.S.C. §§ 702, 706)

71. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
72. Under the Administrative Procedure Act, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” that is “contrary to constitutional right, power, privilege, or

immunity,” or that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)–(C).

73. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

74. To avoid an abuse of discretion, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

75. Respondents’ detention of Petitioner pursuant to 8 U.S.C. § 1231(a)(6) is arbitrary, capricious, and not in accordance with law. That provision applies only to individuals subject to a final order of removal. Petitioner does not have a final order of removal; he currently holds valid F-1 status, has a pending STEM OPT extension application, and continues to pursue lawful immigration relief. Detaining him under § 1231(a)(6), therefore, exceeds Respondents’ statutory authority and is contrary to constitutional due process protections afforded to noncitizens in civil detention.

76. Furthermore, Respondents have failed to articulate a reasoned explanation for Petitioner’s continued detention, failed to consider obvious, less-restrictive alternatives to detention, and failed to conduct any individualized assessment or provide Petitioner with

an opportunity to contest his detention. This constitutes agency action that must be set aside under 5 U.S.C. § 706.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Declare that Petitioner's current detention without an individualized determination is unlawful;
3. Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody;
4. Prohibit the Respondents from transferring Petitioner from the district without the court's approval;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this court deems just and proper.

Dated: February 13, 2026

By: /s/Karen V. Bryan
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Verification by Petitioner's Legal Counsel
Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner. 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.

/s/Karen V. Bryan
Karen V. Bryan, Esq.

Date: February 13, 2026