

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GERARDO SANCHEZ-ACUNA, A# 

PLAINTIFF

v

SHERBURNE COUNTY SHERIFF,
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE)
ICE FIELD OFFICE DIRECTOR

**PETITION FOR WRIT OF
HABEAS CORPUS UNDER
SECTION 28 U.S.C. 2241**

PRO SE
Case No:

26-cv-1577-MJD/LIB

DEFENDANT

JURISDICTION

This Petition is filed under 28 U.S.C. Section 2241.

Petitioner is in Federal Immigration custody under the authority of the Department of Homeland Security (DHS) and ICE.

Petitioner is detained at Sherburne County Jail 13880 Business Center Drive NW Elk River, Minnesota 55330. This facility is located with the jurisdiction of the U.S District Court for the District of Minnesota.

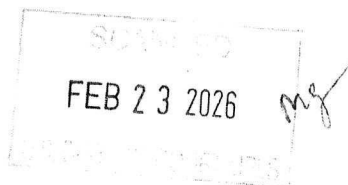
PARTIES

PETITIONER

Gerardo Sanchez-Acuna A#:  currently detained at Sheburne County Jail.

RESPONDENTS:

- (a) The Warden/Administrator of Sherburne County Jail (immediate Custodian)
- (b) U.S. Immigration and Customs Enforcement (ICE)
- (c) ICE field Office Director for the Saint Paul, Minnesota Field Office.



1.

RECEIVED

FEB 23 2026

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

CUSTODY STATUS

Petitioner is in civil immigration detention, not serving a criminal sentence.

Petitioner was released from Sandstone Federal Prison in Minnesota on January 22, 2026, and was immediately taken into ICE custody.

On January 25, 2026, Petitioner was transferred to Sherburne County Jail, where he remains detained.

ICE is detaining Petitioner under the Immigration and Nationality Act, believed to be under 8 U.S.C. Section 1226 or 8 U.S.C. Section 1231.

His detention is prolonged and indefinite because his immigration case involves pending humanitarian relief.

FACTUAL BACKGROUND

Petitioner is beneficiary of a pending U Non-immigrant Visa (U-Visa) petitioner filed with U.S. Citizenship and Immigration Services (U.S.C.I.S).

The U-Visa Petition is based on Petitioner being a victim of qualifying criminal activity who has assisted or is willing to assist law enforcement, as required under 8 U.S.C. Section 1101 (a) (15)(U).

Congress created the U-Visa to victims and encourage cooperation with law enforcement.

USCIS regulations allowed for deferred action and work authorization for bonifide U-Visa applicants. See 8 C.F.R. Section 214.14(d)(2).

Because Petitioner has a pending U-Visa, his removal is not reasonably foreseeable, and he may ultimately receive lawful status.

ICE has authority to release individuals with pending humanitarian relief through parole, bond, or prosecutorial discretion, but petitioner remains detained.

Petitioner has strong family and community ties in the United States and does not present a danger or flight risk.

CLAIMS FOR RELIEF

CLAIM 1 – UNCONSTITUTIONAL PROLONGED CIVIL DETENTION

. Immigration detention is civil and must not be punitive in nature.

See S. Poverty L. CTR. V U.S. Homeland Sec. (SPLCI) No. 18760 (CKK) 2020 US Dist. Lexis 106416. See also 2020 WL 3265533 at 18 (D.D.C. June 17 2020).

The Fourteenth Amendment Due Process Clause prohibits indefinite and prolonged civil detention.

. Detaining a person with a pending U-Visa (a form of relief that could prevent removal) makes continued detention unreasonable and unrelated to the purpose of removal.

See Casio-Mejia v. Raycraft- Peter S. Vincent Principal legal advisor for ICE: U.S. ICE policy is to seek the termination of removal proceedings against a non-citizen who has obtained a

U-visa. Gomez v. Scott 2025 U.S. Dist 117, 802.

USCIS implemented BFD policy in 2021 that 1252g bars review of a decision to execute removal orders while a petitioner's U-visa application is pending.

See Valverde-Flores v Whitaker 750 F Appx 606, 607 (9th Cir 2019). Lee v. Holder 599 F 3d 976,974,975 (9th Cir 2010). Ariz Dream Act. Coal v. Brewer 855 F 3d 957,958 (9th Cir 2017).

Alvarez Leal v. Lynch 673 F Appx 630,632 (9th Cir 2017).

. Petitioner's detention has become arbitrary and unconstitutional.

CLAIM 2 – FAILURE TO PROVIDE A MEANINGFUL BOND HEARING

If detained under 8U.S.C. Section 1226, prolong detention without a meaningful bond hearing violates due process.

If detained under 8 U.S.C. 1231, removal is not reasonably foreseeable while U-Visa relief is pending making detention unlawful under Zadvydas V. Davis 533 U.S. 678 (2001).

CLAIM 3 – FAILURE TO EXERCISE DISCRETION BASED ON PENDING U-VISA

ICE has discretion to release individuals with pending humanitarian relief.

Failure to meaningfully consider petitioner's pending U-Visa and cooperation with law enforcement results in arbitrary detention in violation of Due Process.

CLAIM 4 – DUE PROCESS CLAUSE VIOLATION

Petitioner is currently a party to two pending Habeas Corpus proceedings in the United States District Court in the District of Minnesota, and he is legally required to remain within the district while those proceedings are pending pursuant to Rule 23 of the Federal Rule of Appellate Procedures (F.R.A.P). He is also expected to remain in the district to complete his term of supervised release. Removal at this time would directly conflict with federal court jurisdiction, and just violate due process thus frustrating the orderly administration of justice.

EXHAUSTION

Petitioner has requested release from ICE custody via Stay of Removal. Continued detention makes court intervention necessary. No other form of remedy formal or informal is available.

RELIEF REQUESTED

1. Release Petitioner under signature bond, under reasonable supervision conditions or,
2. Order a prompt individualized bond hearing where the Government must prove continued detention is justified, and or
3. Grant any further relief the court deems just and proper.

VERIFICATION

I, Gerardo Sanchez-Acuna, declared under penalty of perjury pursuant to Title 28 U.S.C. Section 1746, that the foregoing is true and correct to the best of my knowledge.

Signed on 2/24/2026



Gerardo Sanchez-Acuna
Sherburne County Jail
13880 Business Center Drive NW
Elk River, Minnesota 55330.

FEB 23 2026

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for theCLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

DISTRICT OF MINNESOTA.

GERARDO SANCHEZ-ACUNA

A#



Petitioner

v.

SHERBURNE COUNTY SHERIFF
U.S. IMMIGRATION CUSTOMS ENFORCEMENT
ICE FIELD OFFICE DIRECTOR

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: GERARDO SANCHEZ DE LA BARRERA ACUNA
(b) Other names you have used: GERARDO SANCHEZ-ACUNA
2. Place of confinement:
(a) Name of institution: SHERBURNE COUNTY JAIL
(b) Address: 13880 BUSINESS CENTER DR. NW
ELK RIVER MN 55330
(c) Your identification number: 10935
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☒ Other - explain:
ICE
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): IMMIGRATION DETENTION

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: _____

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

I AM A U-VISA APPLICANT/PETITIONER WITH EMPLOYMENT AUTHORIZATIONS
 WHICH GRANTS ME DEFERRED ACTION & PROTECTS ME FROM
 REMOVAL

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes

☐ No

(a) If "Yes," provide:

STAY OF REMOVAL

(1) Name of the authority, agency, or court: ICE.

(2) Date of filing: 1/22/2026

(3) Docket number, case number, or opinion number: AH [REDACTED]

(4) Result:

STILL NOT ADJUDICATED

(5) Date of result:

(6) Issues raised:

STAY OF DEPORTATION BASED ON PENDING
 U-VISA, DEFERRED ACTION, PLIMA FACIE, BONA FIDE
 DETERMINATION, BEING A PARTY OF TWO FEDERAL COURT
 APPEALS & PENDING OF TERM OF SUPERVISION

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody:

1-22-2026

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) ~~Did you appeal the decision to the United States Court of Appeals?~~

☐ Yes

~~☒ No~~

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

STAY OF DEPORTATION.

ICE.

1-22-2026

Att

Still Not ADJUDICATED.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: UNCONSTITUTIONAL PROLONGED CIVIL DETENTION.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I HAVE BEEN GRANTED DEFERRED ACTION & SHOULD NOT
BE DETAINED.
BFD, PRIMA FACIE DETERMINATION

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

STAY OF DEPORTATION

GROUND TWO: FAILURE TO PROVIDE MEANINGFUL BOND HEARING

(a) Supporting facts (Be brief. Do not cite cases or law.):

I HAVE COMPLETED ISAP PROGRAM

I HAD A BOND THAT WAS RETURNED IN THE PAST

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

STAY OF REMOVAL

GROUND THREE: FAILURE TO EXERCISE DISCRETION BASED
ON PENDING U-VISA & DEFERRED ACTION

(a) Supporting facts (Be brief. Do not cite cases or law.):

I WAS GRANTED DEFERRED ACTION

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

STAY OF REMOVAL

GROUND FOUR: DUE PROCESS CAUSE VIOLATION

(a) Supporting facts (Be brief. Do not cite cases or law.):

I AM A PARTY TO TWO PENDING HABEAS
CORPUS APPEALS IN THE DISTRICT OF MN.
I HAVE A TERM OF SUPERVISION OF 3 YEARS.
IN THE DISTRICT OF MN.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: IMMEDIATE RELEASE
SIGNATURE BOND, INDIVIDUALIZED BOND HEARING
OR ANY RELIEF THE COURT DEEMS JUST & PROPER

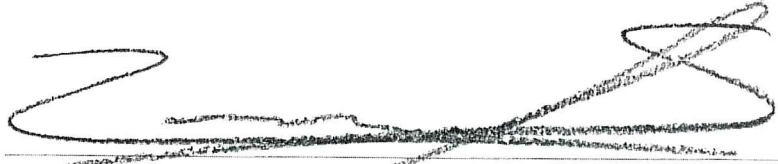
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

2/24/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any