

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-01577-MJD-LIB

Gerardo Sanchez-Acuna,

Petitioner,

v.

**FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

Sherburne County Sheriff, *et al.*,

Respondents.

Petitioner Gerardo Sanchez-Acuna wants a second (or more) bite at the habeas apple. He already filed a petition challenging his immigration detention, and that petition was denied. *See Gerardo Sanchez-Acuna v. Warden of Sherburne County Jail*, No. 0:26-cv-01264-PAM-DLM, ECF 5, Order (D. Minn. Feb. 18, 2026) (hereinafter “*Acuna I*”). Now, Petitioner is back in court hoping for a different result from a different judge. But the solution to that problem is to seek reconsideration from Judge Magnuson or file an appeal, *not* bring a new habeas action. Tellingly, Petitioner does not (and cannot) assert that he was barred from raising his current claims in the first action. Thus, as a matter of fundamental fairness and preserving judicial resources, this petition should be reassigned as a “related case.”

On the merits, Petitioner is not entitled to habeas relief.

ARGUMENT

The Court should reassign this case to Judge Magnuson because it is related to Petitioner's first immigration habeas action.¹ Failing reassignment, the Court should deny this petition on the merits. Although Petitioner keeps filing meritless habeas petitions, he has long been subject to a final removal order and indeed his removal from the United States is imminent.

I. Reassignment

The District of Minnesota has a standing Order for Assignment of Cases. *See* <https://www.mnd.uscourts.gov/sites/mnd/files/Order-for-Assignment-of-Cases.pdf>. Under Paragraph 4(a) of that order, new civil cases are deemed “related” to prior cases (even closed cases), if:

- They share common issues of law or fact, common parties or other common factors;
- A decision or opinion in one of the cases will effectively resolve substantially all of the issues in the other case; or
- The interests of justice or judicial economy would be best served if the two actions were handled by a single judge, even though the resolution of one case might not effectively resolve all of the issues in the other case.

It falls to the Clerk's Office to identify related or potentially related cases in the first instance. But under Paragraph 4(b), when any judge learns “that a related case has been assigned to another judge, the judge who first becomes aware of such related cases must

¹ Petitioner also filed an even earlier unsuccessful *prisoner* habeas action. *See Sanchez-Acuna v. Warden, FCI Sandstone*, No. 25-cv-2734 (JMB/JFC) (D. Minn. Filed Dec. 29, 2025). Judge Bryan in that case, like Judge Frank in 2023 (as noted by Judge Magnuson), was aware Petitioner was already subject to a final order of removal.

call that matter to the attention of the other judge, and the two judges must then review the respective files and determine whether they are in fact related cases.”

This Court regularly enforces the rules regarding reassignment of related cases. *See, e.g., Elbert v. United States Dep’t of Agric.*, 2025 U.S. Dist. LEXIS 152905, at *12 n.4 (D. Minn. Aug. 8, 2025) (“The Court presumes that if a new APA claim is filed in the District of Minnesota, Plaintiffs will note in their pleadings that it is a related case to this one, which typically assures the case will be assigned (or reassigned) to this Court.”); *Munt v. Roy*, 2019 U.S. Dist. LEXIS 4791, at *10-11 (D. Minn. Jan. 10, 2019) (noting inherent authority to reassign and explaining reassignment process). There is no reason to depart from that practice here. Both of Petitioner’s habeas actions raise common issues of law and fact, both actions involve the same parties, the decision in the first action substantially resolves most of this action, and the interests of justice support having the same judge handle both actions. Thus, the Federal Respondents respectfully request that the Court classify this case as “related” to *Sanchez-Acuna I* and reassign it to Judge Magnuson for further proceedings.

II. Merits

If the Court is inclined to keep the case or consider it unrelated to *Sanchez-Acuna I*, then Petitioner’s pursuit of habeas relief nevertheless fails as a matter of law. Under 28 U.S.C. § 2244(a), no judge “shall be required to entertain” any habeas action “if it appears that the legality of such detention has been determined . . . on a prior application for a writ of habeas corpus.” *Id.* That is exactly what happened here; the Court should dismiss the petition.

Sanchez-Acuna I is preclusive as to the issues in this case. As Judge Magnuson found, Petitioner has long been subject to a final order of removal. *Id.* at 1 (citing 2023 criminal case in which Judge Frank observed the same). That prior habeas ruling just over a month ago observed that Petitioner was then in ICE custody “where he remains awaiting removal from the United States.” *Id.* As of that time the immigration detention has only lasted “about three weeks,” *id.* at 2, and just over a month has passed since, still “far less than the six-month period of presumptively reasonable detention contemplated by *Zadvydas*.” *Id.* The Court also noted that Petitioner had previously indicated his removal was imminent and specifically rejected his argument based on having applied for a U visa – arguably the principal issue raised in the current *pro se* habeas petition. *Id.* at 3.

The current, successive petition raises nothing new and should be dismissed subject to preclusion principles.

CONCLUSION

This case should be reassigned to the judge who decided and denied a habeas action that Petitioner filed last month. Assignment issue aside, the Court should deny this petition on the merits for the reasons discussed above.

Dated: March 25, 2026

DANIEL N. ROSEN
United States Attorney

s/ David W. Fuller

BY: DAVID W. FULLER
Assistant United States Attorney
Attorney ID Number
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

(612) 664-5600