

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANGEL MAURICIO CABALLERO
VILLAMIL

Petitioner,

v.

DAVID EASTERWOOD, in his official capacity as Field Office Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; TODD M. LYONS, Acting Director of Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General,

Respondents.

Case No. 0:26-cv-1665

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION AND FACTUAL BACKGROUND

1. Petitioner, Angel Mauricio Cabarello Villamil, is a resident of Willmar, Minnesota, and a citizen of Honduras. Angel entered the United States in or about August 2019 as an unaccompanied child, when he was 17 years old.

2. In August 2019, after he presented himself to an immigration official at the border as an unaccompanied child, pursuant to 6 U.S.C. § 279(g)(2), the government placed him in a humanitarian shelter for children before releasing Angel to the care of a legal custodian in Minnesota, after finding that he was neither dangerous nor a flight risk. He was released with a Notice to Appear for ordinary removal proceedings under 8 U.S.C. § 1229.

3. Thereafter, he applied for Special Immigrant Juvenile Status (SIJS) in addition to timely filing for asylum. His SIJS application was approved in April 2021 and he was awaiting the

availability of a visa. **This past month, a visa became available to him and Angel is now eligible to apply for a green card.**

4. Up until his arrest and detention, Angel had been living peacefully in Minnesota with relatives, including school age U.S. citizen nephews and nieces who he helps care for. He had been attending high school, working with a valid Employment Authorization Document, and regularly attending his community church. He had also participated in all his immigration proceedings and, upon information and belief, has not missed any of his scheduled hearings.

5. Despite all this, Respondents detained Angel in or about October 2025. Upon information and belief, Respondents neither possessed nor presented to him a warrant of any kind, judicial or otherwise, to justify their detention.

6. Angel is currently detained at Kandiyohi Jail in Willmar, Minnesota.

7. Petitioner's detention—now more than 4 months—is an unlawful deprivation of his constitutional 5th Amendment due process rights, a violation of the Immigration and Nationality Act ("INA"), and the Administrative Procedure Act ("APA").

PARTIES

8. Petitioner, Angel Mauricio Cabarello Villamil, is a citizen of Honduras and a resident of Minnesota who entered the United States as an unaccompanied child. He is in the custody of ICE at Kandiyohi Jail in Willmar, Minnesota, and under the direct control of Respondents. Petitioner has no scheduled release date or bond hearing scheduled.

9. Respondent David Easterwood is being sued in his official capacity as the Field Office Director for the St. Paul Field Office, U.S. Immigration and Customs Enforcement. Respondent David Easterwood is the immediate legal custodian of Petitioner.

10. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

11. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As the head of the Department of Homeland Security (“DHS”), the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner’s ultimate legal custodian.

12. Respondent Pamela Bondi is sued in her official capacity as Attorney General of the United States. As Attorney General, Respondent Bondi oversees the immigration court system, including the immigration judges who conduct removal proceedings and bond hearings as her designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering of Petitioner’s removal and bond proceedings, and as such, she is a legal custodian of Petitioner.

JURISDICTION AND VENUE

13. 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).

14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is currently detained within the District of Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

15. Administrative exhaustion is unnecessary because it would be futile: it is

Respondents' position that noncitizens in Angel's situation are subject to mandatory detention without access to a bond hearing, so he has no meaningful administrative remedies to exhaust.

LEGAL FRAMEWORK

16. The Trafficking Victims Protection Reauthorization Act Of 2008 ("TVPRA") governs the detention and release of unaccompanied children. Because noncitizen youth who come to the United States without a parent are especially vulnerable, Congress granted them special protections through the TVPRA. *See* 8 U.S.C. § 1232. An unaccompanied child is a child who: (A) lacks lawful immigration status in the United States; (B) is under the age of 18; and (C) has no available parent or legal guardian in the United States, or no such parent or legal guardian is available to provide care and physical custody. 6 U.S.C. § 279(g)(2).

17. Through the TVPRA, Congress amended the INA to guarantee unaccompanied children access to removal proceedings before an immigration judge, protecting them from expedited removal by an immigration officer without a hearing. 8 U.S.C. § 1232(a)(5)(D). Therefore, 8 U.S.C. § 1229a is the only process for determining whether an unaccompanied child can stay in the United States or be removed. 8 U.S.C. § 1229a(a)(3).

18. The TVPRA requires the Department of Health and Human Services, through the Office of Refugee Resettlement ("ORR"), to manage the care and custody of unaccompanied children. 8 U.S.C. § 1232(c)(2). The statute requires ORR to place unaccompanied children "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). Before releasing an unaccompanied child from its custody, the government must "consider danger to self, danger to the community, and risk of flight." *Id.*; *see also* 6 U.S.C. §

279(b)(2)(A). ORR may release the unaccompanied child to a “sponsor” who already lives in the United States, so long as these and other criteria are satisfied. *Id.*; *see also* 45 C.F.R. § 410.1201.

CAUSES OF ACTION

FIRST CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the US. Constitution: Procedural Due Process

19. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

20. Even “[w]hen government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner.” *Salerno*, 481 U.S. at 746.

21. Courts use the three-factor *Mathews v. Eldridge* test to determine what process is due to noncitizens challenging detention. *See* 424 U.S. 319 (1976). The *Mathews* factors assess: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335.

22. The first *Mathews* factor weighs heavily in Petitioner’s favor. 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 Ovydas v. Davis*, 533 U.S. 678, 690 (2001) (“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, which is a direct attack on his

liberty interest. Moreover, his liberty interest is particularly strong, given his prior release from the government's custody when he was an unaccompanied child, and his clear pathway to naturalization.

23. The second *Mathews* factor also weighs in Petitioner's favor. Angel was previously released after being found that he was neither a flight risk nor a danger to the public. The current procedures employed by the government—re-detaining Angel without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond—have already caused an erroneous deprivation of his liberty interests. His detention is the direct result of insufficient safeguards and lack of procedure.

24. Finally, the third factor likewise weighs in Petitioner's favor. His detention imposes high fiscal and administrative burdens on Respondents. Moreover, the public interest is not served by detaining noncitizens like Angel, who have been living and working with valid authorization in this country for well over two years, and are neither a flight risk nor dangerous.

25. Respondents violated procedural due process by detaining Petitioner without adequate procedural protections. This Court should order his release without any restraints on his liberty and prohibit any re-detention without proper pre-deprivation process.

SECOND CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution: Substantive Due Process

26. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

27. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). And “[f]reedom 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.” *Zadvydas*, 533 U.S. at 690.

28. Because “liberty is the norm, and detention prior to trial or without trial is the carefully limited exception,” the government may imprison people as a preventive measure only within strict limits. *Foucha v. Louisiana*, 504 U.S. 71, 83 (1992) (quoting *United States v. Salerno*, 481 U.S. 739, 755 (1987)).

29. Immigration detention is civil detention and must “bear a reasonable relation to the purpose for which the individual was committed” so that it remains “nonpunitive in purpose and effect.” *Zadvydas*, 533 U.S. at 690 (citation modified); see also *Schall v. Martin*, 467 U.S. 253, 264-69 (1984) (finding detention must be a proportional—not excessive—response to a legitimate state objective).

30. Courts have identified only two legitimate purposes for immigration detention: mitigating flight risk pending removal and preventing danger to the community. See *Zadvydas*, 533 U.S. at 690-91.

31. To satisfy substantive due process under the Fifth Amendment, a noncitizen’s detention must be tied to flight risk or a danger to the community. *Zadvydas*, 533 U.S. at 690.

32. Neither purpose is served by Petitioner’s detention. Angel presents neither a flight risk nor a danger to the community. Angel has been living in the U.S. for more than six years without a criminal record and is now eligible to apply for a green card through his SIJS status. For the last six years, he has been attending high school, working with authorization, living with and caring for his young U.S. citizen nieces and nephews, and regularly attending his community church.

33. Because the government is not detaining Petitioner to serve legitimate interests in protecting against danger or flight risk, his detention violates substantive due process under the Fifth Amendment, and this Court should order his immediate release.

THIRD CLAIM

Violation of the Immigration and Nationality Act and Due Process

34. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

35. First, 8 U.S.C. § 1226 “authorizes the Government to detain certain [noncitizens] already in the country pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Individuals detained under Section 1226(a) are generally entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). However, noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention under Section 1226(c). *See* 8 U.S.C. § 1226(c).

36. Second, the INA provides for brief mandatory detention of noncitizens with final orders of removal. *See* 8 U.S.C. § 1231.

37. Third, the INA also provides for mandatory detention of two groups of noncitizens encountered “at the Nation’s borders and ports of entry.” *Jennings*, 583 U.S. at 288. The first group consists, generally, of those who are subject to expedited removal for being apprehended upon arrival near the border or for being unable to show that they have been physically present in the United States for more than two years until a determination has been made as to whether they have a credible fear of persecution. 8 U.S.C. § 1225(b)(1).

38. The second group subject to mandatory detention consists of anyone alleged to be an “applicant for admission” who is “seeking admission” and whom an “examining immigration

officer determines . . . is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A).

39. Respondents presumably claim that Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(2)(A). However, this statute does not apply to Angel, who was previously released from custody as an unaccompanied child, has resided in this country for more than six years, and who is currently eligible to apply for a green card.

40. First, an individual who entered the United States as an unaccompanied child years ago and was released from government custody to a guardian years ago cannot not later be detained under § 1225(b)(2)(A). An unaccompanied child’s initial detention is governed by the TVPRA, which requires unaccompanied children—even those who turn 18 and age out of ORR custody—to be placed in the “least restrictive setting available.” 8 U.S.C. § 1232(c)(2)(B); *Id.* § 1232(c)(2)(A). The TVPRA strongly favors release of unaccompanied to a “sponsor” who already lives in the United States, so long as these and other criteria are satisfied. *Id.*; *see also* 6 U.S.C. § 279(b)(2)(A); 45 C.F.R. § 410.1201.

41. This is entirely inconsistent with mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Re-detaining a formerly unaccompanied child who spent years building a life in the U.S. similarly violates the spirit of the TVPRA. *See, e.g., Portillo Martinez v. Hyde*, No. 25-11909, 2025 WL 3152847 at *8 (D. Mass. Nov. 12, 2025); *Maldonado*, 2025 WL 2374411 at *12.

42. Second, courts within this district as well as across the country have overwhelmingly concluded that § 1225(b)(2)(A) does not apply to noncitizens like Angel who are re-detained by ICE after they have been residing in the U.S. for more than two years. *See, e.g., Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *13–14

(S.D.N.Y. Nov. 26, 2025) (tallying more than 350 cases reaching the same conclusion, and only 12 finding to the contrary); *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).

43. Angel’s current detention under 8 U.S.C. § 1225(b)(2)(A) violates both the INA and his procedural due process rights, and he should be released. *See, e.g., Cardin Alvarez v. Rivas*, No. 25-cv-02943, 2025 WL 2898389, *22 (D. Ariz. Oct. 7, 2025), report and recommendation adopted in part, rejected in part on other grounds sub nom.; *Alvarez v. Rivas*, 2025 WL 2899092 (Oct. 10, 2025) (“The appropriate relief for an immigration detainee held in violation of their right to due process is their immediate release from custody, and to be provided with relief returning them to status quo ante, i.e., the last uncontested status which preceded the pending controversy.”); *Quintero Campos v. Deleon*, No. 25-cv-10099, 2025 WL 3514120, at *2 (S.D.N.Y. Dec. 8, 2025) (collecting cases ordering immediate release); *Maldonado*, 2025 WL 2374411 at *12.

FOURTH CLAIM

Violation of the Administrative Procedure Act

44. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

45. 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).

46. The APA also 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).

47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the U.S. who are subject to the grounds of inadmissibility. Specifically, as relevant here, § 1225(b)(2)(A) does not apply to noncitizens such as Petitioner—who previously entered the country, were released from the government’s custody, and had been residing within the U.S. for years prior to their apprehension and re-detention.

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

49. 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.

50. The application of § 1225(b)(2)(A) to Angel—a formerly unaccompanied child subject to the TVPRA, who was re-detained in the interior after more than six years, without prior notice or any valid warrant—is arbitrary, capricious, and not in accordance with law. As such, it violates the APA. *See* 5 U.S.C. § 706(2).

RELEASE IS AN APPROPRIATE REMEDY

51. “Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008)).

52. Immigration detention is civil in nature. Consequently, 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 of any reason why Petitioner should be or remain in custody.

53. Respondents may argue that, because he is being detained pursuant to § 1226, the remedy is a bond hearing as opposed to outright release. However, this position incorrectly presupposes full compliance with § 1226(a) at the outset.

54. Detention under § 1226 is predicated upon the existence of a valid warrant: “*On a warrant issued by the Attorney General*, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. ...” 8 U.S.C. § 1226(a) (*emphasis added*). The regulations also provide that, to detain a person under 8 U.S.C. § 1226(a), the Department must at minimum issue an administrative warrant to take a person into custody:

(b) Warrant of arrest—

(1) In general. **At the time of issuance of the notice to appear, or at any time thereafter** and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter.

8 C.F.R. § 236.1(b)(1). Upon information and belief, Angel was never presented with any warrant—judicial or administrative—at the time of his arrest.

55. While there may be narrow circumstances in which an immigration officer may be entitled to make an arrest without a warrant, none of those apply here. *See* 8 U.S.C. § 1357; 8 C.F.R. § 287.8. Angel was not entering or attempting to enter the country at the time of his arrest. He has not committed any crimes. And Respondents had no reason to believe he was likely to escape before a warrant could be obtained. To the contrary, Angel has been living

peacefully in the country for more than six years without a criminal record. He pursued and was granted SIJS status, and at the time of his arrest, was awaiting a visa. He was a student in high school who lived with and cared for his relatives, including school age U.S. citizen nephews and nieces. He worked with authorization and attended his community church. Given these strong ties to the community, Respondents did not and cannot articulate any reason to believe that Angel was likely to escape before they could obtain a warrant.

56. In similar circumstances, courts have rejected the argument that a bond hearing is the appropriate remedy, finding 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. Accordingly, “[w]here 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.” *See Ahmed M. v. Bondi et al.*, 2026 WL 25627, *6 (D. Minn. Jan. 5, 2026) (quoting *Chogllo Chafila v. Scott*, --- F. Supp. 3d ---, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025), appeal filed (Nov. 6, 2025)). As in *Ahmed*, § 1226(a) would not have supported a lawful detention of Angle in the first place: “Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a). It follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a).” *Ahmed M.*, 2026 WL 25627, at *3 (quoting *Chogllo Chafila*, 2025 WL 2688541, at *11).

57. Here, where the detention is unlawfully based on 8 U.S.C. 1225(b)(2)—a statute that is inapplicable to Angel—and where it would also be unlawful under 8 U.S.C. 1226(a) because of the absence of any warrant, release is an appropriate remedy. Numerous courts both in this district and across the country have found the same and ordered immediate release. *See*,

e.g., *Dwine L. v. Bondi*, 26-cv-627 (KMM/DLM), 2026 U.S. Dist. LEXIS 15372, *4 (D. Minn. Jan. 28, 2026); *Carmen M. v. Bondi*, No. 26-cv-582 (ECT/ECW) 2026 U.S. Dist. LEXIS 15368, *5 (D. Minn. Jan. 28, 2026); *Luis C. v. Bondi*, 26-cv-0636 (SRN/SGE) 2026 U.S. Dist. LEXIS 15371, *6 (D. Minn. Jan. 28, 2026); *Claudio E.A.S. v. Bondi*, 26-583 (DWF/DLM) 2026 U.S. Dist. LEXIS 15385, *3 (D. Minn. Jan. 28, 2026); *Jhisvin A.B.V.A. v. Bondi*, No. 26-455 (JRT/EMB) 2026 U.S. Dist. LEXIS 13183 at *3 (D. Minn. Jan. 28, 2026); *Francisca G. v. Bondi*, Doc. 6, No. 26-CV-615 (JMB/JFD) (D. Minn. Jan. 27, 2026); *Fabian L.C. v. Bondi*, Doc. 7, No. 26-CV-493 (NEB/DLM) (D. Minn. Jan. 24, 2026); *Maria U.C.G v. Bondi*, Doc. 10, No. 26-439 (JWB/LIB) (D. Minn. Jan. 24, 2026); *Joaquin Q.L. v. Bondi*, No. 26-cv-233 (LMP/DTS) 2026 U.S. Dist. LEXIS 10644, *6 (D. Minn. Jan. 21, 2026). *See also* *Euceda v. Tate*, 2026 WL 266280, at *2 (S.D. Tex. Feb 2, 2026) (ordering release; “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody.”) (citing *Ahmed A.*); *J.A.C.P. v. Wofford*, 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025) (“To put it simply, [petitioner’s] detention [] [is] improper because there is no evidence in the record that [he was] arrested pursuant to a warrant. ... Since the government did not comply with the plain language of section 1226(a), [petitioner’s] immediate release is justified” (internal quotations and citations omitted); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025); *Florida v. United States*, 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023) (stating that, “[i]f [an] alien has not been arrested on a warrant, then the subsequent provisions giving the Attorney General discretion to detain or release ‘the arrested alien’ are likewise not triggered”), *appeal dismissed*, 2023 WL 5212561 (11th Cir. July 11, 2023).

REQUEST FOR ORDER TO SHOW CAUSE AND RETURN WITHIN 3 DAYS

1. "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.

2. Unless there is a showing of good cause for additional time, the writ "shall be returned within three days." *Id.*

3. 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.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Respondents from transferring Petitioner outside 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, or in the alternative, be provided an individualized bond hearing;
- (4) Alternatively, issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody without restraints on his liberty beyond those that existed prior to his unlawful re-detention, or in the alternative, order an individualized bond hearing in which the government bears the burden of proof;
- (5) If the Court sees fit to order Petitioner's release, include conditions to ensure Petitioner's safety, including that release be: (1) inside the State of Minnesota; (2)

- at a safe time and place communicated in advance to counsel; and (3) 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, such as ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application;
 - (7) Order that Respondents cannot re-detain Petitioner without notice and a pre-deprivation hearing before this Court where the government bears the burden of justifying any re-detention by clear and convincing evidence;
 - (8) 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
 - (9) Grant any other and further relief that this Court may deem just and proper.

Date: February 27, 2026

Respectfully Submitted,

/s/ Ji Hae Kim

Ji Hae Kim (#0399704)

jhkcrain@proton.me

Lyndsey Marcelino Schalkwyk (#0399757)

Lyndsey.marcelino@gmail.com

MARCELINO & KIM PC

400 S 4th St, Ste 410

PMB 504349

Minneapolis, MN 55415-1419

Pro Bono Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner Angel Mauricio Cabarello Villamil, because I am his attorney of record in this case. I have discussed the factual assertions in this Petition with Petitioner's immigration attorney and with Petitioner's family, who I understand to have personal knowledge of the facts alleged herein. Upon information and belief, I hereby verify that the factual statements made in the attached Amended Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: February 27, 2026

/s/ Ji Hae Kim

Ji Hae Kim (#0399704)

jhkcrain@proton.me

MARCELINO & KIM PC

400 S 4th St, Ste 410

PMB 504349

Minneapolis, MN 55415-1419

Pro Bono Attorney for Petitioner