UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Jaime Rojas Sandoval, Petitioner, v. Pamela Bondi, Attorney General, Kristi Noem, Secretary, U.S. Department of Homeland Security, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement, David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, and Eric Tollefson, Sheriff of Kandiyohi County, Respondents.	0:26-cv-01693-JMG-DTS **FEDERAL RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS**

I. Introduction and Certification of Confinement

Pursuant to the Court's order requiring a certification of the true cause and proper duration of Petitioner's confinement, as well as a showing of cause why the writ should not be granted, Federal Respondents submit this response. Petitioner Jaime Rojas Sandoval is an unadmitted alien currently placed in active removal proceedings. He is detained at the Kandiyohi County Jail under the mandatory detention provisions set forth in 8 U.S.C. § 1225(b)(2)(A), and his confinement will lawfully persist for the duration of his removal proceedings.

II. Affidavits, Exhibits, and Factual Stipulations

The Court's order mandates the submission of such affidavits and exhibits as

are needed to establish the lawfulness and correct duration of Petitioner's detention. Federal Respondents requested a formal certification by affidavit from the Department of Homeland Security's Office of the Principal Legal Advisor (OPLA) regarding the specifics of Petitioner's detention, the mechanics of his arrest, and his current custody location; however, OPLA did not provide the requested affidavit.

In the absence of this affidavit, and to avoid delays, Respondents assume that the factual allegations underlying Petitioner's immigration status, arrest, and detention are true for the purposes of this response. Specifically, Respondents concede that Petitioner entered the United States without inspection, has resided in the interior since approximately 2017, and was initially apprehended on February 14, 2026.

However, the record is supplemented by agency documentation provided by OPLA. Federal Respondents have procured and attached hereto Petitioner's administrative warrant of arrest (Form I-200), Exhibit A, and Notice to Appear (NTA), Exhibit B. According to the Form I-200, it was served on Petitioner on February 17, 2026, at the Whipple Federal Building. Ex. A. It was issued based on biometric confirmation of Petitioner's identity and a records check showing he either lacks immigration status or is removable under immigration law. *Id.* The NTA, dated February 17, 2026, formally asserts that Petitioner is an alien present in the United States who has not been admitted or paroled. Ex. B. It alleges he is a native and citizen of Mexico who entered the U.S. at an unknown location and time without inspection, and that he is an immigrant not in possession of a valid unexpired

immigrant visa. *Id.* The NTA orders him to appear before an Immigration Judge in Fort Snelling, Minnesota, on March 5, 2026, at 8:30 a.m. *Id.*

III. Reasoned Memorandum of Law and Fact

A. The Plain Text of the Immigration and Nationality Act (INA) Mandates Detention

As this Court has correctly articulated in previous decisions, "[t]he burden is on the petitioner to prove illegal detention by a preponderance of the evidence." *Bashir K. A. v. Klang*, 2026 WL 452353, at *2 (D. Minn. Feb. 17, 2026). Petitioner cannot meet this burden because his detention is mandated by the plain text of the INA. Petitioner claims his detention should be governed by the discretionary framework of 8 U.S.C. § 1226(a) because he was apprehended in the interior rather than at the border. This argument fails under the statutory definitions established by Congress. Under the INA, "admission" is defined exclusively as the "lawful entry of the alien into the United States after inspection and authorization by an immigration officer" pursuant to 8 U.S.C. § 1101(a)(13)(A). Because Petitioner concedes he entered without inspection, he has never been legally admitted, and the NTA formally charges him as an alien present without being admitted or paroled, he has never been legally admitted.

Consequently, by operation of law, he is statutorily deemed an "applicant for admission" under 8 U.S.C. § 1225(a)(1). While some district courts have distinguished a statutory "applicant for admission" from an alien actively "seeking admission" under § 1225(b)(2)(A), the statutory text forecloses this distinction. The INA treats the two

concepts synonymously; 8 U.S.C. § 1225(a)(3) mandates the inspection of all aliens "who are applicants for admission or otherwise seeking admission," demonstrating that applicants for admission are a subset of those seeking admission. As the Fifth Circuit recently affirmed, the ordinary meaning of "applying" is to "seek," and an unadmitted noncitizen does not cease to be "seeking admission" merely by residing unlawfully in the interior. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502-504 (5th Cir. 2026). The statute leaves no room for discretion, directing that if an applicant for admission is not clearly entitled to enter, they "shall be detained" for removal proceedings under 8 U.S.C. § 1225(b)(2)(A). The spatial location of an apprehension does not rewrite this statutory definition; the law does not contain a geographic expiration date for unadmitted status, a principle recently affirmed by the Fifth Circuit in *Buenrostro-Mendez,* 166 F.4th 494.

Respondents acknowledge recent adverse rulings in this District regarding the application of § 1225(b)(2). However, as this Court itself has thoughtfully recognized, "these issues are complex, and the government's arguments are not frivolous." *Ramiro M. R. v. Bondi*, 2026 WL 353543, at *1 (D. Minn. Feb. 9, 2026). This Court has further acknowledged that the Fifth Circuit recently agreed with Respondents' reading of § 1225(b)(2). *Id.* Accordingly, Federal Respondents maintain these arguments to respectfully preserve the record pending the Eighth Circuit's expedited review of this exact issue in *Avila v. Bondi*, No. 25-3248.

B. Procedural Defects Do Not Void Custody, and the Alternative Remedy is a Bond Hearing

Petitioner argues that his initial warrantless arrest on February 14, 2026, during "Operation Metro Surge" renders his inception of custody unlawful and demands his outright release. However, it is a well-established principle that procedural defects in an administrative arrest—including a delay between initial apprehension and the formal service of an administrative warrant—do not void subsequent removal proceedings or strip the agency of its authority to detain an alien who is undisputedly removable. The Supreme Court has held that an illegal arrest has no bearing on a subsequent deportation proceeding, *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1040 (1984), and the Eighth Circuit agrees that defective arrest does not require the government to release an individual to maintain lawful custody. *United States v. Villa-Velazquez*, 282 F.3d 553, 556 (8th Cir. 2002).

Furthermore, assuming *arguendo* that the Court determines Petitioner's detention is governed by 8 U.S.C. § 1226(a) rather than § 1225(b)(2), the appropriate remedy is an order for a custody redetermination hearing, not immediate release. In recent, analogous cases, this Court ordered immediate release specifically because the government failed to produce a warrant issued by the Attorney General, noting that the issuance of a warrant is a prerequisite to discretionary detention under § 1226(a). Here, however, Federal Respondents have produced and attached Petitioner's administrative warrant (Form I-200), which was formally served on February 17, 2026. Ex. A. Because the requisite warrant is now before the Court, the sole legally appropriate remedy for any § 1226(a) violation is a bond hearing. Injunctive relief

must be no more burdensome than necessary to provide relief. *Fuentes v. Olson*, 2025 WL 3524455, at *5 (D. Minn. 2025). Section 1226(a) provides discretionary authority but grants no inherent right to release on bond; the burden remains entirely on the Petitioner to prove he is not a flight risk or a danger to the community. *Miranda v. Garland*, 34 F.4th 338, 360-61 (4th Cir. 2022).

C. Petitioner's APA and Due Process Claims Are Baseless

Because Petitioner's detention is statutorily mandated by the INA, the agency is merely executing the law as written. This enforcement is the antithesis of arbitrary and capricious behavior, thereby defeating his Administrative Procedure Act claims under 5 U.S.C. § 706(2)(D). Similarly, his Fifth Amendment due process claims fail because the Supreme Court has unequivocally held that mandatory detention pending the completion of active removal proceedings serves a statutory purpose and does not constitute "indefinite detention," as it has a definitive end-point. *Demore v. Kim*, 538 U.S. 510, 538 (2003).

IV. Recommendation Regarding Evidentiary Hearing

The Court specifically mandates a recommendation from Respondents on whether an evidentiary hearing should be conducted. Federal Respondents recommend that the Court rule on this petition and deny the writ without holding an evidentiary hearing. Because Respondents have conceded the material facts alleged in the petition regarding Petitioner's presence in the interior, his entry without inspection, and the mechanics of his arrest, and because the record is now

supplemented with the NTA and Form I-200, there are no material facts in dispute that require fact-finding. The conflict rests exclusively on competing interpretations of statutory text, which is capable of resolution on the pleadings.

V. Conclusion

For the foregoing reasons, Federal Respondents respectfully request that the Court apply the plain text of the INA, deny the Petition for Writ of Habeas Corpus, deny the request for injunctive relief regarding facility transfers, and dismiss the action.

Dated this 4th day of March 2026.

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