

**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, and

David Easterwood, Acting Director, St. Paul
Field Office Immigration and Customs
Enforcement.

Respondents.

Case No. 0:26-cv-01693 (JMG/DTS)

**MOTION AND MEMORANDUM
TO ALTER OR AMEND**

Petitioner Jaime Rojas Sandoval, (“Mr. Rojas Sandoval”), by and through the undersigned attorney, respectfully moves this Court pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to reconsider the Court’s Order, Doc. 6, Granting in Part Mr. Rojas Sandoval’s Verified Petition for Habeas Corpus, to the extent that this Order establishes that Mr. Rojas Sandoval should be provided with a bond hearing, as opposed to immediate release.

Counsel provides this motion and memorandum to clarify that the appropriate remedy for this unlawful detention is outright release, not a bond hearing. Respondent’s

proffered warrant is insufficient and fails to support Respondents' argument in the alternative that the detention was valid under 8 U.S.C. § 1226(a).

In the District of Nebraska, ambiguities in the timing of a warrant's service have not always been sufficient to merit a remedy of outright release, however the District of Minnesota interprets the warrant requirement differently. *C.f. Salazar v. Noem*, No. 4:26-CV-3045, 2026 WL 458304 (D. Neb. Feb. 18, 2026) and *Fedrik D.W. v. Bondi*, Civ. Case No. 26-1294 (JRT/JFD) Doc. No. 10, 3 (D. Minn. Feb. 14, 2026).

In the District of Minnesota, in order for a noncitizen to be detained under 8 U.S.C. § 1226(a), the warrant must have been issued and served properly, prior to detention, and after the issuance of a notice to appear, otherwise immediate release is the remedy. *See, e.g., Alberto C.M. v. Noem*, No. CV 26-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where the warrant “was not issued until after his arrest and initial detention”) and *Marlon S.T.L., P. v. Pamela Bondi, et al.*, No. 26-665 (DWF/LIB), 2026 WL 251975, at *2 (D. Minn. Jan. 30, 2026) (“A detainee being held pursuant to § 1226(a), as Petitioner is here, must have been served an arrest warrant prior to detainment.”)

The law and the language is clear: “[i]f arrested pursuant to a warrant, the petitioner would be entitled to a bond hearing; if not arrested pursuant to a warrant, the petitioner is entitled to outright release.” *Marinero v. Bondi*, No. 0:26-CV-1007, 2026 WL 357653, at *1 (D. Minn. Feb. 9, 2026). Arresting someone first, and producing a warrant three days later, is not sufficient to cure an unlawful arrest: “issuing an administrative

warrant after an arrest, if authorities even did that much, isn't good enough to trigger § 1226(a).” *Id.*

Nor do Respondents’ citations provide authority to the contrary. It is true, as Respondents note, that “the Supreme Court has held that an illegal arrest has no bearing on a subsequent deportation proceeding.” Doc. 5 at 5, citing *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1040 (1984). However, Petitioner is not seeking to challenge his deportation proceeding based on this unlawful arrest, only his current detention.

The government also cited an Eighth Circuit case to argue that a “defective arrest does not require the government to release an individual to maintain lawful custody,” Doc. 5 at 5, citing *United States v. Villa-Velazquez*, 282 F.3d 553, 556 (8th Cir. 2002). However, the *Villa-Velazquez* case is distinguishable because the arresting police officer did not need a warrant to make the arrest, since he was alleged to have “reasonable cause,” which requires the officer to have knowledge that the defendant committed a crime. 282 F.3d at 556. That case did not address the lawfulness of the defendant’s custody, since defendant’s custody was not disputed—the question rather was about the suppression of evidence following a warrantless entry at the time of the arrest. The government’s *access* to the defendant and the interior of his home where he was arrested was without basis, but not the government’s authority to arrest the defendant in the first instance. *Id.* Here, Petitioner is not a criminal defendant, and no matter where Petitioner was located at the time of his detention, Respondents lacked the authority to take him into custody.

There are circumstances—not alleged here by Respondents—where immigration officials *would* be permitted to affect a warrantless arrest. This requires that an officer demonstrate “reason to believe that the [noncitizen] so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest.” 8 U.S.C.A. § 1357(a)(2). The implementing regulations for this statute further require that, if such an arrest is made, a determination must be made within 48 hours to issue a warrant and a notice to appear. 8 C.F.R. § 287.3(d).

While this statutory framework is not at issue, since Respondents had no reason to believe that Petitioner was in violation of any immigration laws or that he would escape before a warrant could be issued, even if this basis for arresting Petitioner were to be invoked, the retroactive warrant is legally insufficient. The warrant in this case was issued on February 17, more than 48 hours after Petitioner’s unlawful arrest on February 14, 2026. Doc. 5, Exhibits A and B.

WHEREFORE, based on this motion, Petitioner respectfully requests that this Court amend its Order to grant immediate release.

Respectfully,

Date: March 5, 2026

/s/ Kira A. Kelley

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CERTIFICATE OF COMPLIANCE

I certify that this motion contains 878 words in compliance with the Local Rules.

Date: March 5, 2026

/s/ Kira A. Kelley

Kira A. Kelley, Esq.