

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JOSE GOMEZ VELASQUEZ, <i>Petitioner,</i> 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 <i>Respondents.</i>	Case No. 0:26-cv-01702-MJD-ECW REPLY AND OBJECTION TO RESPONDENTS' NONCOMPLIANT RESPONSE
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**PETITIONER'S REPLY AND OBJECTION TO RESPONDENTS'
NONCOMPLIANT RESPONSE**

Jose Gomez Velasquez, through undersigned counsel, filed this Petition for Writ of Habeas Corpus on March 2, 2026 seeking release from his unlawful detention by Respondents. (Dkt No. 1.) On March 3, 2026, this Court issued an Order, instructing the Government Respondents to file an answer “certifying the true cause and proper duration of Petitioner’s confinement and showing cause why the writ should not be granted in this case.” (Dkt. No. 3). The Court further instructed that the answer should include:

- (1) “Such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner’s detention in light of the issues raised in the

habeas petition”

- (2) “A reasoned memorandum of law and fact explaining Respondents’ legal position on Petitioner’s claims;”
- (3) “Respondents’ recommendation on whether an evidentiary hearing should be conducted;” and
- (4) “Whether the absence of a warrant preceding Petitioner’s arrest necessitates Petitioner’s immediate release.”

Respondents filed an Answer on February 28, 2026. (Dkt. No. 5.) Giving it the most generous read, the government’s response contained almost none of the items required by the Court’s Order. Instead, in a two-paragraph response, it gives a cursory summary of the purported detention authority and then purports to adopt the arguments asserted in a different case without any effort to explain how they apply to Petitioner’s individual request for relief.¹ Respondents have made no effort to provide direction as to what arguments are being asserted, why they justify the detention of Mr. Velazquez specifically, nor did Respondents even provide copies of the briefing containing the arguments to either undersigned counsel or the Court. Respondents fail to meet any of the requirements outlined by the Court in its Order.

Accordingly, the Answer should be disregarded, and the relief sought by Petitioner granted. *See Salazar v. Bondi*, 26-cv-00736-SHL-DLM (D. Minn. Feb. 1,

¹ To the extent that Respondents imply that Mr. Velazquez’s detention is based on a new determination under 8 U.S.C. § 1225, that is incorrect. No specific factual or legal determination has been made by an examining immigration official since Mr. Velazquez’s original presentation on his arrival after which he was released.

2026) (Noting “Respondents have made no attempt to explain the basis for Petitioner’s detention except to ‘assert all arguments’ raised in a different case currently on appeal to the Eighth Circuit. The Court therefore interprets Respondents’ response as essentially no response at all,” and ordering release).

Date: March 5, 2026

Respectfully Submitted,

/s/ Lyndsey Marcelino Schalkwyk

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