

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Javis Felton DAVIES (  ),

*Petitioner,*

v.

**Pamela Jo BONDI**, in her official capacity as  
Attorney General of the United States;

**Kristi NOEM**, in her official capacity as Secretary  
of the Department of Homeland Security;

**Todd LYONS**, in his official capacity as Acting  
Director of United States Immigration and Customs  
Enforcement;

**David EASTERWOOD**, in his official capacity as  
Acting Director, St. Paul Field Office, U.S.  
Immigration and Customs Enforcement; and

**James ARNOTT**, in his official capacity as Sheriff  
of Greene County.

*Respondents.*

Case No. \_\_\_\_\_

**VERIFIED PETITION  
FOR WRIT OF HABEAS  
CORPUS PURSUANT  
TO 28 U.S.C. § 2241**

**INTRODUCTION**

1. This case seeks the immediate release of Mr. Javis Felton Davies (“Petitioner” or “Mr. Davies”) from unlawful immigration detention by the Department of Homeland Security’s (“DHS”) U.S. Immigration and Customs Enforcement (“ICE”). ICE has been detaining Petitioner since approximately December 6, 2025, first at the Whipple Building at Fort Snelling, Minnesota and then at the Greene County Jail in Springfield, Missouri.

2. In light of the information and belief that ICE is moving and has rapidly moved individuals in its custody out of the District of Minnesota, this petition also requests that the Court's Order to Show Cause ("OSC") immediately require Respondents to return Petitioner to the District of Minnesota. Ordering that relief in the OSC is now a common practice in this District.

3. Petitioner is a citizen and former law enforcement officer of Liberia who has resided in the United States for nearly four (4) years. Mr. Davies entered with inspection at a port of entry with a valid B1/B2 visa and timely filed for asylum. On December 6, 2025, Mr. Davies was detained as a result of a traffic stop while on his way to work. There was no warrant to justify the detention, nor was there probable cause or reasonable suspicion to support the traffic stop. At the time of his unlawful detention, Mr. Davies had a pending asylum application, valid work authorization and a Minnesota driver's license. Mr. Davies has no criminal record, was employed (with multiple jobs) at the time of his arrest, and is an active member of his church, Brooklyn United Methodist Church.

4. On Saturday, December 6, 2025, two ICE agents initiated a warrantless traffic stop of Mr. Davies when he was on his way to work. One agent forcefully shoved Mr. Davies against his car. He was handcuffed, placed in the back of an SUV, forced to sit upon his own hands while handcuffed, and driven to the Whipple Building.

5. Mr. Davies's detention is unlawful for at least four reasons.

6. First, the government's warrantless detention of Mr. Davies violates the Immigration and Nationality Act ("INA"). The government's position that Mr. Davies is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is untenable. This Court

has repeatedly ruled that § 1225(b)(2)(A) applies to applicants “seeking admission,” not to individuals like Mr. Davies. *See, e.g., Mahad S. v. Noem*, No. 26-CV-476 (JMB/JFD), 2026 WL 177860, at \*2 (D. Minn. Jan. 22, 2026); *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*2 (D. Minn. Jan. 5, 2026) (collecting cases). This renders Mr. Davies’s current detention unlawful from its inception, in violation of the INA and his due process rights.

7. Second, Mr. Davies’s warrantless arrest violates his Fourth Amendment rights, as well as statute and regulation, similarly mandating his release. *See, e.g., Ahmed M.*, 2026 WL 25627, at \*3 (“[I]t follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a).”) (citation omitted) (alteration in original)).

8. Third, the government had no legitimate interest in detaining Mr. Davies when they had no reason to believe he was either a flight risk or a danger—the only two constitutionally permissible reasons for immigration detention. Accordingly, his detention violates his substantive due process rights, requiring his immediate release.

9. Fourth, the government had no legitimate interest in initiating a warrantless traffic stop because, upon information and belief, there was no reasonable, particularized suspicion of any criminal activity. As indicated above, Mr. Davies entered with inspection, timely filed for asylum, has a pending immigration case, and has been entirely law abiding. There were no articulable facts that could lead a reasonable officer to believe, or even suspect, that he was in the United States unlawfully; any such suspicion must be based on a mere “hunch” or generalized suspicion, which cannot form the basis for a lawful stop.

10. For these reasons, Mr. Davies respectfully asks this Court to declare that his detention is unlawful and order his immediate release.

### **JURISDICTION & VENUE**

11. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus), and art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”).

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court’s inherent equitable powers.

13. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (“[T]he primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.”). Because Mr. Davies seeks to challenge his custody as a violation of the U.S. Constitution, laws, or treaties of the United States, jurisdiction is proper in this Court.

14. Venue lies in this District because it is the judicial district in which Petitioner resided for almost 4 years, was arrested, and initially detained. *See Jose V. v. Easterwood*, No. 26-597 (DSD/LIB), 2026 U.S. Dist. LEXIS 15375, at \*3 (D. Minn. Jan. 28, 2026); *Jose A. v. Noem*, No. 26-CV-480 (JMB/ECW), 2026 U.S. Dist. LEXIS 74796, at \*3–4 (D. Minn. Jan. 22, 2026). Venue is also proper in this Court under 28 U.S.C. § 1391(b)(2), (e)(1)(A)-(B) because Respondents are employees, officers, and agencies of the United

States, because a defendant resides in this District, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

### **PARTIES**

15. Petitioner, Mr. Davies, has lived in the United States for nearly 4 years. Prior to his detention on or about December 6, 2025, he was residing in Brooklyn Park, Minnesota. Petitioner is currently detained at Greene County Jail. Mr. Davies is in the direct control of Respondents.

16. Respondent Pamela Jo Bondi is sued in her official capacity as the U.S. Attorney General. As Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As head of the U.S. Department of Homeland Security, the federal agency tasked with enforcing immigration laws, Secretary Noem is Mr. Davies's ultimate legal custodian.

18. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE. As ICE's Acting Director, Respondent Lyons is a legal custodian of Mr. Davies.

19. Respondent David Easterwood is sued in his official capacity as Field Office Director of the St. Paul Field Office, Enforcement and Removal Operations, ICE. In that capacity, Field Office Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mr. Davies. In his official capacity, Respondent Easterwood is a legal custodian of Mr. Davies.

20. Respondent James Arnott is sued in his official capacity as Sheriff of Greene County. As Sheriff of Greene County, Respondent Arnott oversees Greene County Jail, the facility where Petitioner is presently detained, and is therefore one of his legal custodians.

**REQUIREMENTS OF 28 U.S.C. § 2243**

21. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

22. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (citation omitted). “The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time.” *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

23. Due to the nature of this proceeding, Mr. Davies asks this Court to expedite proceedings in this case as necessary and practicable for justice.

**EXHAUSTION OF LEGAL REMEDIES**

24. Detained immigrants petitioning under 28 U.S.C. § 2241 *et seq.* face no statutory exhaustion requirements. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025). Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here, time is of the essence, facts are largely undisputed, and the parties’ disagreement is based on a legal conclusion. *Id.* at 967–68; *see also Giron Reyes v. Lyons*,

801 F. Supp. 3d 797, 803 (N.D. Iowa 2025). Further administrative exhaustion is unnecessary in this case as it would be futile. *See, e.g., Eliseo A.A. v. Olson*, No. 25-3381 (JWB/DJF), 2025 WL 2886729, at \*7 (D. Minn. Oct. 8, 2025).

25. It would be futile for Petitioner to seek a custody redetermination hearing before an Immigration Judge (“IJ”) because of the Board of Immigration Appeals (“BIA”)’s recent decision holding that anyone who has entered the United States without inspection is now considered an “application for admission” who is “seeking admission” and therefore subject to the INA’s mandatory detention provision under 8 U.S.C. § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025); *see also Eliseo A.A.*, 2025 WL 2886729, at \*7 (“[F]urther administrative review would be futile in light of the BIA’s recent decision in *Matter of Yajure Hurtado* . . . . Where the agency has already adopted a definitive position, exhaustion serves no purpose.” (citation omitted)).

26. Additionally, the IJ does not have jurisdiction to review Petitioner’s claim of unlawful custody in violation of his due process rights, and it would therefore be futile for him to pursue administrative remedies related to that claim. *See, e.g., Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (BIA 2020); *Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992). *Cf. Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (“[E]xhaustion would be a futile exercise because the agency does not have jurisdiction to review [the] claim.”).

### **LEGAL FRAMEWORK**

27. The INA prescribes essentially three forms of detention for noncitizens in removal proceedings.

28. First, noncitizens detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to a custody-redetermination hearing—also known as a bond hearing—unless they have been arrested, charged with, or convicted of certain crimes that subject them to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (providing that Immigration Judges may review custody determinations made by DHS), 1236.1(d) (providing the same).

29. Second, the INA provides for mandatory detention of noncitizens who are subject to expedited removal under 8 U.S.C. § 1225(b)(1), in addition to other recent arrivals who are deemed to be “seeking admission” to the United States under 8 U.S.C. § 1225(b)(2).

30. Third, the INA authorizes detention of noncitizens who have received a final order of removal. 8 U.S.C. § 1231(a).

31. The detention provisions of the INA at 8 U.S.C. §§ 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 of the INA was most recently amended last year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

32. Following enactment of the IIRIRA, the U.S. Department of Justice’s Executive Office for Immigration Review (“EOIR”) drafted new regulations explaining that, in general, individuals who entered the United States without inspection were not considered detained pursuant to § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of

Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.”).

33. In the decades that followed the enactment of the IIRIRA, most noncitizens who entered the United States without inspection and who were thereafter detained and placed in standard removal proceedings under 8 U.S.C. § 1229a were considered eligible to seek release on bond and received bond hearings before an IJ unless their criminal history rendered them statutorily ineligible under 8 U.S.C. § 1226(c). This practice was consistent with many decades of prior practice, in which noncitizens who entered the United States, even without inspection, were entitled to a custody re-determination hearing before an IJ. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that 8 U.S.C. § 1226(a) simply “restates” the detention authority previously found at 8 U.S.C. § 1252(a)).

34. In July 2025, however, DHS contravened this longstanding legal framework by beginning to assert that all individuals who entered the country without inspection should be considered to be “seeking admission” and therefore subject to the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A). *See* U.S. Immigration and Customs Enforcement, Interim Guidance Regarding Detention Authority for Applicants for Admission (July 8, 2025), <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

35. On September 5, 2025, the BIA issued a precedential decision adopting DHS's new interpretation of the detention provisions of the INA, departing from the plain language of the text of the INA, federal precedent, and long-standing regulations. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

36. In recent months, the overwhelming majority of federal courts to consider the issue have rejected Respondents' new interpretation of the custody statutes and have instead found that § 1226—not § 1225(b)(2)—authorizes detention of noncitizens who entered without inspection and who were later apprehended in the interior of the country. *Quintero Campos v. Deleon*, No. 25-CV-10099 (LJL), 2025 WL 3514120, at \*2 (S.D.N.Y. Dec. 8, 2025) (collecting cases ordering immediate release from custody). This court has repeatedly held the same. *See, e.g., Ahmed M.*, 2026 WL 25627, at \*2.

37. As discussed *supra*, the detention provisions at issue in this case were enacted as part of the IIRIRA in 1996. Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. After the enactment of the IIRIRA, EOIR issued regulations clarifying that individuals who entered the country without inspection were not considered to be detained under § 1225(b)(2)(A), but rather under § 1226(a). *See* 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

38. In 1997, after Congress amended the INA through the IIRIRA, EOIR and USCIS's predecessor agency, Immigration and Naturalization Services, issued an interim rule guiding interpretation and application of the IIRIRA. Specifically, under the heading "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having

been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

39. The overall statutory framework of the INA also clearly supports that § 1226 applies to individuals who have not been admitted and who entered without inspection. In 2025, Congress added new mandatory-detention grounds to § 1226(c) that apply only to noncitizens who have not been admitted. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (codified in relevant part at 8 U.S.C. § 1226(c)(1)(E)).

40. By specifically referencing inadmissibility for entry without inspection as falling within 8 U.S.C. § 1182(a)(6)(A), Congress clearly expressed its will that such individuals are covered by § 1226(a) if they do not have the sort of criminal history identified in the Laken Riley Act. Accordingly, § 1226 plainly applies to noncitizens who entered without inspection and are later charged as inadmissible within the interior of the country, including those who never received an admission or parole.

41. The Supreme Court has explained that 8 U.S.C. § 1225(b) “applies primarily to aliens seeking entry into the United States,” and is generally imposed “at the Nation’s borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287, 297 (2018). In contrast, § 1226 “authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings.” *Id.* at 289 (emphasis added).

42. Further, § 1225(b)(2) specifically applies only to those “seeking admission,” and the definitions provided at the implementing regulations state that an “[a]rriving alien” is one who is “coming or attempting to come into the United States at a port-of-entry.” 8 C.F.R. § 1.2. The use of the present progressive tense would exclude noncitizens like Petitioner who are initially apprehended in the interior of the country nearly 4 years after they had entered the country, as they cannot reasonably be considered to be actively “seeking admission” or “coming . . . into the United States” after years spent building a life within the interior of the country, as is the case for Petitioner. *Id.*; see *Martinez v. Hyde*, 792 F. Supp. 3d (D. Mass. 2025) (citing the use of the present and present-progressive tenses to conclude that 8 U.S.C. § 1225(b)(2) does not apply to individuals apprehended in the interior); see also *Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019) (interpreting the language “is arriving” in 8 U.S.C. § 235(b)(1)(A)(i) and concluding that “[t]he use of the present progressive, like use of the present participle, denotes an ongoing process.”).

43. Even in cases like Petitioner’s, where an immigration court held a bond hearing *after* the unconstitutional and improper seizure and detention, a petitioner may challenge the lawfulness of the initial detention. This is because the proper relief for an unlawful detention is release, not provision of an after-the-fact bond hearing in an attempt to cure the unlawful detention. See, e.g., *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS), 2025 U.S. Dist. LEXIS 272177, \*5 (D. Minn. Dec. 19, 2025) (“Where 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.”); *Maria F. v. Bondi*, No. 26-cv-486 (ECT/DTS), 2026 U.S. Dist. LEXIS 11451, \*4 (D. Minn. Jan, 22, 2026).

### FACTUAL ALLEGATIONS

44. Petitioner is resident of Brooklyn Park, Minnesota and a citizen of Liberia. He has resided in the United States since March 2022.

45. In Liberia, Mr. Davies had been a law enforcement officer. As detailed in his asylum petition, Mr. Davies had arrested and contributed to the prosecution of multiple [REDACTED]. Several of these [REDACTED] were later pardoned by a newly-elected President of Liberia and they later [REDACTED] against Mr. Davies and family members including [REDACTED]. While Mr. Davies reported these issues to the local police, no action was taken. He eventually went into hiding and then came to the United States.

46. Mr. Davies arrived in New York City, New York on or about March 21, 2022 via air, on a B1/B2 tourist visa.

47. Mr. Davies timely applied for asylum on or about March 15, 2023, within one year of entry. While awaiting the asylum process, Mr. Davies obtained work authorization. He also obtained a Social Security number (for work authorization purposes only) and a temporary Minnesota driver's license. Mr. Davies has been entirely law abiding. He has no criminal convictions anywhere, inside or outside of the United States.

48. Mr. Davies was lawfully employed in Minnesota. Prior to his detainment, Mr. Davies worked and remained lawfully employed by Medtronic as a Machine Operator and also drove for Lyft. At certain times he also worked for American Best Home Care 2.

49. Mr. Davies has deep community ties in Minnesota. Mr. Davies is active at Brooklyn United Methodist Church, regularly volunteering and participating in the men's ministry, worship and service ministries. Mr. Davies is part of an active Liberian-American community, and has many close, long-time connections in the area, including individuals he has known for decades when residing first in Liberia and now in Brooklyn Park, Minnesota.

50. Respondent ICE arrested Petitioner on or about December 6, 2025, during a traffic stop while driving to work. On information and belief, ICE did not have reasonable, particularized suspicion of any unlawful activity in effecting the traffic stop, and had no probable cause for any stop. The two ICE agents who stopped Mr. Davies did not display a warrant nor, to the best of Mr. Davies's and counsel's knowledge, does any warrant exist for his detention. During the detention, one ICE agent forcefully shoved Mr. Davies against his car, before handcuffing and detaining him. Mr. Davies was placed in the back of an unmarked SUV, believed to be a Ford Escape or similar model, and was forced to sit on his own hands while transported to the Henry Whipple Building.

51. Following his unlawful arrest, ICE temporarily detained Mr. Davies at Fort Snelling. Mr. Davies was detained at Whipple for a short period of time, in his best estimation approximately two days, and was then transferred to the Greene County Jail in Missouri, a state in which he had never resided and, upon information and belief, had never even entered prior to his transfer to the Greene County Jail.

52. Respondents have initiated new immigration proceedings against Mr. Davies. The Immigration Judge took issue with the format of Mr. Davies's prior asylum

petition. Mr. Davies's immigration attorney is in the process of correcting these deficiencies and refiling Mr. Davies's asylum petition along with additional explanation. Mr. Davies received a bond hearing in late January but his request for bond was denied. Meanwhile, the Government is seeking to deport Mr. Davies on an expedited basis to a third country, Uganda—an African country on the opposite side of the continent from his country of birth, Liberia.

53. In the meantime, Petitioner remains detained at Greene County Jail in inhospitable conditions. Mr. Davies has been suffering from adverse medical conditions but denied access to the infirmary. While initially detained alongside other detainees from ICE's ill-planned Operation Metro Surge, the other immigrant detainees have been removed from Greene County Jail, and Mr. Davies is the only remaining immigration detainee. Mr. Davies has since become a target by the jail's general population (who are incarcerated based upon their criminal activity), with little or no effective protection by staff.

54. To be clear, Petitioner does *not* challenge, in this proceeding, any determinations by the Immigration Judge (including the denial of bond), nor does he challenge Respondent's efforts to remove him to Uganda (a country located approximately 3,000 miles from Liberia, where he originated), nor does Petitioner challenge the conditions of his detention. Such matters are not the proper focus of a habeas petition, which focuses solely on the lawfulness of the detention itself.<sup>1</sup> Instead, Petitioner brings

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<sup>1</sup> Petitioner reserves the right to challenge these issues in other proceedings not presently before this Court.

these facts to the Court's attention to explain why expedited treatment is particularly necessary in this instance.

55. The detention itself is unlawful, and the appropriate remedy is release. ICE had no administrative or judicial warrant for Mr. Davies's arrest, and no probable cause existed to justify his detention. Accordingly, Petitioner seeks release. *See, e.g., Vedat C.*, 2025 U.S. Dist. LEXIS 272177, at \*5 ("Where 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."); *Maria F.*, 2026 U.S. Dist. LEXIS 11451, at \*4; *Alberto C.M. v. Bondi*, No. 26-cv-380 (DWF/SGE), 2026 U.S. Dist. LEXIS 12379, \*6 (D. Minn. Jan. 23, 2026) ("ICE does not have authority to detain a noncitizen under § 1226 who was arrested without a warrant.... The proper remedy for this kind of violation is release from custody, not a bond hearing."); *see also Umarov v. Mason*, 2026 U.S. Dist. LEXIS 28430, \*21-22 (S.D.W.V. Feb. 11, 2026) (noting that "release is the traditional remedy in a successful habeas action for unlawful detention"); *Rivero v. Mina*, 2026 U.S. Dist. LEXIS 13724, \*10 (M.D. Fla. Jan. 26, 2026), *quoting Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained."); *Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. Sep. 21, 2025) ("To put it simply, Petitioners' detentions are improper because there is no evidence in the record that they were arrested pursuant to a warrant. Since the Government did not comply with the plain language of section 1226(a), their immediate release is justified.").

56. The reasoning of the District Court of the Southern District of West Virginia is applicable here:

After unlawfully arresting and detaining [Petitioner] under one legal theory [a misguided argument that §1225 justifies detention], they ask the Court to let them keep trying until perhaps they come up with a permissible legal basis—all while conceding in court that they had no knowledge as to the basis for the stop and arrest, no evidence that [Petitioner] committed a crime or poses a danger to anyone, no evidence to suggest that he poses any risk of nonappearance, and no indication that there has been any material change in his circumstances.... They conceded that he is following the process set forth by law to seek asylum and has fully complied with the immigration process. The remedy for the United States' unlawful detention of [Petitioner] is to *end* that unlawful detention, not to find another excuse for it.

*Roshniashvili v. Allen*, 2026 U.S. Dist. LEXIS 31753, \*14-15 (S.D.W.Va. Feb. 17, 2026)

(emphasis in original).<sup>2</sup>

## **CLAIMS FOR RELIEF**

### **COUNT I**

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

1. Mr. Davies repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.
2. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration

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<sup>2</sup> In *Roshniashvili*, the petitioner had been previously detained and released, as stated in the omitted text noted by the ellipses. The fact of a previous detention does not alter the outcome and *Roshniashvili* is on point. This text was omitted to avoid any risk of unintentionally suggesting that Mr. Davies had been previously detained and released, which he has not.

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.

3. 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)).

4. 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) (stating that detention must be a proportional—not excessive—response to a legitimate state objective).

5. 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.

6. 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.

7. Neither purpose is served by Mr. Davies’s detention. Respondents have not made any claim that Mr. Davies presents a flight risk or a danger to the community, nor could they.

8. Mr. Davies's ties to this country, and to the Twin Cities region of Minnesota, are strong. He has built his entire life here. *See Osorio-Martinez v. Att'y Gen. United States of Am.*, 893 F.3d 153, 173-75 (3d Cir. 2018). Mr. Davies is employed by Medtronic and Lyft. He is an active and contributing member of Brooklyn United Methodist Church, and is part of a vibrant community of Liberian-Americans in the area, some of whom he has known for decades. And he remains without any criminal record.

9. Because the government is not detaining Mr. Davies 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.

10. Further, Mr. Davies's detention was improper because the ICE agents lacked an adequate legal basis for conducting the traffic stop at which they detained him.

## **COUNT II**

### **Violation of the Immigration and Nationality Act and Procedural Due Process**

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

12. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings. 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 § 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 § 1226(c). *See* 8 U.S.C. § 1226(c).

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

14. 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).

15. 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).

16. Respondents claim that Mr. Davies is mandatorily detained under 8 U.S.C. § 1225(b)(2)(A). But courts across the United States have overwhelmingly concluded that noncitizens like Mr. Davies who entered the United States without inspection and are detained by ICE for removal proceedings while they are residing in the United States are not detained under § 1225(b)(2)(A). *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 going the other way). This Court has

concluded the same time and time again. *See, e.g., Ahmed M.*, 2026 WL 25627, at \*1 (D. Minn. Jan. 5, 2026) (“Every judge in this District to have addressed this question . . . has decided that § 1226(a)’s discretionary regime applies in cases like this, where the Petitioner has been in the country for some time and where his detention did not occur in connection with an attempt or request to enter the United States.”).

17. Accordingly, Mr. Davies’s current detention under 8 U.S.C. § 1225(b)(2)(A) violates both the INA and Mr. Davies’s procedural due process rights. As this renders his detention unlawful from its inception, he should be released.

**COUNT III**  
**Violation of the Fourth Amendment to the U.S. Constitution,**  
**8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.3(d)**  
**Unlawful Arrest**

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

19. The Fourth Amendment protects “[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures.” U.S. Const. Amend. IV. Immigration arrests and detentions are seizures within the meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984) (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to the “seizure” of the person).

20. As a general matter, the Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). “Probable cause requires a ‘substantial probability; based on facts related to the

individual.” *Ramirez Ovando v. Noem*, No. 1:25-CV-03183-RBJ, 2025 WL 3293467, at \*15 (D. Colo. Nov. 25, 2025) (quoting *Storey v. Taylor*, 696 F.3d 987, 992 (10th Cir. 2012) (finding probable cause for immigration arrests lacking). That determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* It must, however, occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstance. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

21. There is a strong preference that immigration arrests be based on warrants. *See Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). Specifically, an officer must have probable cause to believe the person is violating the immigration laws *and* that the person “is likely to escape before a warrant can be obtained,” *i.e.*, is a flight risk *Id.*; *see also Ramirez Ovando*, 2025 WL 3293467, at \*2. Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

22. Mr. Davies’s warrantless arrest occurred without probable cause that he was a flight risk. “Courts have . . . made the self-evident finding that the likelihood of escape is lower when the individual has resided in the country for a lengthy period of time and has strong community ties.” *Escobar Molina v. U.S. Dep’t of Homeland Sec.*, No. CV 25-3417 (BAH), 2025 WL 3465518, at \*13 (D.D.C. Dec. 2, 2025) (collecting cases). At the moment of his seizure, Mr. Davies had been in the United States for almost 4 years and built strong ties to his community. Moreover, Mr. Davies fully complied with the ICE officers and in

no way tried to disobey or flee. At the time of his arrest, he was simply on his way to work. Therefore, no officer could have probable cause that Mr. Davies was likely to escape before a warrant could be obtained.

23. Without a statutory basis to arrest, Respondents were required under the Fourth Amendment to secure a prompt judicial probable cause determination to continue holding Mr. Davies. *Gerstein*, 420 U.S. at 114; *McLaughlin*, 500 U.S. at 56–57. He received no such prompt judicial determination, yet his detention continued well beyond 48 hours, rendering it presumptively unconstitutional.

24. Regulations also provide that noncitizen arrested without a warrant must receive a custody determination within 48 hours of the arrest, unless there is “an emergency or other extraordinary circumstance” that requires “an additional reasonable period of time” to make the custody determination. 8 C.F.R. § 287.3(d). During that custody determination, the immigration officer must make findings as to whether “release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.” 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8).<sup>3</sup>

25. Mr. Davies was detained without a warrant. Upon information and belief, Mr. Davies did not received the required individualized determination prior to detention, and his detention is unlawful. Thus, this Court should order his release.

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<sup>3</sup> Even if the Immigration Court bond hearing could be considered such a determination, which it cannot, it did not occur until more than seven weeks *after* Mr. Davies was detained.

**REMEDY**

26. The appropriate remedy for Respondents' unlawful conduct is Mr. Davies's immediate release.

27. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas*, 533 U.S. at 687, 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

28. When a habeas petitioner's detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention").

29. To the extent that Respondents may argue, as they have in similar cases before this Court, that the appropriate remedy here is a bond hearing as opposed to outright release, this Court has squarely rejected that argument. *See, e.g., Juan R. v. Bondi*, No. 26-CV-252 (SRN/DTS), 2026 WL 125255, at \*3 (D. Minn. Jan. 16, 2026) ("[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 power as a mere procedural irregularity rather than a substantive defect.") (citation omitted). Numerous other judges and courts have come to the same conclusion: release is the proper remedy for an unlawful detention. *See, e.g., Vedat C.*, 2025 U.S. Dist. LEXIS 272177, at \*5; *Maria F.*, 2026 U.S. Dist. LEXIS 11451, at \*4; *Alberto C.M.*, 2026 U.S. Dist. LEXIS 12379, \*6 (D. Minn. Jan. 23, 2026) ("The proper remedy for this kind of violation is release from custody, not a bond hearing."); *Umarov v. Mason*, 2026 U.S. Dist. LEXIS 28430, at

\*21-22 ( “release is the traditional remedy in a successful habeas action for unlawful detention”); *Rivero*, 2026 U.S. Dist. LEXIS 13724, at \*10; *Chogllo Chafila v. Scott*, 804 F. Supp. 3d at 264 (“Since the Government did not comply with the plain language of section 1226(a), their immediate release is justified.”); *Roshniashvili*, 2026 U.S. Dist. LEXIS 31753, at \*14-15 (“The remedy for the United States’ unlawful detention of [Petitioner] is to *end* that unlawful detention, not to find another excuse for it.”) (emphasis in original)

30. Nor here would § 1226(a) have supported a lawful detention in the first instance. Detention under § 1226(a) would require a warrant issued by the Attorney General. *See, e.g., Joaquin Q. L. v. Bondi*, No. 26-cv-233 (LMP/DTS), 2026 WL 161333, at \*2-3 (D. Minn. Jan. 21, 2026) (collecting cases); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn 2025). Upon information and belief, Respondents had no such warrant.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner that this Court:

1. Assume jurisdiction over this matter;
2. Immediately issue an Order to Show Cause:
  - a. Requiring Respondents to immediately return Mr. Davies to Minnesota;
  - b. Requiring Respondents to show cause within **three days** as to why this petition should not be granted;
3. Issue a Writ of Habeas Corpus declaring that Petitioner’s detention is unlawful and ordering Respondents to release Petitioner from custody within 24 hours of this Court’s order;

4. Order that upon Mr. Davies's release, Respondents must return to Petitioners any personal property, including but not limited to personal identification documents, employment authorization documents, banking cards and a cell phone in his possession at the time of detention;
5. 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
6. Grant Petitioner any further relief that this Court deems to be just and proper.

Respectfully submitted,

Dated: March 5, 2026

DORSEY & WHITNEY LLP

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ATTORNEYS FOR PETITIONERS

**VERIFICATION**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have discussed the factual assertions in this petition with Petitioner's minister and immigration attorney, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. I have reviewed materials from Petitioner's immigration file, spoken to Petitioner to confirm certain facts, and received information from a person Petitioner as granted power of attorney. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Executed this 5th day of March, 2026.

/s/ Shannon L. Bjorklund  
Shannon L. Bjorklund  
Attorney at Law