UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Maudiel de Jesú Davila Davila, 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, Kandiyohi County Sheriff. Respondents.	Case No. 26-cv-1808 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. Petitioner, Maudiel de Jesú Davila Davila ("Petitioner" or "Mr. Davila Davila"), hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release Mr. Davila Davila from ICE detention. Petitioner further moves to enjoin his transfer to a facility outside of Minnesota. In the alternative, Petitioner moves the Court to require that Respondents provide a bond hearing pending the completion of any immigration proceedings.

JURISDICTION AND VENUE

2. 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).

3. Federal question jurisdiction exists because Mr. Davila Davila seeks to challenge this custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security ("DHS"). *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner resides in the District of Minnesota and is being detained within the District of Minnesota.

6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

PARTIES

7. Petitioner is a citizen of Nicaragua and a resident of Minneapolis, Minnesota, and is currently being detained in Minnesota. Petitioner is under the direct control of Respondents and has no scheduled release date.

8. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Petitioner.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Petitioner's detention. As such, Respondent Noem is a legal custodian of Petitioner.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE

agents responsible for detaining Petitioner. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

12. Respondent Eric Tollefson is being sued in his official capacity as the Sheriff responsible for the Kandiyohi County detention facility. Because Petitioner is detained in the Kandiyohi facility, Sheriff Tollefson has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a resident of Minneapolis, Minnesota and a citizen of Nicaragua. Petitioner entered the United States in December of 2021.

14. Mr. Davila Davila was initially detained by ICE when he arrived at a port of entry at the southern border, where he applied for refugee status. He was subsequently released under conditions. As far as Petitioner is aware, his refugee application remains pending.

15. Petitioner does not have a final order of removal.

16. Mr. Davila Davila is a valued member of his community in Minneapolis. He has a valid work permit and is employed by a construction company as well as a logistics company associated with Amazon. He attended university in his home country, where his coursework included English language study.

17. Respondent ICE arrested Petitioner on January 2, 2026 on Highway 94W in the Twin Cities. Mr. Davila Davila was driving down the highway when an unmarked car behind him started flashing its emergency lights. Believing it was the police, Mr. Davila Davila pulled over. An ICE agent approached the car and asked for his license

and work permit, then ten to twelve masked agents swarmed the car. They pulled Petitioner from the car, took his phone and wallet, cuffed him, and took him from the scene. ICE agents did not appear to know his name prior to reading it on identification documents in his wallet.

18. ICE agents did not present a warrant when they arrested Mr. Davila Davila.

19. After his arrest, Mr. Davila Davila was eventually taken to the Kandiyohi County Jail, where he is now being detained.

20. This arrest was part of an operation in Hennepin and Ramsey counties called "Operation Metro Surge." This operation involved hundreds, if not thousands, of masked, unidentified individuals in unmarked vehicles - many with illegally covered or mismatched license plates - holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody regardless of the constitutionality of their actions. *See*, e.g., Compl., *Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

21. Since the operation began on December 1, 2025, the number of immigration officials in the Twin Cities metro area increased astronomically, and with them these new agents brought a similarly massive increase in unconstitutional, unlawful, and downright violent behavior towards citizens and non-citizens alike.

22. Detaining Petitioner is an expensive and pointless endeavor. Petitioner respectfully seeks the opportunity to return home and to seek status in this country.

23. Pending the adjudication of this Petition, Petitioner seeks an order restraining the Respondents from transferring Petitioner to a location outside of the State of Minnesota, so that the jurisdiction of this Court is not impeded, and so that Petitioner remains accessible to legal counsel and loved ones.

STANDARD OF LAW

24. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to by US Courts as "perhaps the most important writ known to the constitutional law of England, 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) (emphasis added). A petitioner may seek a writ of habeas corpus when their custody violates the US Constitution or a federal law. 28 U.S.C. § 22441(c)(3), which should be granted if the petitioner meets their burden of proof–a preponderance of evidence. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025).

25. Detained immigrants petitioning under 28 U.S.C. § 2241 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.

26. Other courts in the Eighth Circuit have similarly declined to require prudential exhaustion when evaluating a detained immigrant's habeas corpus petition under similar circumstances–to address a question of statutory interpretation that does

not require developing a factual record, and where the agency is demonstrably unlikely to reverse its course. *Giron Reyes v. Lyons*, 2025 WL 2712427 at *3 (N.D. Iowa Sept. 23, 2025).

27. "[T]he Due Process Clause applies to all 'persons' within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

28. In July of 2025, Respondent DHS began ignoring the decades-long consensus of how 8 U.S.C. § 1225(b)(2) should be interpreted, which the Board of Immigration Appeals ("BIA") articulated in a subsequent ruling. *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA Sept. 5, 2025). Respondents suddenly claim that individuals who have been residing within the United States for more than two years are somehow metaphorically "seeking admission," simply because they may have pending claims for asylum or other forms of status.

29. However, this Court and the majority around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those whose detention is discretionary and governed by 8 U.S.C. § 1226(a). *Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19,

2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

30. Here, Petitioner was apprehended within the United States, not at a border while seeking entry.

31. Respondents wrongly assert 8 U.S.C. 1225(b)(2) as a basis for detaining Petitioner without a hearing, when instead any detention could only be pursuant to 8 U.S.C. 1226(a), which would also require a warrant and which here the Respondents are not purporting to invoke.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

32. Petitioner realleges and incorporates by reference the allegations contained above.

33. Petitioner has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

34. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures,

both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

35. Here, all three factors favor the Petitioner.

36. First, Petitioner has a significant private interest at stake. 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 Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("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, a direct attack on Petitioner's liberty interests. The first *Matthews* factor is thus easily resolved in favor of Petitioner.

37. Second, Petitioner will continue to be deprived of this interest if the current procedure (detaining him without a legal basis) is followed. There is no rational explanation for apprehending and detaining Petitioner—a law-abiding community member—in this manner. Respondents' purported basis for detaining Petitioner under 8 U.S.C. 1225(b)(2) has been rejected time and time again in this court. *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); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No. 0:25-cv-3946-NEB, 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025).

38. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner, or at a minimum holding a bond hearing, would in fact *save* the government the resources and expense of continued imprisonment.

39. The placement of Petitioner in detention pending the resolution of ongoing immigration proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT TWO

Fourth Amendment Unreasonable Seizure

40. Petitioner realleges and incorporates by reference each and every allegation contained above.

41. Whether a warrantless arrest was constitutionally valid under the Fourth Amendment depends upon whether, at the moment the arrest was made, the officers had probable cause to make it—"whether, at that moment, the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the petitioner had committed or was committing an offense." *Beck v. Ohio*, 379 U.S. 89, 91 (1964). To determine whether an officer had probable cause, the Court "examine[s] the events leading up to the arrest and then decide[s] whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause." *Dist. of Columbia v. Wesby*, ___ U.S. ___, 138 S.Ct. 577, 586 (2018) (quoting *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)). There need only be a "probability or

substantial chance of criminal activity, rather than an actual showing of criminal activity." *United States v. Mendoza*, 421 F.3d 663, 667 (8th Cir.2005); *see also United States v. Amaya*, 52 F.3d 172, 174 (8th Cir.1995) (totality of the circumstances); *United States v. Morgan*, 997 F.2d 433, 435 (8th Cir.1993) (court may consider collective knowledge).

42. A warrantless arrest in a civil immigration context that exceeds statutory authority under 8 U.S.C. § 1357(a)(2) is an unreasonable seizure under the Fourth Amendment, where such a warrantless arrest is premised only on immigration status and not the provisions of § 1357(a)(4) or (5).

43. Applicable statutory authority for Respondents "to arrest any alien in the United States" "without warrant" necessitates establishing that, at the time of arrest, the arresting officer(s) had "reason to believe that the alien so arrested is" both (i) "in the United States in violation of any such law or regulation" regulating the admission, exclusion, expulsion, or removal of aliens, **and** (ii) "is likely to escape before a warrant can be obtained for his arrest."

44. Unless a particularized inquiry is performed to establish probable cause for each and every requirement for warrantless arrest pursuant to 8 U.S.C. § 1357(a)(2), there is a Fourth Amendment violation. *Orellana v. Nobles Cnty.*, 230 F.Supp.3d 934, 945 (D. Minn. 2017).

45. The warrantless arrest of Mr. Davila Davila and subsequent placement in detention pending the resolution of immigration proceedings, despite established connections to the United States and a lack of a likelihood of escape by evading

detention, violates Petitioner's constitutional rights against unreasonable seizure guaranteed in the Fourth Amendment.

COUNT THREE

Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)

46. Petitioner realleges and incorporates by reference each and every allegation contained above.

47. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner. Petitioner was nowhere near the border and was not "seeking admission".

COUNT FOUR

Immigration and Nationality Act, 8 U.S.C. § 1357(a)(2)

48. Petitioner realleges and incorporates by reference each and every allegation contained above.

49. Respondents have exceeded authority to make a warrantless arrest of Mr. Davila Davila under 8 U.S.C. § 1357(a)(2) because the arresting ICE agents lacked "reason to believe that the alien so arrested is" both (i) "in the United States in violation of any such law or regulation" regulating the admission, exclusion, expulsion, or removal of aliens and (ii) "is likely to escape before a warrant can be obtained for his arrest . . ." at the time of Petitioner's warrantless arrest.

50. The warrantless arrest of Mr. Davila Davila and subsequent placement in detention pending the resolution of immigration proceedings, despite established

connections to the United States and a lack of a likelihood of escape, violated 8 U.S.C. § 1357(a)(2).

COUNT FIVE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

51. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

52. 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).

53. The APA 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).

54. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

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

56. Respondents through their 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.

57. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REMEDY

58. 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").

59. First and foremost, a custody determination in this case has already been made. Petitioner was detained near the border upon his arrival into the United States, then ICE released him. No facts appear to indicate that the initial determination to release Petitioner was somehow insufficient, or that Petitioner's circumstances or actions have changed so as to now warrant indefinite re-detention. There is no legal basis for Respondents to attempt to reinstate mandatory detention, following a prior mandatory detention simply by recharacterizing a previously released noncitizen as an applicant for admission. *See, e.g.*, *Jose J.O.E.*, 797 F. Supp. 3d at 969-70.

60. 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 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, as

there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody for some reason.

61. Since Section 1225 does not apply to noncitizens who are in Petitioner's situation–who have been detained while residing within the United States for more than two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner's detention. *See Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

62. Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Petitioner should have been detained pursuant to § 1226, instead of § 1225, then the remedy is a bond hearing as opposed to outright release. *See*, e.g., *Ahmed A.* Civ. No. 25-4776, Doc. No. 9. at 9-10. However, this Court rejected this argument, saying 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 … 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.

Id. at Doc. No. 10 at 6.

63. 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. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025). To put this plainly: "absent a warrant a noncitizen may not be arrested and detained under section 1226(a)." *See also Ahmed M. v. Bondi et al.*, 2026 WL 25627, *3 (D. Minn. Jan. 5, 2026) (quoting *Chogllo Chafla v. Scott*, --- F. Supp. 3d ---, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)). Upon information and belief, Respondents had no such warrant.

64. The emergence of seemingly retro-active and/or insufficiently filed or served administrative warrants appears to be a new tactic by the Respondents—*post-hoc* rationalization at best, and potential fabrication at worst.

65. Warrants are now occasionally being offered, replete with inconsistencies, errors, incompletions, redactions of material contents (like signatures), and illegalities. These warrants are sometimes introduced as unverified attachments to Respondents' briefs, *e.g.*, *Victor O. v. Bondi*, No. 26-1122 (ECT/LIB), 2026 WL 392428, and sometimes as attachments to affidavits of Assistant U.S. Attorneys, but without an affidavit from anyone with (or even a reference to the source of) personal knowledge as to the creation or service of the warrant or its factual basis. These warrants are facially insufficient.

66. Further, even if Respondents produce an administrative warrant issued after Petitioner's warrantless arrest, the typical contents of such warrants are insufficient to

provide competent evidence to show why, at a minimum, the arresting agents had probable cause to believe, at the time of warrantless arrest, that Petitioner was "likely to escape" before a warrant could be obtained. Therefore, outright release remains the appropriate remedy.

67. Here, where detention is unlawfully based on 8 U.S.C. 1225(b)(2), which does not apply to Petitioner, and where no warrant was presented to Petitioner upon his arrest, release is an appropriate remedy.

REQUEST FOR ORDER TO SHOW CAUSE

68. Within three days, unless good cause for a delay is shown, "[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.

69. 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.

70. Petitioner respectfully requests that an Order to Show Cause also directs Respondents, should they offer a warrant in this case, to provide sufficient details to establish the validity of this warrant, such as: (1) the name, title, training, and qualifications of the officer who issued the warrant; (2) the time and place at which the warrant was issued; (3) the evidence the issuing officer relied upon in making his determination that an arrest was warranted in this case, including any existing Notice

to Appear; (4) the name, title, training and qualifications of the agent who served the warrant upon Petitioner; (5) the time, place, and manner by which the warrant was served upon Petitioner; and (6) whether the warrant was created specifically in response to or in anticipation of this habeas corpus petition.

PRAYER FOR RELIEF

WHEREFORE Petitioner Maudiel de Jesú Davila Davila prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Enjoin Respondents from transferring Petitioner out 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, without conditions, or in the alternative afforded a bond hearing;

(4) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

(5) If the Court sees fit to order Petitioner's release, include conditions to ensure Petitioner's safety, including that release be:

(a) Inside the State of Minnesota;

(b) At a safe time and place communicated in advance to counsel; and

(c) With all of Petitioner's personal effects in Respondents' possession, such as driver's license, immigration papers, cell phone, and keys;

(6) Enjoin Respondents from implementing any condition of release, including ICE's "Alternatives to Detention" measures, which include ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application;

(7) 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

(8) Grant any other and further relief that this Court may deem just and proper.

Date: March 11, 2026

/s/ Emily E. E. Curran

Emily E. E. Curran
MN Bar No. 0506150
HOUSING JUSTICE CENTER
275 E. 4th Street, #590
Saint Paul, MN 55101
(719) 646-9246
ecurran@hjcmn.org

Attorney for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

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 family and friends, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. 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.

Date: March 11, 2026

/s/Emily E. E. Curran
Emily E. E. Curran