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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Edwins Omodi Nyolo,

Petitioner,

v.

Markwayne MULLIN, Secretary,
Department of Homeland Security; U.S.
Department of Homeland Security, in his
official capacity;

Todd M. LYONS, Acting Director of
Immigration and Customs Enforcement;
Immigration and Customs Enforcement, in
his official capacity;

David EASTERWOOD, Field Office
Director of Enforcement and Removal
Operations, Minneapolis - St. Paul Field
Office, Immigration and Customs
Enforcement, in his official capacity;

Joel BROTT, Sheriff of Sherburne County,
Minnesota, custodian of detainees at the
Sherburne County Jail, in his official
capacity.

Respondents.

Case No. 0:26-cv-2025

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Edwins Omodi Nyolo, is a non-citizen from Kenya. Petitioner entered the United States on or about August 14, 2004, on an F-1 student visa pursuant to Section 101(a)(15)(F) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1101(a)(15)(F). The F-1 visa category permits foreign nationals to enter the United States temporarily to pursue a full course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or accredited language training program. *See* Ex. A. I-94 Arrival and Departure Record.
2. Petitioner was admitted to the United States on an F-1 student visa on August 14, 2004, valid for the duration of status (D/S). *See* Ex. B. F-1 Student Visa.
3. On March 21, 2026, ICE officers arrested and detained Petitioner in the State of Minnesota without a judicial warrant and without adequate consideration of his prior case history or procedural status. His mandatory detention appears arbitrary and inconsistent with established principles of due process and proportional immigration enforcement.
4. On or about March 23, 2026, Petitioner was issued a notice to appear (NTA) and placed in full removal proceedings pursuant to 8 U.S.C. § 1229a. *See* Ex. C. EOIR Automated Case Information.
5. Petitioner is currently being detained by Respondents at the Sherburne County Jail in Elk River, Minnesota.
6. Respondents did not provide Petitioner or counsel with any written custody determination or explanation for the detention. Upon information and belief, Respondent has no criminal history.

7. For the past nearly twenty-two (22) years, Petitioner has lived peaceably in the United States.
8. Petitioner has strong ties to the community, including U.S. citizen family members, and a pending Form I-130, Petition for Alien Relative, which was filed on his behalf . See Ex. D. Form I-130 Receipt Notice.
9. Nevertheless, Petitioner was arrested without a judicial warrant and taken into ICE custody on March 21, 2026.
10. Petitioner was unlawfully arrested in Minnesota without a judicial warrant and without explanation or due process, transported by Respondents to the Sherburne County Jail in Elk River, MN.
11. Petitioner challenges his arrest and detention as a violation of the Immigration and Nationality Act (INA), the Administrative Procedures Act (APA), the Due Process Clause of the Fifth Amendment as well as the Fourth Amendment guarantee against unreasonable searches and seizures.
12. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. See *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).
13. Petitioner respectfully requests that this Court grant him a Writ of Habeas Corpus and order Respondents to immediately release him from custody.

JURISDICTION AND VENUE

14. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States

Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.

15. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

16. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district because Petitioner was apprehended and arrested without a judicial warrant in the State of Minnesota on March 21, 2026, without proper notice at Respondents' unilateral direction, because Petitioner is in Respondents' custody in the District of Minnesota, and because this district is the district of Petitioner's current confinement. Petitioner has retained counsel in Minnesota to challenge his arrest and detention. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

PARTIES

17. Petitioner, Edwins Omodi Nyolo, a 46-year-old Kenyan national, was admitted on an F-1 student visa and resides in Minnesota. Respondents detained Petitioner in the State of Minnesota with no explanation on March 21, 2026 without a judicial warrant. There are no legitimate circumstances for Respondents to justify detaining Petitioner. Petitioner is now detained at the Sherburne County Jail in Elk River, Minnesota.

18. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security responsible for overseeing the enforcement of federal immigration

policies, including those that resulted in the detention of Petitioner. He is sued in his official capacity.

19. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner. He is sued in his official capacity.

20. Respondent David Easterwood is 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. He is sued in his official capacity.

21. Respondent Joel Brott is the Sheriff of Sherburne County, Minnesota. In that capacity, he is the custodian of detained non-citizens, including Petitioner, housed at the Sherburne County Jail. He is sued in his official capacity.

EXHAUSTION OF REMEDIES

22. There is no statutory requirement of administrative exhaustion before immigration detention may be challenged in federal court by a writ of habeas corpus. See 8 U.S.C. § 1252(d)(1).

23. 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. See also *Louisaire v. Muller*, 758 F. Supp.

2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.

24. In making that decision, the Court should consider the urgency of the need for immediate review. “Where a person is detained by executive order . . . the need for collateral review is most pressing. . . . In this context the need for habeas corpus is more urgent.” *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).
25. Moreover, the judicially created “general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts” does not apply to Petitioner’s present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).
26. Additionally, “the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues” (quotations and citation omitted). *United States v. Gonzalez-Roque*, 301 F.3d 39, 48 (2d Cir. 2002). Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.
27. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner’s constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule

upon the constitutionality of the Act and the regulations.”); see also *Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional issues”).

28. Because Petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.

FACTUAL BACKGROUND

29. Petitioner, Edwins Omodi Nyolo, is a 46-year-old Kenyan national who entered the United States on August 14, 2004, on an F-1 student visa pursuant to Section 101(a)(15)(F) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1101(a)(15)(M) which was valid through June 23, 2006. *See* Ex. A. *See also* Ex. B.

30. Despite this, Respondents detained Petitioner on March 21, 2026, in the State of Minnesota, for no apparent lawful reason and without a judicial warrant.

31. On or about March 23, 2026, Petitioner was issued Notice to Appear (NTA) and placed in full removal proceedings under 8 U.S.C. § 1229a. *See* Ex. C. Petitioner is currently in removal proceedings and has complied with all requirements imposed by U.S. immigration authorities.

32. Petitioner has a pending Form I-130, Petition for Alien Relative, filed on his behalf (). *See* Ex. D. Upon information and belief, Petitioner has no criminal history in the United States or elsewhere.

33. Petitioner was arrested without a judicial warrant and detained in the State of Minnesota without any proper notice before being transferred to the Sherburne County Jail in Elk River, Minnesota. Petitioner is currently detained at the Sherburne County Jail in Elk River, Minnesota.

34. Detaining Petitioner is an expensive and pointless endeavor. Petitioner respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

LEGAL BACKGROUND

35. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
36. 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).
37. 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).
38. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.
39. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because

they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. In addition, while on release, the noncitizen may apply for asylum or other relief in the United States. 8 U.S.C. § 1158. While a grant of asylum is discretionary, the right to apply for asylum is not. The Refugee Act, codified in various sections of the INA, broadly affords a right to apply for asylum to any noncitizen, like Petitioner, “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

41. The INA guarantees to noncitizens in standard removal proceedings who apply for asylum and other relief valuable procedural rights that reduce the risk of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. § 1229a(b)(4)(A) and § 1362; to present supporting evidence (both documentary and through lay and expert witness testimony) and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an adverse decision of an IJ to the Board of Immigration Appeals based on the full evidentiary record, 8 U.S.C. § 1229a(c)(5), and to appeal an adverse decision of the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

42. Noncitizens present in the United States are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

43. Petitioner’s detention violates the Fifth Amendment’s protection for liberty, for at least three related reasons. First, immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538

U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Petitioner, detention is not reasonably related to its purpose.

44. Second, he is not subject to a final removal order and is actively seeking protection through a pending family-based immigrant visa application. As such, he is not in the same category as a “deportable alien” who has been found removable and whose detention the Court reviewed under a more deferential standard in *Demore*. In the absence of a final order or established removability, the Due Process Clause requires that any deprivation of Petitioner’s liberty be narrowly tailored to serve a compelling government interest. *Reno v. Flores*, 507 U.S. 292, 301–02 (1993). Civil immigration detention without bond, individualized assessment, or statutory basis fails to meet that standard.

45. Third, at a bare minimum, “the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) 9 (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention also violates the Due Process Clause.

46. As relevant here, the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, describes two means of handling the custody and potential removal of noncitizens.

47. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard removal proceedings. See 8 U.S.C. § 1229a. The arrest of noncitizens pursuant to § 1226(a) requires a judicial warrant and individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). The text of § 1226 explicitly applies to people charged as being inadmissible, including those who were admitted to the United States. See 8 U.S.C. § 1226(a). Section

1226 makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. Apr. 24, 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

48. The second relevant means of detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to mandatory detention under § 1225 as ineligible for bond.

49. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens arriving at U.S. ports of entry who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (emphasis added).

50. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-

led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.

51. On January 21, 2025, Acting Deputy Secretary of DHS Benjamin Huffman issued for public inspection and effective immediately a designation expanding the scope of expedited removal to apply nationwide and to certain noncitizens who are unable to prove they have been in the country continuously for two years. On January 24, 2025, DHS published a Notice that expanded the application of expedited removal. Office of the Secretary, Dep’t of Homeland Security, Designating Aliens for Expedited Removal, 15 Fed. Reg. 8139 (“January 2025 Designation”). The designation was “effective on” January 21, 2025.

52. The January 2025 Designation expands the pool of noncitizens who can be subjected to the summary removal process substantially to include noncitizens who are apprehended anywhere in the United States and who have not been in the United States continuously for more than two years. *Id.* at 8140.

53. The January 2025 Designation does not state that it applies to noncitizens who were in the United States before its effective date.

54. On July 8, 2025, without congressional authorization, the Executive Branch announced a new policy entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The policy asserts that all undocumented noncitizens deemed “applicants for admission” are subject to mandatory detention under § 1225(b)(2)(A).

The policy shift violates the government's own regulations. These regulations limit the government from seeking dismissal of full removal proceedings unless it can show that the "[c]ircumstances of the case have changed". See 8 C.F.R. § 239.2(a)(7) (emphasis added). But the government's new policy purports to allow it to seek dismissal based on changed circumstances independent of the noncitizen's case.

55. ICE and EOIR have adopted this policy even though numerous federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are already present within the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). Accordingly, federal courts have roundly rejected Respondent's erroneous interpretation of the INA since ICE implemented its July 8, 2025, memo. See *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D.

Minn. Aug. 15, 2025); *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Portugues Sanchez v. Noem et al.*, 25-cv-02010 (ADA/ML) (W.D. Tex. January 20, 2026); *Santiago v. Noem*, No. 3:25-cv-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, --- F. Supp. 3d ---, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025).

56. Petitioner was lawfully admitted to the United States on an F-1 nonimmigrant visa and apprehended well after his entry, not at a port of entry or while seeking admission. Accordingly, 8 U.S.C. § 1225(b)(2), which governs the detention of certain noncitizens seeking admission at the border, does not apply to his circumstances. Nevertheless, Respondents improperly rely on that provision to justify his detention. That provision applies only to recent arrivals seeking admission.

57. Because Petitioner was admitted and later placed in removal proceedings from within the United States, any detention authority must arise, if at all, under 8 U.S.C. § 1226(a), which requires a judicial warrant and provides for a bond hearing, neither of which has occurred in this case.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

58. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
59. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
60. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
61. To avoid an abuse of discretion, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
62. By arresting Petitioner without a judicial warrant, without consideration of any individualized facts and circumstances applicable to him, and without finding that he is a danger to the community or a flight risk, and while his standard removal proceedings are still pending, Respondents have violated the APA.
63. Respondents have failed to articulate a reasoned explanation for Petitioner’s continued detention, failed to consider obvious, less-restrictive alternatives to detention, and failed to conduct any individualized assessment or provide Petitioner with an opportunity to contest his detention. This constitutes agency action that must be set aside under 5 U.S.C. § 706.

64. By detaining Petitioner without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances, they have abused their discretion under the APA.

65. Further, Respondents have abused their discretion under the APA by arresting and detaining Petitioner without a judicial warrant as required under § 1226(a).

COUNT II

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

66. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

67. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), his detention under that statute is unlawful. 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. Petitioner was lawfully admitted to the United States on an F-1 visa and was nowhere near the border and not “seeking admission” at the time of his arrest.

68. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT III

Violation of Due Process (Arbitrary Detention)

69. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

70. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the

presence is “lawful, unlawful, temporary, or permanent,” the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

71. Due process requires that government action be rational and non-arbitrary. *See United States v. Bacon*, 646 F.3d 218, 221–22 (5th Cir. 2011).
72. While the government has discretion to detain individuals under 8 U.S.C. §1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.
73. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. *Matthews v. Eldridge*, 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.
74. First, Petitioner has a significant private interest at stake. Courts have long considered as-applied due process challenges to other mandatory detention provisions of the INA and found noncitizens to possess a cognizable interest in their freedom from custody. 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.

75. Second, Petitioner will continue to be deprived of this interest if the current procedure (detaining Petitioner without a legal basis) is followed. There is no rational explanation for detaining Petitioner. Respondents’ purported basis for detaining Petitioner under 8 U.S.C. 1225(b)(2) has been rejected time and time again by 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).

76. Notably, this court and courts across the country have recently held that Respondents’ novel interpretation regarding mandatory detention is either incorrect or likely incorrect. See *Buenrostro-Mendez v. Bondi*, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025), 2025 WL 2886346, at *3 (noting that “almost every district court to consider this issue” has rejected the Government’s new interpretation); *Lopez-Campos v. Raycraft*, 2025 WL 2496379, at *8 n.5 (E.D. Mich. Aug. 29, 2025) (collecting twelve such decisions). See also *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); *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025); *See Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025).

77. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner would in fact *save* the government the resources and expense of continued imprisonment.

78. Petitioner has a fundamental interest in liberty and being free from official restraint. One's physical freedom is a paramount interest secured by statutes and the Constitution, and Petitioner possesses a strong liberty interest in his freedom from detention because he has established a life here – albeit without authorization.

79. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.
80. The placement of Petitioner in detention pending the resolution of ongoing immigration proceedings violates Petitioner's constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT IV

Violation of Fourth Amendment Protections (Unreasonable Searches and Seizures)

81. If the Court determines Petitioner is detained under section 1226(a) and not under section 1225(b)(2), the appropriate remedy is to order his immediate release.
82. Petitioner was detained without a judicial warrant, as required in the District of Minnesota under *Garrison v. Bondi*, therefore, complete relief to the plaintiff in this case requires immediate release in order to ensure Petitioner's fundamental interest in liberty and being free from official restraint.
83. On March 21, 2026, Respondents detained and arrested Petitioner without a judicial warrant in violation of the Fourth Amendment. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1018–19 (9th Cir.2008) (citing *Camara v. Mun. Ct. of San Francisco*, 387 U.S. 523, 534 (1967)). For this independent reason, Petitioner's detention is unlawful and the Court should order his immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;

2. Declare that Petitioner's current detention without an individualized determination is unlawful;
3. Prohibit Respondents from transferring Petitioner from the district without the court's approval;
4. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
5. Order Respondents to return Petitioner's seized property upon release;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7. Grant any further relief this court deems just and proper.

Dated: March 24, 2026

By: /s/Karen V. Bryan
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Verification by Petitioner's Legal Counsel
Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner. 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.

/s/Karen V. Bryan
Karen V. Bryan, Esq.

Date: March 24, 2026