IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Emilio S. R. G., Petitioner, v.c **Markwayne Mullin**, Secretary, Department of Homeland Security; **Todd M. Lyons**, Acting Director, Immigration and Customs Enforcement; and **David Easterwood**, Acting Director, St. Paul Field Office Immigration and Customs Enforcement; Respondents.	Civil No.: 26-cv-2189 (KMM/DLM) **PETITIONER'S REPLY IN SUPPORT OF A WRIT OF HABEAS CORPUS**

INTRODUCTION

Respondents fail to justify their re-detention and continued detention of Petitioner Emilio S. R. G.[1] Respondents misapply the law by mischaracterizing what standard applies to individuals released on orders of supervision then re-detained. Under the legal standard which does apply, Respondents' own evidence shows that they failed to provide Petitioner with the due process he was owed under ICE's own regulations before re-detaining him. For the reasons above and those articulated in the Petition, Petitioner should be released from detention immediately.

[1] "This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in immigration cases." *Jor Y. v. Noem*, No. 26-CV-1210, slip op. at 1 n.1 (D. Minn. Feb. 11, 2026).

ARGUMENT

I. The detention provisions in 8 U.S.C. § 1231(a)(1) do not apply to Petitioner's case.

Respondents seem to argue that, because Petitioner has violated his order of supervision and failed to cooperate with efforts to remove him, that his detention is valid under 8 U.S.C. §1231. Respondents claim that "the removal period is extended beyond a period of 90 days where an alien fails or refuses cooperate with removal." *Response* at 10 (citing 8 U.S.C. §1231(a)(1)(C)). Thus, according to Respondents, Petitioner's detention is valid as a matter of law. *Id.* at 12.

Contrary to Respondents' claims, 8 U.S.C. § 1231(a)(1)(C) applies only to noncitizens who are held under the initial removal period after the order of removal. The statute is clear that the Attorney General has 90 days to remove the noncitizen "when an alien is ordered removed." 8 U.S.C. § 1231(a)(1)(A). That removal period begins on the latest of (1) the order for removal becoming final, (2) the final order of a court reviewing the removal order, or (3) the date the noncitizen is released from a non-immigration jail or prison sentence. 8 U.S.C. § 1231(a)(1)(B). It is this initial removal period which is extended if a noncitizen "fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal." 8 U.S.C. § 1231(a)(1)(C).

But 8 U.S.C. § 1231(a)(1) and its subparagraphs do not apply to a noncitizen who is released on an order of supervision after that initial removal period. In tracking the various detention schemes at work, a roadmap of post-removal issues may prove useful.

The Supreme Court provided a succinct explanation in *Jennings v. Rodriguez*:

> Under this section, when an alien is ordered removed, the Attorney General is directed to complete removal within a period of 90 days, 8 U.S.C. § 1231(a)(1)(A), and the alien must be detained during that period, § 1231(a)(2). After that time elapses, however, § 1231(a)(6) provides only that certain aliens "*may* be detained' while efforts to complete removal continue.

138 S. Ct. 830, 843 (2018) (emphasis in original). Thus, as Justice Alito explained, once the initial removal period passes, the detained noncitizen passes into the realm of 8 U.S.C. § 1231(a)(6), which is governed by *Zadvydas v. Davis* 533 U.S. 678 (2001). *See id.* And in *Zadvydas*, the Supreme Court noted that "as the post-removal-period statute provides, the Government 'may' continue to detain an alien who still remains here or release that alien under supervision." 533 U.S. at 683 (citing 8 U.S.C. § 1231(a)(6)). And after that case was decided, "DHS implemented the requirements of *Zadvydas* through regulations governing post-removal order custody determinations. *See* 8 C.F.R. §§ 241.4, 241.13" *Mong C. v. Noem*, No. 26-CV-1541, slip op. at 4 (D. Minn. Feb. 24, 2026).

Thus, detention during the initial removal period is governed by 8 U.S.C. § 1231(a)(1), continued detention after the initial removal period but before any release governed by 8 U.S.C. § 1231(a)(6), with supervised release and subsequent re-detention of individuals on supervised release governed by 8 C.F.R. § 241.13 and § 241.4.

As applied to this case, the phases of detention become clear. After Petitioner's removal was initial ordered in 1997, he served an initial period of 115 days of immigration detention before being released. Declaration of Deportation Officer Angela Minner, Dkt. 6, at ¶¶ 21–22 (hereinafter "*Minner Decl.*"). During this initial removal period—from

October 28, 1997, through February 20, 1998—Petitioner's detention was governed by 8 U.S.C. § 1231(a)(1). *Id.*; *Jennings*, 138 S. Ct. at 843; *Zadvydas*, 533 U.S. at 683. Petitioner's release from custody was then governed by 8 U.S.C. § 1231(a)(6). Petitioner release was revoked twice and he was released each time, with his release in 2009 coming on the present order of supervision. *Id.* at ¶¶ 26–27, 31–32. Once released on the 2009 order of supervision, Portioner's release and any revocation of that release, leading to detention, was governed by 8 C.F.R. § 241.13 and § 241.4.

Thus, Petitioner was detained while subject to release governed by 8 C.F.R. § 241.13 and § 241.4, but Respondents insist 8 U.S.C. § 1231(a)(1) applies. Respondents provide no case law supporting their application of 8 U.S.C. § 1231(a)(1) at all, much less (a)(1)(C), to noncitizens released on orders of supervision. And while Respondents do not cite *Zadvydas v. Davis* in discussing Counts I through III, they cite it earlier and invoke the framework for continued detention laid out by Supreme Court in that case. *See Response* at 8–9. And this District has been clear that "*Zadvydas* does not apply to noncitizens subject to an order of supervision, where there has *already been* a determination that a noncitizen is not likely to be removed." *Tou V. v. Bondi*, No. 26-CV-1381, slip op. at 5 (D. Minn. Feb. 18, 2026). Respondents err by conflating detention immediately following a removal order becoming administratively final and re-detention of a noncitizen with a final order of removal who has been previously released on an order of supervision.

In so many words: "*Zadvydas* is irrelevant." *Moussa S. v. Bondi*, 26-CV-1408, slip op. at 3 (D. Minn. Mar. 5, 2026). And Respondents offers no case law applying 8 U.S.C. § 1231(a)(1) to individuals on supervised release. "If the Court finds that Respondents

violated the regulations governing the revocation of Petitioner's order of supervision, then "the Court need not decide whether ICE also violated the Constitution or a federal statute" such as 8 U.S.C. § 1231(a)(1). *See Ban S. v. Bondi*, No. 25-CV-4750, slip op. at 2 (D. Minn. Jan. 26, 2026). Because 8 U.S.C. § 1231(a)(1) does not apply and, as discussed below, because Respondents violated the requirements of 8 C.F.R. § 241.13, Petitioner should be released immediately.

II. Respondents owed Petitioner due process under 8 C.F.R. § 241.13 when revoking his release and failed to provide it.

The Court can and should order Petitioner's release based on his *Accardi* / 8 C.F.R. § 241.13 claim. As discussed above, Petitioner was released on an order of supervision in 2009 and is thus subject to 8 C.F.R. § 241.13 and § 241.4. *See Minner Decl.* at ¶¶ 31–32; Part I, *supra*. Respondents argue that Petitioner's release was properly revoked because he "was formally notified of the revocation of his release on March 3, 2026" and "was given an informal interview" later that day. *Response* at 12–13.

Petitioner does not, in this proceeding, dispute the underlying facts about his compliance with the order of supervision which could give rise to a proper revocation of release. But a review of Respondents' own evidence shows that they failed to observe the barest requirements of due process in their haste to detain Petitioner. "No person shall . . . be deprived of life, liberty, or property, without due process of law . . . ." U.S. Const. amend. V. "Noncitizens released pursuant to 8 C.F.R. § 241.13 under conditions of supervision maintain a protected liberty interest in their continued release." *Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 6 (D. Minn. Mar. 17, 2026) (collecting cases), *R.*

& R. adopted, (D. Minn. Mar. 23, 2026). "Accordingly, any attempt to redetain an individual who has been released under § 241.13 necessarily implicates the individual's constitutionally protected liberty interests." *Tou T. v. Noem*, No. 26-CV-1670, slip op. at 6 (D. Minn. Mar. 11, 2026) (quotation omitted), *R. & R. adopted*, (D. Minn. Mar. 14, 2026).

In this case, Petitioner's immediate release is necessary because the notice of revocation was served on him after or immediately as he was detained, the informal interview was insufficient, and *post hoc* developments cannot justify Petitioner's continued detention. For any and all of those reasons, Petitioner should be released immediately.

A. The notice of revocation was served after Petitioner was detained.

Here, the facts are clear: Respondents detained Petitioner and *then* served the Notice of Revocation of Release on him. But "[t]hat's not how this works." *Tou V.*, No. 26-CV-1381, slip op. at 4. "The government detained the petitioner first, and asked questions later." *Id.* Where "[t]he Notice was served on Petitioner . . . after Petitioner was arrested and taken into custody . . . .[t]his was no notice." *Kao Y. v. Noem*, No. 26-CV-1403, slip op. at 9 (D. Minn. Feb. 26, 2026) (citation omitted). "The complete lack of the required notice prior to Petitioner's arrest as required by § 241.13(i)(3) represents a violation of Petitioner's due process rights and a sufficient, independent basis upon which to grant habeas relief to Petitioner." *Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 9 (collecting cases).

Respondents only revoked Petitioner's release after he was detained. Respondents admit that they arrested Petitioner at the Minnesota Correctional Facility in Faribault, Minnesota. *Minner Decl.* at ¶ 46. Their own account of Petitioner's detention is that

"ICE/ERO arrested SAN ROMAN following his release from the Minnesota Correctional Facility-Faribault and served SAN ROMAN a Notice of Revocation of Release and conducted an informal interview." *Id.* This sequence of events patently violates the requirement that Petitioner be provided with notice of revocation before he was detained. *Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 9; *Tou V.*, No. 26-CV-1381, slip op. at 4; *Kao Y.*, No. 26-CV-1403, slip op. at 9.

"Respondents do not allege that the Notice of Revocation of Release was provided to Petitioner prior to his arrest or even as he was being arrested." *Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 3 n.4. Where Petitioner was detained first, then served his revocation of release after, Respondents have failed to "strictly follow the procedures outlined in §§ 241.13." *Tou V.*, No. 26-CV-1381, slip op. at 7. Providing Petitioner with a notice of revocation after the fact, "while he remains unlawfully detained, does not cure the violation." *Reinaldo Q. v. Noem*, No. 26-CV-1699, slip op. at 6 (D. Minn. Mar. 9, 2026). The proper remedy for Petitioner is immediate release. *Tou V.*, No. 26-CV-1381, slip op. at 7; *accord Claudio A.A. v. Bondi*, No. 26-CV-742 2026 WL 468232, at *5 (D. Minn, Feb. 12, 2026) (citing *Villanueva v. Tate*, 801 F. Supp. 3d 689, 699–700 (S.D. Tex. 2025)), *R. &. R. adopted*, 2026 WL 478347 (D. Minn. Feb. 18, 2026); *Pedro O. v. Noem*, No. 26-CV-361, 2026 WL 608314, at *4 (D. Minn. Feb. 27, 2026), *R. &. R. adopted*, 2026 WL 615415 (D. Minn. Mar. 4, 2026).

B. Respondents' failure to provide effective notice of revocation invalidates the informal interview.

While they serve as independent grounds for release, the deficiencies in the notice

of revocation also undermine the informal interview in Petitioner's case. The informal interview requirement exists to permit the Petitioner "to respond to the reasons for revocation stated in the notification." *Garrison G.*, No. 26-CV-172, slip op. at 7. It "is the mechanism the regulation provides to test whether the government's claim of changed circumstances is supported by evidence." *Chong W.V. v. Noem*, No. 26-CV-1622, slip op. at 8. But the "defective notice obstructed [Petitioner's] ability 'to respond to the reasons for revocation stated in the notification.'" *Id.* at 7. "This is not a technical defect." *Id.* at 8. "The procedures set forth in 8 C.F.R. § 241.13 are intended to provide noncitizens with fundamental due process protections that courts have found to be constitutionally required." *Tou T. v. Noem*, No. 26-CV-1670, slip op. at 6 (D. Minn. Mar. 11, 2026) (quotation omitted), *R. & R. adopted*, (D. Minn. Mar. 14, 2026).

Respondents are silent as the exact (or even general) time when Petitioner was afforded the informal interview required by regulation. Their evidence suggests that Petitioner was detained around 7:10 A.M. on March 3, 2026. *Minner Decl.* Ex. F, Dkt. 6-6, at 3. The interview statement does not bear a name, but states that the interview was provided at "Detention Location: Sherburne" on "03/03/2026." *Id.* at 4. Respondents' declaration does not claim that Petitioner was moved to the Sherburne County Jail, or any location correlated with "Sherburne," until March 31, 2026. *See Minner Decl.* at ¶¶ 46–52. But even filling the gaps in Respondents' account, for the sake of argument, they claim to have provided Petitioner with the informal interview on the same day he was detained, immediately after he was released from prison after a three-year sentence, and after being taken into custody directly from the prison. *Id.* at ¶¶ 44–46.

Respondents bear the burden of proof to justify Petitioner's re-detention. *See Garrison G.*, No. 26-CV-172, slip op. at 7 (putting the burden of proof on the government in re-detention procedures under § 241.13); *accord Tou V.*, No. 26-CV-1381, slip op. at 4. Where Respondents have shown, at most, that the notice was provided immediately upon Petitioner's release from a three-year prison sentence and was detained from that time all the way up to the interview. Respondents' hasty re-detention deprived Petitioner of the ability to prepare for the interview. Section 241.13(i)(3) is clear that Petitioner was entitled to "submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future." But because Petitioner only received the notice after he was in custody, at best the same day of his interview and immediately following a prison sentence, he was deprived of any opportunity to prepare evidence or collect information. The notice cites violations of the terms of Petitioner's release via post-release criminal convictions as grounds for the revocation of Petitioner's release. *Minner Decl.* Ex. F, Dkt. 6-6, at 1. Without Petitioner having the time and ability to access to his personal and legal records, or even to request that his friends or family provide them, the Court is left with "no assurance[s] that [Petitioner] knew what 'reasons' he was responding to, much less how he could attempt to rebut those 'reasons.'" *Sunee T. v. Noem*, No. 26-CV-1638, slip op. at 6 (D. Minn. Mar. 11, 2026). Thus, Respondents rendered even the meager due process provided by the informal interview completely illusory.

This process is "constitutionally required," *Tou T.*, No. 26-CV-1670, slip op. at 6, and Respondents' disregard for Petitioner's due process rights is not a mere "technical

defect." *Chong W.V.*, No. 26-CV-1622, slip op. at 8. The defective notice of revocation thus invalidates the informal interview provided to Petitioner, providing further grounds for Petitioner's immediate release.

C. Respondents' *post hoc* arguments do not justify Petitioner's continued detention.

Respondents argue that, regardless of any procedural deficiencies, Petitioner's continued detention is justified because "Mexico is currently accepting third-country nationals including Cubans," Respondents are attempting to remove Petitioner to Mexico, and "Petitioner refused to comply with his removal to Mexico." *Response* at 6, 11.

But none of this information speaks to Respondents' ability to deport Petitioner specifically, rather than Cuban people generally, much less their ability to deport Petitioner specifically to Mexico. *See Si T.P. v. Noem*, No. 26-CV-1445, slip op. at 8–9 (D. Minn. Feb. 24, 2026), *R. & R. adopted*, (D. Minn. Mar. 2, 2026) (finding that Respondents failed to show changed circumstances, in part, because their determination for the revocation of release was based on the fact that "Vietnam has recently been issuing travel document [sic] to ICE detainees for repatriation," because they provided no details as to "whether the facts in that case materially differ from [the petitioner's]" (alteration in original)). And "Respondents provide no information about the individual[s] they were able to deport, making it impossible to determine whether the facts in that case materially differ from" Petitioner's. *Id.* at 9 (citation omitted). Without more information, Respondents' ability to deport some unnamed Cubans in undescribed cases cannot justify the re-detention of Petitioner in the instant case. *See Bounkieng S. v. Noem*, No. 26-CV-1830, slip op at 5 (D.

Minn. Mar. 19, 2026) (finding statements that "the contention that 'the Government of Laos recently start[ed] to issue travel documents' in similar cases" to be "vague, conclusory statements" which were "insufficient to demonstrate that ICE's revocation of Petitioner's supervised release was justified").

Moreover, Respondents claims concerning the removal of Cubans to Mexico as a third country are troublesome. Counsel for Petitioner cannot find any public record of a formal agreement between Mexico and the United States to accept Cubans as third-country deportees. Nor do Respondents offer one. Respondents' only evidence of this purported Cubans-to-Mexico third-country removal policy is the declaration of an ICE deportation officer. *See Response* at 6 (citing *Minner Decl.* at ¶ 48). A court faced with this exact question, in a habeas proceeding concerning a revoked order of supervision, "asked for actual evidence -- not ICE declarations -- from Respondents." *Navarro v. Lyons*, No. 26-CV-10876 (WGY), slip op. at 2, 4 (D. Mass. March 25, 2026). When pressed on the issue, the government respondents claimed that "Mexico has a standing (unwritten) agreement with the United States to accept Cuban Nations for removal and that no travel document is necessary." *Id.* (quoting the respondents' briefing). Petitioner echoes that court's skepticism:

> Can this be true? There's some **unwritten** deal between two sovereign nations whereby 6,000 Cuban nationals have already been shipped to Mexico? Is this deal secret? Put aside the striking illogic of arguing "we're already doing this on a grand scale so it must be okay," this is but a stark admission that here there's no process at all beyond "it is what we say it is." At some point, judicial restraint and deference to the executive's statutory duties become abdication of my duty to exercise the judicial function.

Id. at 5 (footnote omitted) (emphasis in original).

If the Court does decide that further proceedings are needed to determine the nature of this "unwritten agreement" with Mexico, Petitioner urges an evidentiary inquiry considering at least the following questions:

> When did [the unwritten agreement] take effect? What are its provisions? What is its duration? Does it operate only with Mexico or with other sovereign states? Does it involve only Cuban nationals or, under this unwritten agreement, will Mexico take the nationals of other sovereign states? What United States government official will step forward to admit binding the United States to an agreement with another sovereign state? Who is the counterpart official in the government of Mexico? Will he or she step forward? Or is this agreement secret? If so, why? Did the Senate consent? Was it ever consulted? Or even informed?

Id. at 6–7.

But, rather, the Court need not credit Respondents' outlandish assertions of an unwritten deal with Mexico. Where they fail to provide any credible evidence of this double-secret deportation agreement, the Court should "ignore[] this statement." *Kao Y. v. Noem*, No. 26-CV-1403, slip op. at 10 (D. Minn. Feb. 26, 2026) (declining to credit an ICE declaration which claimed to have a travel document for the petitioner); *accord Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 12 (D. Minn. Mar. 17, 2026) (same), *R. & R. adopted*, (D. Minn. Mar. 23, 2026). And where Respondents "have not identified any receiving country, any travel documents, any diplomatic communications or any concrete removal plan" via competent evidence, that quickly disposes of their case. *Mong C.*, No. 26-CV-1541, slip op. at 4–5 (listing cases).

Even if we disregard the due process violations that require Petitioner's release, *see* Parts II.A–B, *supra*, Respondents' *post hoc* reasoning fails completely. The law requires Respondents to show that there is "a significant likelihood that [Petitioner] will be removed in the reasonably foreseeable future" in order to re-detain Petitioner. 8 C.F.R. § 241.13(g)(2). They have not met their burden of proof in this case. *See Garrison G.*, No. 26-CV-172, slip op. at 7 (putting the burden of proof on the government in re-detention procedures under § 241.13); *accord Tou V.*, No. 26-CV-1381, slip op. at 4. Thus, the Court should order Petitioner's immediate release.[2]

D. These deficiencies require Petitioner's release.

"Habeas is at its core a remedy for unlawful executive detention," and "[t]he typical remedy for such detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (citation omitted). "Courts in this District have repeatedly found that the government's failure to follow its own requirements under Section 241.13 warrants release, not a 're-do' of Section 241.13 procedures." *Por M. v. Noem*, No. 26-CV-1546, slip op. at 11 (D. Minn. Mar. 9, 2026) (citing cases), *R. & R. adopted*, (D. Minn. Mar. 19, 2026). ICE is required

[2] Out of candor to the Court, Petitioner will note that the court in *Navarro* stayed that habeas proceeding pending the outcome of *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 26-1212 (1st Cir.), a class action challenge to third-country removals more broadly. No. 26-CV-10876, slip op. at 5. However, the decision in *Navarro* does not note any procedural challenges, such as to the timing or sufficiency of the notice of revocation or informal interview in that case. The sole issue in *Navarro* is whether the petitioner can "be detained for immigration purposes when ICE knows that it cannot promptly effect Mr. Juan Navarro's removal from the United States" because of Cuba's unwillingness to accept him. *Id.* at 2. Where there are procedural challenges in this case which necessitate Petitioner's release, the Court can readily order Petitioner's release without deciding the third-country removal issue.

to follow its own regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Sarail A. v. Bondi*, No. 25-CV-2144, 2025 WL 2533673, at *2 (D. Minn. Sep. 3, 2025). "The procedures set forth in 8 C.F.R. § 241.13 are intended to provide noncitizens with fundamental due process protections that courts have found to be constitutionally required." *Tou T. v. Noem*, No. 26-CV-1670, slip op. at 6 (D. Minn. Mar. 11, 2026) (listing cases), *R. & R. adopted*, (D. Minn. Mar. 14, 2026).

Respondents' own evidence shows that they did not comply with the requirements of 8 C.F.R. § 241.13(i)(3). "Respondents cannot arrest first and then attempt to justify detention after the fact." *Chong W.V. v. Noem*, No. 26-CV-1622, slip op. at 6 (D. Minn. Mar. 9, 2026). "Conclusory or post-hoc notices do not satisfy the regulation." *Mong C. v. Noem*, No. 26-CV-1541, slip op. at 5. These regulatory requirements are "a *bare minimum* procedural protection that the government is already required to provide. . . . To remove or detain the petitioner, the government must strictly follow the procedures outlined in §§ 241.13 and 241.4." *Tou V.*, No. 26-CV-1381, slip op. at 6–7. The government failed to do so. Thus, "Petitioner must be released immediately." *Garrison G. v. Bondi*, No. 26-CV-172, 2026 WL 157677, slip op. at 8 (D. Minn. Jan. 17, 2026).[3]

[3] *Accord Jor Y. v. Noem*, No. 26-CV-1210, slip op. at 7; *Tou V.*, No. 26-CV-1381, at 7; *Yeng X. v. Noem*, No. 26-CV-1399, slip op. at 2–3 (D. Minn. Feb. 18, 2026); *Chou T. v. Noem*, No. 26-CV-1432, slip op. at 12 (D. Minn. Feb. 20, 2026), *R. & R. adopted*, (D. Minn. Mar. 4, 2026); *Tong X. v. Noem*, No. 26-CV-1548, slip op. at 7–8 (D. Minn. Feb. 23, 2026); *Si T.P. v. Noem*, No. 26-CV-1445, slip op. at 11, *R. & R. adopted*, (D. Minn. Mar. 2, 2026); *Mong C.*, No. 26-CV-1541, slip op. at 6; *Kao Y. v. Noem*, No. 26-CV-1403, slip op. at 12 (D. Minn. Feb. 26, 2026); *Pha S.*, No. 26-CV-1539, slip op. at 10; *Chong W.V.*, No. 26-CV-1622, slip op. at 9; *Reinaldo Q. v. Noem*, No. 26-CV-1699, slip op. at 7 (D. Minn. Mar. 9, 2026); *Por M. v. Noem*, No. 26-CV-1546, slip op. at 12 (D. Minn. Mar.

CONCLUSION

Petitioner cannot and does not use this proceeding to contest the ultimate ability of Respondents to deport him. But conversely, that "does not mean that Respondents can ignore the rules while they do so." *Pha S.*, No. 26-CV-1539, slip op. at 9. The Constitution's promise of due process must stand for something. In his argument in the defense of the British soldiers being tried for murder arising from the Boston Massacre, stalwart patriot and future president John Adams warned:

> We are to look upon it as more beneficial, that many guilty persons should escape unpunished, than one innocent person should suffer. The reason is, because it's of more importance to community, that innocence should be protected, than it is, that guilt should be punished; for guilt and crimes are so frequent in the world, that all of them cannot be punished; and many times they happen in such a manner, that it is not of much consequence to the public, whether they are punished or not. But when innocence itself, is brought to the bar and condemned, especially to die, the subject will exclaim, it is immaterial to me, whether I behave well or ill; for virtue itself, is no security. And if such a sentiment as this, should take place in the mind of the subject, there would be an end to all security what so ever.

Adams' Argument for the Defense: 3–4 December 1770, Nat'l Archives, https://founders.

9, 2026), *R. & R. adopted*, (D. Minn. Mar. 19, 2026); *Sunee T. v. Noem*, No. 26-CV-1638, slip op. at 7 (D. Minn. Mar. 11, 2026); *Kikham S. v. Noem*, No. 26-CV-1621, slip op. at 7 (D. Minn. Mar. 11, 2026); *Tou T. v. Noem*, No. 26-CV-1670, slip op. at 15 (D. Minn. Mar. 11, 2026), *R. & R. adopted*, (D. Minn. Mar. 14, 2026); *Ge Y. v. Noem*, No. 26-CV-1700 (KMM/LIB), slip op. at 16 (D. Minn. Mar. 17, 2026), *R. & R. adopted*, (D. Minn. Mar. 23, 2026); *Anoulack N.*, No. 26-CV-1820, slip op. at 3 (D. Minn. Mar. 18, 2026); *Bounkieng S. v. Noem*, No. 26-CV-1830, slip op at 6 (D. Minn. Mar. 19, 2026); *Meng Y. v. Noem*, No. 26-CV-1876, slip op. at 2 (D. Minn. Mar. 24, 2026); *Linh H.V. v. Mullin*, No. 26-CV-2090, slip op. at 8–9 (D. Minn. Apr. 6, 2026); *Mohamed P. v. Mullin*, No. 26-CV-2003, slip op. at 7 (D. Minn. Apr. 16, 2026).

archives.gov/documents/Adams/05-03-02-0001-0004-0016 (last visited April 29, 12:44 A.M.). As President Adams argued, respecting due process of the law even for those accused or guilty of serious misdeeds—perhaps especially for those guilty—accrues to the benefit of all society, particularly the innocent. If ICE can be permitted to wantonly disregard Petitioner's due process rights even when the facts suggest there are ample grounds to revoke his release in the legally prescribed manner, then "there would be an end to all security what so ever" for any noncitizen living on supervised release. *See id.*

For the reasons articulated in the Petition and above, Petitioner respectfully requests that the Petition for a Writ of Habeas Corpus be granted.

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Respectfully submitted,

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