UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Axel J.M.C[1]., *Petitioner*, v. MIKE STASKI, in his official capacity as Jail Administrator, Freeborn Adult Detention Center; DAVID EASTERWOOD, in his official capacity as Field Office Director of the St. Paul Field Office, Enforcement and Removal Operations, U.S. Immigration & Customs Enforcement; TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as U.S. Secretary of Homeland Security; and TODD BLANCHE, in his official capacity as acting Attorney General of the United States, *Respondents*.	Case No. 26-2281 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. This case challenges the unlawful arrest and purported mandatory immigration detention of 24-year-old Axel Javier Martin Castillo ("Petitioner"), who has no criminal history other than one juvenile offense, and who came to the United States as an unaccompanied child at the age of 12, in 2013.

2. After Petitioner presented himself to an immigration official at the border, the Respondents placed him in removal proceedings and briefly detained him in a government-run humanitarian shelter for children. Respondents then released Petitioner to the care of his biological mother in Minnesota, after finding that he was not dangerous or a flight risk. Now, Petitioner has

[1] 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).

Special Immigrant Juvenile Status ("SIJS"), a humanitarian immigration protection for young people who have suffered parental abuse, neglect, or abandonment, created by Congress to give these children the opportunity to remain safely and permanently in the United States. Based on Petitioner's SIJS petition, the government granted him deferred action, a four-year, renewable protection from removal and permission to work lawfully while he waited in a visa backlog until he could apply for lawful permanent residence.

3. Petitioner's priority date to apply for Lawful Permanent Resident (LPR) status is June 15, 2018. The USCIS May 2026 Visa Bulletin shows the current priority date is January 1, 2023, for his classification type. Petitioner is therefore currently eligible to adjust to LPR status and acquire a green card.

4. Despite Petitioner's prior release from immigration custody and his approved SIJS petition, Respondents arrested Petitioner, without a warrant, on April 14, 2026, after he was summoned to the local police department in Worthington, Minnesota by a detective and coerced to "sign documents" without consulting with his attorney first. Since then, he has been locked in an immigration detention center in Minnesota, deprived of his liberty and separated from his family.

5. Petitioner's detention is unlawful for several reasons, including Constitutional violations.

6. First, due process requires that the government show, in a pre-deprivation hearing, materially changed circumstances before re-detaining Petitioner. When the government released Petitioner from its custody at a humanitarian shelter years ago, it determined that he was neither a flight risk nor a danger to the community. Since then, nothing has changed to undermine that determination. On the contrary, support for that determination has only strengthened: Petitioner

has built deep ties to the United States, attended all immigration court dates, and is currently eligible to adjust to lawful permanent residence.

7. Petitioner's only criminal history consists of a juvenile delinquency adjudication arising from conduct that occurred in 2015, when he was 13 years old. As a threshold matter, deportability under the crime involving moral turpitude (CIMT) ground requires a "conviction" as defined in INA § 101(a)(48)(A). A juvenile delinquency adjudication does not constitute a conviction for immigration purposes. It is well established that juvenile proceedings are civil in nature and that findings of delinquency are not criminal convictions under the INA. Accordingly, Respondent's juvenile adjudication cannot sustain a charge of removability under INA § 237(a)(2)(A)(i). Nor can Respondent be found inadmissible under INA § 212(a)(2)(A)(i)(I) based on an "admission" of a CIMT.

8. Second, the government has no legitimate interest in detaining Petitioner when he is neither a flight risk nor a danger—the only two constitutionally permissible reasons for immigration detention. Accordingly, his detention also violates his substantive due process rights, equally requiring his immediate release.

9. Although inadmissibility may be predicated on a noncitizen's admission to committing the essential elements of a CIMT, that principle does not extend to admissions of juvenile delinquency. An admission by a minor, or an adult's admission to conduct committed while a minor, does not constitute an admission to having committed a crime involving moral turpitude, because juvenile delinquency is a civil offense, not a crime. See *Matter of M-U-*, 2 I&N Dec. 92 (BIA 1944) (holding that an admission by an adult of conduct committed while a minor does not amount to an admission of a CIMT for inadmissibility purposes).

10. Third, Petitioner was arrested by Respondents on April 14, 2026, without changed circumstances, without a warrant, and without probable cause that he was a flight risk, under unlawful enforcement procedures that multiple courts around the country have declared illegal. Since then, there has been no determination of probable cause to justify his detention. This violates his Fourth Amendment rights, as well as statute and regulation, similarly mandating his release.

11. Fourth, the government's claim that Petitioner is subject to mandatory detention under 8 USC § 1225(b)(2)(A) is untenable in light of the fact that he entered the United States without inspection, was previously detained and released from detention as an unaccompanied child—under an entirely separate statutory scheme—and has since lived in the United States for 12 years and been granted SIJS. Courts throughout the United States have overwhelmingly rejected Respondents' expansive interpretation of 8 U.S.C. § 1225(b)(2)(A). *See, e.g.*, *Barco Mercado v. Francis*, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *13–14 (S.D.N.Y. Nov. 26, 2025) (tallying more than 350 cases reaching the same conclusion, and only 12 going the other way); *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 3687757 (D. Mass. Dec. 19, 2025) (granting summary judgment and extending declaratory relief to Massachusetts-based class of noncitizens wrongly subject to mandatory detention under the government's recent interpretation of § 1225(b)(2)(A)); *Maldonado Bautista v. Santacruz*, No. 25-cv-0187, 2025 WL 3678485 (C.D. Cal. Dec. 19, 2025) (similar, extending declaratory relief to nationwide class); *Daniel S. v. Noem*, No. 0:26-cv-00338 (ECT/ECW), 2026 WL ___, at *4–6 (D. Minn. Jan. 20, 2026) (granting habeas relief and holding that noncitizen arrested in the interior was misclassified under § 1225(b)(2)(A), which applies only to applicants "seeking admission," and thus was entitled to detention under § 1226 with a bond hearing; noting that courts in the District of Minnesota have "repeatedly considered and rejected" the government's contrary interpretation). This renders Petitioner's

current detention unlawful from its inception, in violation of the Immigration and Nationality Act ("INA") and his due process rights.

12. For these reasons, Petitioner respectfully asks this Court to hold his arrest and detention unlawful, order restoration of the status quo prior to his detention, *i.e.* release without restraints on his liberty, and enjoin Respondents from re-detaining him without meaningful pre-detention process.

13. Petitioner also respectfully asks that this Court enjoin Respondents from transferring him outside of this District for the duration of this proceeding.

PARTIES

14. Petitioner Axel Javier Martin Castillo is a 24-year-old Honduran national who entered the United States as an unaccompanied child and has been residing here since the age of 12. Prior to his arrest and detention, Petitioner was living in Adrian, Minnesota, and had previously worked with valid authorization from the U.S. government. Petitioner has an approved SIJS petition and is eligible to seek adjustment of status in the United States pursuant to this status.

15. Respondent Mike Stasko is sued in his official capacity as Jail Administrator, Freeborn Adult Detention Center. Respondent Mike Stasko is the immediate legal custodian of Axel Javier Martin Castillo.

16. Respondent David Easterwood is sued in his official capacity as Field Office Director, St. Paul Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement ("ICE"), which oversees ICE's operations in Minnesota. Respondent David Easterwood is a legal custodian of Axel Javier Martin Castillo.

17. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Axel Javier Martin Castillo.

18. Respondent Markwayne Mullin is sued in his official capacity as Secretary of Homeland Security. As the head of the Department of Homeland Security ("DHS"), the agency tasked with enforcing immigration laws, Secretary Mullin is Axel Javier Martin Castillo's ultimate legal custodian.

19. Respondent Todd Blanche is sued in his official capacity as Attorney General of the United States. As acting Attorney General, Respondent Blanche oversees the immigration court system, including the immigration judges who conduct removal proceedings and bond hearings as his designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). He is legally responsible for administering Petitioner's removal and bond proceedings, and as such, she is a legal custodian of Petitioner.

JURISDICTION AND VENUE

20. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

21. The Court also has jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (the All Writs Act); and 28 U.S.C. § 2241 (habeas corpus).

22. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act), to grant injunctive and declaratory relief.

23. Venue is proper in the District of Minnesota under 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial

part of the events giving rise to these claims occurred in this District. Venue is also proper under 28 U.S.C. § 2241(d) because Petitioner detained at a facility within this District.

24. Administrative exhaustion is unnecessary because it would be futile: it is Respondents' position that noncitizens in Petitioner's situation are subject to mandatory detention without access to a bond hearing, so he has no meaningful administrative remedies to exhaust.

25. Respondents assert authority to detain Petitioner pursuant to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(a). No statutory requirement of exhaustion applies to Petitioner's challenge to the lawfulness of his detention. See, e.g., Araujo-Cortes v. Shanahan, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention."); Rodriguez v. Bostock, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing Marroquin Ambriz v. Barr, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) ("this Court 'follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.'"); Gomes v. Hyde, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing Portela-Gonzalez v. Sec'y of the Navy, 109 F.3d 74, 77 (1st Cir. 1997) (quoting McCarthy v. Madigan, 503 U.S. 140, 146 (1992)).

26. Prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." McCarthy, 503 U.S. at 148, superseded by statute on other grounds as stated in Woodford v. Ngo, 548 U.S. 81 (2006).

27. Any additional bond request is futile. The Board of Immigration Appeals' published decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), binds the

immigration court and erroneously denies Petitioner access to a bond hearing as Immigration Judge Girvin indicated.

28. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." McCarthy, 503 U.S. at 147. Every day that Petitioner is unlawfully detained causes him and his family irreparable harm. Jarpa v. Mumford, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); Matacua v. Frank, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a loss of liberty" is "perhaps the best example of irreparable harm"); Hamama v. Adducci, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families).

29. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." McCarthy, 503 U.S. at 147–48.

30. Immigration agencies have no jurisdiction over constitutional challenges of the kind Petitioner raises here. See, e.g., Matter of C-, 20 I. & N. Dec. 529, 532 (BIA 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."); Matter of Akram, 25 I. & N. Dec. 874, 880 (BIA 2012); Matter of Valdovinos, 18 I. & N. Dec. 343, 345 (BIA 1982); Matter of Fuentes-Campos, 21 I. & N. Dec. 905, 912 (BIA 1997); Matter of U-M-, 20 I. & N. Dec. 327 (BIA 1991).

31. Because requiring Petitioner to exhaust administrative remedies would be futile, would cause him and his family irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

LEGAL FRAMEWORK

A. The TVPRA Governs the Detention and Release of Unaccompanied Children

32. Because noncitizen youth who enter the United States without a parent are especially vulnerable, Congress granted them special protections through the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"). *See* 8 U.S.C. § 1232. An unaccompanied child is a child who (A) lacks lawful immigration status in the United States; (B) is under the age of 18; and (C) has no parent or legal guardian in the United States, or no such parent or legal guardian is available to provide care and physical custody. 6 U.S.C. § 279(g)(2).

33. Through the TVPRA, Congress amended the INA to guarantee unaccompanied children access to removal proceedings before an immigration judge, protecting them from expedited removal by an immigration officer without a hearing. 8 U.S.C. § 1232(a)(5)(D). Therefore, 8 U.S.C. § 1229a is the only process for determining whether an unaccompanied child can stay in the United States or be removed. 8 U.S.C. § 1229a(a)(3).

34. The TVPRA requires the Department of Health and Human Services, through the Office of Refugee Resettlement ("ORR"), to manage the care and custody of unaccompanied children. 8 U.S.C. § 1232(c)(2). The statute requires ORR to place unaccompanied children "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). Before releasing an unaccompanied child from its custody, the government must "consider danger to self, danger to the community, and risk of flight." *Id.*; *see also* 6 U.S.C. § 279(b)(2)(A). ORR may

release the unaccompanied child to a "sponsor" who already lives in the United States, so long as these and other criteria are satisfied. *Id.*; *see also* 45 C.F.R. § 410.1201.

B. SIJS Provides a Pathway to Permanent Status for Other Vulnerable Young People

35. Separate and apart from unaccompanied children, in 1990, Congress created SIJS to protect another category of vulnerable immigrant children and provide them a pathway to citizenship. Immigration Act of 1990, Pub. L. No. 101-649, § 153, 104 Stat. 4978 (1990) (amending various sections of the INA). SIJS "alleviates hardships experienced by some dependents of United States juvenile courts by providing qualified [noncitizens] with the opportunity to apply for special immigrant classification and lawful permanent resident status, with [the] possibility of becoming citizens of the United States in the future." Special Immigrant Status, 58 Fed. Reg. 42843, 43844 (Aug. 12, 1993). Since 1990, Congress has amended the INA multiple times to expand the protections of SIJS, most recently in 2008, through the TVPRA, Pub. L. 110-457, § 235(d), 122 Stat. 5044 (2008).

36. To be granted SIJS, youths must first "satisf[y] a set of rigorous, congressionally defined eligibility criteria." *Osorio-Martinez v. U.S. Att'y Gen.*, 893 F.3d 153, 163 (3d Cir. 2018). Specifically, to be eligible for SIJS, a noncitizen youth must be present in the United States and obtain judicial determinations in a state juvenile court order that they are dependent on the juvenile court or placed by the court under the custody of a state agency or an individual; cannot be reunified with one or both parents because of abuse, neglect, abandonment, or other similar basis; and that it is not in their best interest to return to their country of origin. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11(c).

37. The application process for SIJS includes submitting a Form I-360 SIJS Petition to USCIS, along with the state juvenile court order and other evidence. *See* 8 C.F.R. § 204.11(b).

USCIS then considers whether to exercise its statutory "consent function" to approve the petition. *See* 8 U.S.C. § 1101(a)(27)(J)(iii). By doing so, the agency recognizes the state juvenile court's determinations, including that the child's return to their country of origin would be contrary to their best interests. 8 U.S.C. § 1101(a)(27)(J)(iii).

38. The main benefit of SIJS—and indeed, its core purpose—is that it confers on vulnerable young people the right to seek lawful permanent resident ("LPR") status, while remaining in the United States, through a process called adjustment of status. *See* 8 U.S.C. § 1255(h). To facilitate this process, Congress has removed numerous barriers to adjustment of status for SIJS beneficiaries. Typically, a noncitizen seeking to adjust to LPR status in the United States must show they are admissible under immigration law and have entered the country with inspection or parole by an immigration officer. But Congress exempted SIJS youth from many inadmissibility grounds, made them eligible for adjustment regardless of their actual manner of entry into the United States, and created a generous waiver of other non-exempted inadmissibility grounds. 8 U.S.C. § 1255(h). Congress also explicitly provided that certain grounds for removal "shall not apply" to SIJS beneficiaries. 8 U.S.C. § 1227(c). Accordingly, the SIJS statute "show[s] a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status." *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011) (abrogated on other grounds).

39. Although SIJS renders youth eligible to apply for adjustment to LPR status, they can only do so when a visa is immediately available to them. 8 U.S.C. § 1255(h). However, there is an annual limit on visas available to SIJS beneficiaries. 8 U.S.C. § 1153(b)(4). And since 2016, the number of SIJS beneficiaries has surpassed the supply of available visas for most countries,

leaving what has been estimated to be more than 100,000 young people in a SIJS backlog, waiting to apply for a green card.[2]

40. Nonetheless, the government takes the position that SIJS youth in the visa backlog remain subject to removal for their purported lack of lawful immigration status in the United States while they wait for the ability to apply for LPR status. So, in March 2022, to address the harms being caused by the SIJS visa backlog, USCIS announced that all young people granted SIJS would also be considered for a discretionary grant of deferred action, meaning that they would be protected from deportation and eligible for work authorization while waiting for a visa to become available. In enacting this policy, USCIS acknowledged that "Congress likely did not envision that SIJ petitioners would have to wait years before a visa became available. . . ."[3]

41. In the case of SIJS recipients awaiting visas, USCIS grants deferred action for a renewable period of four years. 2022 USCIS Policy Alert at 2. Individuals granted deferred action are also eligible to apply for employment authorization under 8 C.F.R. § 274a.12(c)(14). *Id.*[4]

RELEVANT FACTS AND PROCEDURAL HISTORY

Petitioner was detained in 2013 and released, because he is neither dangerous nor a flight risk

42. Petitioner is a Honduran adult male who came to the United States for safety when he was 12 years old, on October 16, 2013, after being neglected and abandoned by his biological father.

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[2] *See* R. Davidson et al., *False Hopes: Over 100,000 Immigrant Youth Trapped in the SIJS Backlog* (2023), https://perma.cc/J75S-4DRR.

[3] USCIS Policy Alert, PA-2022-10, "Special Immigrant Juvenile Classification and Deferred Action" (March 7, 2022), https://perma.cc/8CTL-QAQY ("2022 USCIS Policy Alert").

[4] In November 2025, a federal court stayed the government's decision to rescind the SIJS deferred action policy, thus restoring the 2022 policy during the litigation's pendency. *A.C.R. v. Noem*, No. 25-CV-3962, 2025 WL 3228840 (E.D.N.Y. Nov. 19, 2025). The government's unlawful attempt to rescind the program had no impact on SIJS beneficiaries, like Petitioner, who had already received deferred action.

43. DHS determined that Petitioner was an unaccompanied child under 6 U.S.C. § 279(g)(2). It then transferred him to ORR custody, as mandated by the TVPRA. ORR subsequently determined that Petitioner should be released to his biological mother under a sponsor care agreement, finding that he did not present a flight risk or a danger to the community. Ex. 1, ORR Release Records.

Petitioner obtains SIJS and his removal proceedings were administratively closed

44. DHS issued Petitioner a Notice to Appear ("NTA"), the charging document that initiates removal proceedings, which charged him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) for being present without being admitted or paroled. Petitioner's proceedings were venued in Fort Snelling Immigration Court in Minnesota, and he diligently attended and participated in those proceedings, never missing a court date.

45. After obtaining legal representation, Petitioner applied for SIJS. First, on February 12, 2018, Nobles County District Court in Minnesota issued a Special Findings Order finding that Petitioner had been neglected and abandoned by his father and that it was in his best interests to remain in the United States. The court also appointed Petitioner's mother as his sole custodial parent. Petitioner then submitted a SIJS petition to USCIS on June 15, 2018, supported by his Special Findings Order from the Nobles County District Court.

46. Petitioner's previous counsel moved to place Petitioner's removal proceedings on the court's status docket based on his approved SIJS petition. On July 8, 2021, the Immigration Judge overseeing Petitioner's removal proceedings granted Petitioner's motion. Petitioner has consistently been in removal proceedings without full termination or resolution of his case.

47. USCIS approved Petitioner's SIJS petition on August 8, 2019. Ex. 2, Approved SIJS Petition. USCIS also granted Petitioner deferred action for a four-year period, until August

8, 2023. *Id.* This protected him from removal while he waited in the backlog to apply to adjust his status, and it allowed him to apply for employment authorization, which he obtained to help support himself and his family while he pursued his studies.

48. According to the USCIS May 2026 Visa Bulletin, there are currently sufficient visas available for people who filed for SIJS on or before January 1, 2023 to immediately apply for LPR status.[5] Petitioner's filing date (also called a priority date) is June 15, 2018. Ex. 2. Therefore, Petitioner is currently eligible to apply to adjust to LPR status.

Petitioner was arrested on April 14, 2026, without changed circumstances and purportedly held in mandatory detention

49. Petitioner is a bright young man who had worked with an immigration attorney based out of Iowa to try to gain lawful immigration status in the United States. Through that attorney's help, he pursued SIJS and a simultaneous asylum claim to pursue all potential forms of removal defense relief that he qualified for. After he graduated from school and gained a work permit, he fully committed himself to the various jobs that he worked. He worked hard enough to secure his own apartment in Adrian, Minnesota, while continuing to support his mother and other family members who relied on him.

50. On April 14, 2026, Respondents arrested Petitioner without any notice or warning while he was attempting to leave the Worthington Police Department after being summoned there to sign documents. Upon information and belief, the immigration officers had no warrant for Petitioner's arrest. Petitioner was not accused of violating any vehicle and traffic law. He had no prior arrests. He had a stable address, a stable job, a work permit based on his pending asylum case, and a path to permanent status. He did not run or try to evade the officers. He complied with

[5] Department of State, Visa Bulletin for May 2026, https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-may-2026.html (SIJS is included under the employment-based visa category, 4th).

the police request to present himself at the police station. Nonetheless, they arrested him without a warrant and transferred him to Freeborn Adult Detention Center.

51. Petitioner's detention has been very difficult for both him, and especially his mother. Petitioner is feeling extremely "depressed" and "hopeless" as a result of his detention, according to his mother. Petitioner is well integrated into his community where he lives in Minnesota, and his physical absence has been extremely difficulty for his family members.

CAUSES OF ACTION

COUNT ONE

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

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

53. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). And "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

54. Because "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception," the government may imprison people as a preventive measure only within strict limits. *Foucha v. Louisiana*, 504 U.S. 71, 83 (1992) (quoting *United States v. Salerno*, 481 U.S. 739, 755 (1987)).

55. Immigration detention is civil detention and must "bear a reasonable relation to the purpose for which the individual was committed" so that it remains "nonpunitive in purpose and

effect." *Zadvydas*, 533 U.S. at 690 (citation modified); *see also Schall v. Martin*, 467 U.S. 253, 264-69 (1984) (finding detention must be a proportional—not excessive—response to a legitimate state objective); *Francisco T. v. Bondi*, 797 F. Supp. 3d 970, 978–79 (D. Minn. 2025) (reaffirming that immigration detention is civil, not punitive, and must remain reasonably related to its purposes; rejecting a detention framework that would impose "mandatory, unreviewable detention" untethered to those purposes).

56. Courts have identified only two legitimate purposes for immigration detention: mitigating flight risk pending removal and preventing danger to the community. *See Zadvydas,* 533 U.S. at 690-91.

57. To satisfy substantive due process under the Fifth Amendment, a noncitizen's detention must be tied to flight risk or a danger to the community. *Zadvydas*, 533 U.S. at 690.

58. Neither purpose is served by Petitioner's detention. Respondents have not made any claim that Petitioner presents a flight risk or a danger to the community, nor could they. When Petitioner was previously released from ORR custody in 2013, the government came to precisely the opposite conclusion.

59. Since then, Petitioner's ties to this country have only grown stronger. He has not only built his entire life here, but he has been granted SIJS, which gives him a path to citizenship and safe and meaningful future. *See Osorio*, 893 F. 3d at 173-75. And he remains without any criminal record.

60. Because the government is not detaining Petitioner to serve legitimate interests in protecting against danger or flight risk, his detention violates substantive due process under the Fifth Amendment, and this Court should order his immediate release.

COUNT TWO

Violation of the Due Process Clause of the Fifth Amendment to the US. Constitution Procedural Due Process

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

62. Even "[w]hen government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner." *Salerno*, 481 U.S. at 746.

63. Courts use the three-factor *Mathews v. Eldrige* test to determine what process is due to noncitizens challenging detention. *See Mathews v. Eldridge*, 424 U.S. 319 (1976). The *Mathews* factors assess: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

64. The first *Mathews* factor weighs heavily in Petitioner's favor. Petitioner has a strong liberty interest in light of (1) his prior release as an unaccompanied child and (2) his valid grant of SIJS. First, because he was previously released from custody as an unaccompanied child and not even subject to government monitoring, Petitioner possessed a weighty interest in his continued liberty. *See Francisco T. v. Bondi*, 797 F. Supp. 3d 970, 979 (D. Minn. 2025) (recognizing that noncitizens in immigration detention have a "significant liberty interest" requiring individualized procedural protections). Second, to be approved for SIJS, Petitioner had to meet stringent eligibility criteria and he was promised that, in return, he would be given a meaningful path to LPR status in this country. That came with the expectation that he could build a life here without risking arbitrary arrest, detention, and removal that would strip him of the very

permanency Congress created SIJS to provide vulnerable youth like him. *See Rodriguez v. Perry*, 747 F. Supp. 3d 911 (E.D. Va. 2024); *Sarmiento v. Perry*, No. 25-CV-01644, 2025 WL 3091140, at *3 (E.D. Va. Nov. 5, 2025); *Campos-Flores v. Bondi*, No. 25-cv-797, 2025 WL 3461551, at *6 (E.D. Va. Dec. 2, 2025). And this is precisely what Petitioner did, building a home with his mother, with whom a juvenile court found it to be in his best interests to remain; attending school and church; working and contributing to his community; and making plans for the future.

65. The second *Mathews* factor also weighs in Petitioner's favor. Petitioner was previously released from detention after being found that he is neither a danger nor a flight risk, and his re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, make the risk of erroneous deprivation of liberty not just high, but certain. His detention is the direct result of insufficient safeguards and lack of procedure. Under these circumstances, the risk of erroneous deprivation of his liberty is high and the second factor weighs heavily in Petitioner's favor.

66. The third factor favors Petitioner as well. Petitioner's erroneous detention imposes high fiscal and administrative burdens on Respondents. Releasing Petitioner and requiring the government to provide a pre-deprivation hearing before re-detaining him stands to save the government money and effort wasted on erroneous detention. And unlawful detention and violation of noncitizens' constitutional rights disserve the public interest.

67. Respondents violated procedural due process by re-detaining Petitioner without adequate procedural protections before or after deprivation of his liberty. Therefore, this Court should order Petitioner's release without any restraints on his liberty and prohibit any re-detention absent pre-deprivation process.

COUNT THREE

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

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

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

70. As a general matter, the Fourth Amendment requires that all arrests entail a neutral, judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). "Probable cause requires a 'substantial probability; based on facts related to the individual." *Ramirez Ovando v. Noem*, No. 1:25-CV-03183-RBJ, 2025 WL 3293467, at *15 (D. Colo. Nov. 25, 2025) (quoting *Storey v. Taylor,* 696 F.3d 987, 992 (10th Cir. 2012) (finding probable cause for immigration arrests lacking). That determination can occur either before the arrest, in the form of a warrant, or promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* It must, however, occur within 48 hours of detention, which includes weekends, unless there is a bona fide emergency or other extraordinary circumstance. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

71. There is a strong preference that immigration arrests be based on warrants. *See Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C.§ 1357(a)(2). Specifically, an officer must have probable cause to believe the person is violating the immigration laws *and* that the

person "is likely to escape before a warrant can be obtained," *i.e.*, is a flight risk *Id.*; *see also Ramirez Ovando*, 2025 WL 3293467, at *2. Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

72. Petitioner's warrantless arrest occurred without probable cause that he was a flight risk. "Courts have … made the self-evident finding that the likelihood of escape is lower when the individual has resided in the country for a lengthy period of time and has strong community ties." *Escobar Molina v. U.S. Dep't of Homeland Sec.*, No. CV 25-3417 (BAH), 2025 WL 3465518, at *13 (D.D.C. Dec. 2, 2025) (collecting cases). At the moment of his seizure, Petitioner (a) had valid SIJS, which provided him a path to LPR status, (b) was living at a stable home address, of which the government was fully aware, and (c) had been in the United States for over 12 years and built strong ties to his community. Moreover, Petitioner fully complied with the ICE officers and in no way tried to disobey or flee. Therefore, no officer could have probable cause that Petitioner was likely to escape before a warrant could be obtained.

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

74. Regulations also provide that noncitizen arrested without a warrant must receive a custody determination within 48 hours of the arrest, unless there is "an emergency or other extraordinary circumstance" that requires "an additional reasonable period of time" to make the custody determination. 8 C.F.R. § 287.3(d). During that custody determination, the immigration officer must make findings as to whether "release would not pose a danger to property or persons,

and that the alien is likely to appear for any future proceeding." 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8). Similarly, upon information and belief, Petitioner has received no such custody determination.

75. Petitioner's re-detention after a prior release, without any new showing of probable cause, was also unconstitutional. When the government releases a person from detention, the purpose of their detention has been accomplished. *See Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020) ("It is axiomatic that seizures have purposes. When those purposes are spent, further seizure is unreasonable."). As a result, any probable cause justifying the prior arrest, if any, is extinguished.

76. Thus, under the Fourth Amendment, the government cannot re-arrest someone without changed circumstances that amount to new probable cause. *See Carlson v. Landon*, 342 U.S. 524, 546-47 (1952) (holding that re-arrest for immigration detention required a new warrant after previous release from immigration detention on bail).

77. Respondents' warrantless re-arrest of Petitioner without changed circumstances, and their refusal to provide a prompt (or any) probable cause determination, violated the Fourth Amendment, the INA, and implementing regulations. Thus, this Court should order his release.

COUNT FOUR

Violation of the Immigration and Nationality Act and Procedural Due Process

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

79. The INA prescribes three basic forms of detention for most noncitizens in removal proceedings. First, 8 U.S.C. § 1226 "authorizes the Government to detain certain [noncitizens' already in the country pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583

U.S. 281, 289 (2018). Individuals detained under Section 1226(a) are generally entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). However, noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention under Section 1226(c). *See* 8 U.S.C. § 1226(c).

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

81. Third, the INA also provides for mandatory detention of two groups of noncitizens encountered "at the Nation's borders and ports of entry." *Jennings*, 583 U.S. at 288. The first group consists, generally, of those who are subject to expedited removal for being apprehended upon arrival near the border or for being unable to show that they have been physically present in the United States for more than two years until a determination has been made as to whether they have a credible fear of persecution. 8 U.S.C. § 1225(b)(1). Notably, unaccompanied children are not subject to expedited removal. 8 U.S.C. § 1232(a)(5).

82. The second group subject to mandatory detention consists of anyone alleged to be an "applicant for admission" who is "seeking admission" and whom an "examining immigration officer determines . . . is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A).

83. Respondents claim that Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(2)(A). But this statute does not apply to Petitioner, who was previously released from custody as an unaccompanied child, has resided in this country for years, and has been granted SIJS.

84. First, a person with SIJS cannot be detained under § 1225(b)(2)(A). Because "the INA defines a 'special immigrant' as 'an immigrant who is present in the United States,'" an award

of SIJS confirms that a noncitizen is not "arriving" or "seeking admission." *Rodriguez*, 747 F. Supp. 3d at 916 (concluding that a noncitizen who had entered the United States years earlier as an "arriving alien" but had then been granted SIJS was not detained under § 1225(b)(2)(A) (citing 8 U.S.C. § 1101(a)(27)(J)); *see also Sarmiento*, 2025 WL 3091140, at *3 (similar). Moreover, SIJS status "'bespeak[s] a substantial legal relationship between [SIJS beneficiaries] and the United States—a relationship far more significant than' the relationship possessed between an initial entrant into this country." *Del Cid Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150, at *16 (W.D. Pa. Oct. 23, 2025).

85. Second, an unaccompanied child who entered the United States and was released from government custody to a guardian years ago also cannot not be detained under § 1225(b)(2)(A). An unaccompanied child's initial detention is governed by the TVPRA, which requires unaccompanied children—even those who turn 18 and age out of ORR custody—to be placed in the "least restrictive setting available." 8 U.S.C. § 1232(c)(2)(B). This is entirely inconsistent with mandatory detention under 8 U.S.C. § 1225(b)(2)(A). So is the fact of a released unaccompanied child spending years building a life in the United States before being re-detained in the interior. *See, e.g.*, *Portillo Martinez v. Hyde*, No. 25-11909, 2025 WL 3152847 at *8 (D. Mass. Nov. 12, 2025); *Daniel S. v. Noem*, 2026 WL ___, at *4–6 (holding that § 1225(b)(2)(A) does not apply to individuals arrested in the interior after residing in the United States).

86. Third and more broadly, courts across the United States have overwhelmingly concluded that noncitizens like Petitioner who entered the United States without inspection and are detained by ICE for removal proceedings while they are residing in the United States are detained under 8 U.S.C. § 1226, not § 1225(b)(2)(A)—and thus entitled to a bond hearing. *See, e.g.*, *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *13–14 (S.D.N.Y.

Nov. 26, 2025) (tallying more than 350 cases reaching the same conclusion, and only 12 going the other way); *Francisco T. v. Bondi*, 797 F. Supp. 3d at 978–80 (same).

87. Accordingly, Petitioner's current detention under 8 U.S.C. § 1225(b)(2)(A)—without access to a bond hearing as required by § 1226(a)—violates both the INA and Petitioner's procedural due process rights. As this renders his detention unlawful from its inception, he should be released immediately. *See, e.g., Cardin Alvarez v. Rivas*, No. CV 25-02943, 2025 WL 2898389, *22 (D. Ariz. Oct. 7, 2025), *report and recommendation adopted in part, rejected in part on other grounds sub nom. Alvarez v. Rivas*, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025) ("The appropriate relief for an immigration detainee held in violation of their right to due process is their immediate release from custody, and to be provided with relief returning them to status quo ante, i.e., the last uncontested status which preceded the pending controversy."); *Quintero Campos v. Deleon*, No. 25-CV-10099, 2025 WL 3514120, at *2 (S.D.N.Y. Dec. 8, 2025) (collecting cases ordering immediate release); *Francisco T. v. Bondi* (granting habeas relief where petitioner was improperly detained under § 1225(b)(2)(A) and was entitled to § 1226 bond process).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this District of Minnesota pending these proceedings;

c. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment; the Fourth Amendment; and the INA and implementing regulations;

d. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody without restraints on his liberty beyond those that existed prior to his unlawful re-detention;

e. Order that Respondents cannot re-detain Petitioner without notice and a pre-deprivation hearing before this Court where the Respondents bear the burden of justifying re-detention by clear and convincing evidence;

f. Alternatively, Order the Respondents to conduct a full and fair bond hearing for the Petitioner to be based only upon his danger to community and flight risk;

g. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

h. Grant such further relief as this Court deems just and proper.

DATED: April 17, 2026
Worthington, Minnesota

Respectfully Submitted,

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

DATED April 17, 2026
Worthington, Minnesota

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