

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Axel J.M.C.,

Petitioner,

v.

MIKE STASKI, et al.,

Respondents.

Civil No. 0:26-cv-02281-(JRT-LIB)

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
HABEAS PETITION**

INTRODUCTION

Petitioner Axel J.M.C. submits this Reply in response to Respondents' Answer [ECF Doc. 5] and in direct response to the Court's April 20, 2026, Order [ECF Doc. 3] directing Respondents to "certify[] the true cause and proper duration of Petitioner's confinement and showing cause why the writ should not be granted in his case [and, *inter alia*] [w]hether the absence of a warrant preceding Petitioner's arrest necessitated Petitioner's immediate release". [ECF Doc 3, Tunheim Order.] Respondents timely responded on April 22, 2026 [ECF Doc. 5], but have failed to carry the burden to justify the Petitioner's detention which is contrary to the constitutional claims raised in his habeas petition and discussed herein.

Respondents' April 22, 2026, filing does not establish a lawful basis for Petitioner's continued detention, does not identify any definite or reasonably ascertainable endpoint to that detention, and does not meaningfully address whether

the warrantless arrest underlying Petitioner's custody independently requires relief. Instead, Respondents attempt to reframe this case as governed by 8 U.S.C. § 1225(b)(2)(A), a position that fails to account for Petitioner's unique posture as a Special Immigrant Juvenile ("SIJ") recipient with an immediate pathway to adjustment of status, his more than twelve years of residence in the United States, and the constitutional limits on civil immigration detention.

Because Respondents cannot establish the lawfulness of Petitioner's arrest or his continued detention, and cannot identify any constitutionally sufficient procedural safeguards, Petitioner is entitled to habeas relief in the form of immediate release or, at minimum, an individualized bond hearing.

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner entered the United States in or about October 2013 as a 12-year-old minor. Petitioner was initially encountered near Hidalgo, Texas following an entry without inspection. (ECF Doc. 6, Decl. of Deportation Officer John Ligon, ¶ 7 [hereinafter "Ligon Decl."]). Petitioner was determined to be an unaccompanied child under 6 U.S.C. § 279(g)(2), transferred to the custody of the Office of Refugee Resettlement pursuant to the TVPRA, and subsequently released to his biological mother on November 21, 2013, after the government determined that he was neither a danger to the community nor a flight risk. *Id.* ¶ 9. Since that time, Petitioner has continuously resided in the United States for more than twelve years, building stable

family and community ties, and maintaining compliance with immigration proceedings.

On August 8, 2019, U.S. Citizenship and Immigration Services approved Petitioner's Form I-360 petition for Special Immigrant Juvenile ("SIJ") classification. *Id.* ¶ 10. That approval placed Petitioner within a congressionally created pathway to lawful permanent residence and, under 8 U.S.C. § 1255(h), renders him eligible to apply for adjustment of status when a visa is available. Petitioner's priority date is June 15, 2018, and the current Visa Bulletin reflects that SIJ applicants with priority dates on or before January 1, 2023, are eligible to apply for adjustment, making Petitioner immediately eligible to pursue a green card. *See* Ligon Decl. ¶ 42. Petitioner was also granted deferred action on June 14, 2022, which provided protection from removal and work authorization until its discretionary termination on February 13, 2023. *Id.* ¶¶ 13–14. Petitioner's SIJ classification reflects Congress's determination that he belongs to a protected class of vulnerable youth entitled to a pathway to lawful permanent residence, a fact that directly undermines any generalized assumption of flight risk or dangerousness.

Petitioner has remained fully compliant in his removal proceedings since the issuance of the Notice to Appear in 2013. *Id.* ¶ 8. Throughout those proceedings, Petitioner has appeared as required and has not been charged with any adult criminal convictions. His only juvenile adjudication arises from conduct adjudicated in

juvenile court and, as a matter of federal immigration law, does not constitute a “conviction” under the Immigration and Nationality Act. *See* INA § 101(a)(48)(A), 8 U.S.C. § 1101(a)(48)(A); *Matter of Devison-Charles*, 22 I&N Dec. 1362, 1373–74 (BIA 2000) (en banc) (holding that juvenile delinquency adjudications are not convictions under the INA); *Matter of M-U-*, 2 I&N Dec. 92 (BIA 1944). Although Respondents may reference the underlying conduct, Congress has expressly distinguished juvenile adjudications from criminal convictions for immigration consequences, and such adjudications do not automatically establish removability or detention authority on that basis. *See* 8 U.S.C. § 1101(a)(48)(A). The Federal Respondents’ attempt to introduce a juvenile delinquency adjudication into this record without redactions required by law demonstrate the agency’s recklessness to the rule of law. [ECF Doc. 6-4.]

In early March of 2026, Petitioner, through counsel, moved to terminate his removal proceedings because his current priority date and eligibility to adjust status. On March 12, 2026, the Immigration Judge denied termination but expressly confirmed that Petitioner remains eligible to pursue adjustment of status before the court.

On April 14, 2026, more than twelve years after his initial release from ORR custody, Petitioner was arrested by immigration authorities in Minnesota without a judicial warrant and placed in detention at Freeborn County Jail. *Id.* ¶ 17–19. He has

not received a bond hearing before an Immigration Judge, and Respondents have not identified any changed circumstances since his initial release from government custody in 2013 that would justify re-detention. At the time of arrest, Petitioner had a stable residence, lawful work authorization history, strong family ties, and was actively pursuing lawful permanent residence through SIJ-based adjustment.

While detained, Petitioner appeared before Immigration Judge M. Audrey Carr on April 22, 2026, for a detained master calendar hearing in the Fort Snelling Immigration Court. The Immigration Judge scheduled an individual merits hearing for May 12, 2026, to adjudicate Petitioner's adjustment of status application. This imminent hearing requires Petitioner to prepare documentary evidence and legal filings directly relevant to his eligibility for relief, which is a task materially impaired by Petitioner's continued detention.¹

Even assuming proceedings conclude at the immigration court level, further administrative appeal or judicial review would likely extend the process for months or longer. Respondents cannot in good faith identify a definite or estimated endpoint to Petitioner's detention, which is instead tied solely to the uncertain duration of his removal proceedings and potential appellate review. As a result, Petitioner's

¹ See 8 USC §1362: Right to Counsel.

detention is of uncertain length and is likely to continue for a prolonged and indefinite period absent judicial intervention.

ARGUMENT

I. PETITIONER IS NOT PROPERLY CLASSIFIED UNDER 8 U.S.C. § 1225(b)(2)(A), AND CONTINUED DETENTION VIOLATES THE FIFTH AMENDMENT

Respondents contend that detention under 8 U.S.C. § 1225(b)(2)(A) is mandatory. That position overreads the statute and disregards the constitutional constraints this Court has consistently applied to immigration detention. Courts in this District have repeatedly recognized that even statutorily authorized immigration detention becomes constitutionally unreasonable when it is untethered from its underlying purposes or lacks meaningful procedural safeguards. *See, e.g., Bah v. Cangemi*, 489 F. Supp. 2d 905 (D. Minn. 2007); *Moallin v. Cangemi*, 427 F. Supp. 2d 908 (D. Minn. 2006).

The Fifth Amendment’s protections extend to “all ‘persons’ within the United States,” including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Due process does not turn on immigration status; rather, it applies “whether [a noncitizen’s] presence here is lawful, unlawful, temporary, or permanent.” *Id.* *See also Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”);

Plyler v. Doe, 457 U.S. 202, 210 (1982) (recognizing that even noncitizens present unlawfully are “persons” entitled to due process).

While *Jennings v. Rodriguez* held that §§ 1225(b) and 1226 do not, as a matter of statutory interpretation, require automatic or periodic bond hearings, the Supreme Court expressly declined to resolve the constitutional limits on prolonged immigration detention. *Jennings v. Rodriguez*, 583 U.S. 281, 300–302 (2018). The Court reaffirmed in *Zadvydas v. Davis* that immigration detention remains subject to constitutional due process constraints and cannot extend indefinitely or without a reasonably ascertainable endpoint. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001).

Respondents’ attempt to reclassify Petitioner under § 1225(b)(2)(A) rests on the assumption that any individual who entered without inspection remains perpetually an “applicant for admission,” regardless of subsequent lawful developments. That reading collapses the statutory distinction between §§ 1225 and 1226 and effectively nullifies § 1226(a)’s discretionary custody framework for individuals who have long established ties within the United States.

The facts of Petitioner’s case clearly illustrate the flaws in Respondents’ arguments. Unlike a recent entrant, Petitioner has lived in the United States for over a decade after being released from government custody as a minor. He later obtained Special Immigrant Juvenile (“SIJ”) classification, a congressionally created protection that provides a pathway to lawful permanent residence for vulnerable

youth. He remains in active removal proceedings, where the Immigration Judge has expressly confirmed his eligibility to pursue adjustment of status. As this Court's precedent reflects, the relevant inquiry is whether continued detention without individualized review is constitutionally reasonable. Petitioner argues that it is not constitutionally reasonable.

First, the duration of Petitioner's detention is indeterminate. Respondents point only to the "completion of proceedings" as an endpoint, but that endpoint is inherently uncertain. For a variety of unpredictable reasons, removal proceedings may extend for months or longer, particularly in a case such as this where a noncitizen is actively pursuing relief before the immigration court. The absence of any fixed or certain endpoint for Petitioner's removal proceedings weighs in favor of relief for Petitioner. See *Zadvydas v. Davis*, 533 U.S. 678, 690–691 (2001) (recognizing that immigration detention raises serious due process concerns when it becomes indefinite or lacks a reasonably certain endpoint).

Second, the nature of the proceedings highlights the lack of a valid detention rationale. Petitioner is not merely contesting removability; he is pursuing a congressionally authorized form of relief that may result in lawful permanent residence. Petitioner's continued and indefinite detention does not meaningfully advance the purposes of ensuring removal or preventing flight, particularly absent any individualized custody determination. *Id.* at 690–691.

Third, nothing in the record suggests that Petitioner has delayed proceedings or failed to comply with immigration requirements. To the contrary, he has consistently sought out legal representation and pursued all available legal avenues available to him. Courts have routinely held that such lawful participation does not justify prolonged civil detention. *Id.* at 690–691.

Fourth, Respondents’ reliance on *Avila v. Bondi* is misplaced. That case is factually and legally distinguishable, as it did not involve an SIJ recipient, did not address the statutory consequences of SIJ-based adjustment eligibility under 8 U.S.C. § 1255(h), and did not consider a noncitizen with over a decade of continuous residence actively pursuing relief in immigration court. Extending *Avila* to these facts would materially expand its holding beyond its factual context and raise serious constitutional concerns. See *Jennings v. Rodriguez*, 583 U.S. 281, 300–302 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 689–690 (2001).

Finally, Respondents ignore the legal significance of SIJ status. Under 8 U.S.C. § 1255(h), SIJ recipients are treated as paroled for purposes of adjustment eligibility. That statutory framework undermines Respondents’ assertion that Petitioner must be treated as an unadmitted applicant subject to mandatory detention under § 1225(b)(2)(A). At minimum, it confirms that § 1226(a), not § 1225, provides the appropriate custody framework, requiring an individualized bond determination.

II. RESPONDENTS FAIL TO ADDRESS THE COURT'S CONCERNS REGARDING THE LEGALITY OF PETITIONER'S ARREST

Respondents attempt to rely on § 1225, but that argument does not resolve the threshold Fourth Amendment issue. The legality of Petitioner's seizure is governed by the Fourth Amendment and 8 U.S.C. § 1357(a)(2), neither of which Respondents have shown was satisfied. Respondents' issuance of a Form I-200 on or after the date of Petitioner's arrest does not cure an unlawful arrest. As recognized in *Ahmed M. v. Bondi* (D. Minn. Jan. 23, 2026), such defects independently warrant relief.

More broadly, Federal Respondents maintain a policy and practice of effecting warrantless immigration arrests in the Twin Cities without probable cause to believe that an individual is removable or, alternatively, that the individual presents a flight risk. Such practices violate both the Fourth Amendment and the statutory limits of 8 U.S.C. § 1357(a)(2), which authorizes warrantless arrests only where an officer has probable cause and reason to believe the individual is likely to escape before a warrant can be obtained.

Respondents have implemented similar policies and practices of warrantless arrests in other locations throughout the United States, which courts have found unlawful. Individuals in Colorado, the District of Columbia, and the Eastern District of California have been subject to warrantless arrests made without probable cause of flight risk, which courts in those jurisdictions have held unlawful under §

1357(a)(2). *Ramirez Ovando v. Noem*, No. 1:25-cv-03183-RBJ, 2025 WL 3293467, at *15 (D. Colo. Nov. 25, 2025); *Escobar Molina v. U.S. Dep't of Homeland Sec.*, No. 25-3417 (BAH), 2025 WL 3465518, at *26-27 (D.D.C. Dec. 2, 2025); *United Farm Workers v. Noem*, 785 F. Supp. 3d 672 (E.D. Cal. 2025).

In any event, whether under § 1225 or otherwise, the government may not impose indefinite detention without meaningful procedural safeguards. That principle is particularly compelling here, where Petitioner has longstanding ties to the United States, has been granted humanitarian classification, and is actively pursuing lawful permanent residence. Under the framework consistently applied by this Court, those facts weigh decisively in favor of Petitioner.

III. THE APPROPRIATE REMEDY FOR FEDERAL RESPONDENTS' CONSTITUTIONAL VIOLATIONS IS IMMEDIATE RELEASE FROM CUSTODY WITHOUT BOND

This Court's role in habeas review is to ensure that executive detention complies with the Constitution and governing law. "If the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release." *Fay v. Noia*, 372 U.S. 391, 401-402 (1963). "Writs of habeas corpus are intended to afford a swift and imperative remedy in all cases of illegal restraint or confinement." *Johnson v. Rogers*, 917 F.2d 1283, 1284 (10th Cir. 1990); *see also United States v. Allen*, No. 97-1189, 1998 U.S. App. LEXIS 1952, at *3 (10th Cir. Feb. 12, 1998).

Petitioner has demonstrated profound Constitutional violations impacting his liberty and freedom. Petitioner is proceeding with his removal proceedings and is not asking this Court to intervene except to protect his rights for liberty and freedom from custody when he has documented options for relief.

CONCLUSION

Respondents have not carried their burden to justify Petitioner's present detention. Their expansive reading of 8 U.S.C. § 1225 cannot be reconciled with the statutory framework governing SIJ recipients, nor can it override the constitutional limits on civil detention. The government asks this Court to permit detention without a clear statutory basis, without a warrant, and without a bond hearing. Respondents have also failed to provide a satisfactory answer to the Court regarding whether the absence of a valid warrant preceding Petitioner's arrest necessitates release. See *Ahmed M. v. Bondi* (D. Minn. Jan. 23, 2026). Habeas review is about the lawfulness of custody, and where the government cannot establish a lawful basis for seizure and continued detention, Petitioner requires immediate relief.

For these reasons, the Court should grant the Petition and order Petitioner's immediate release or, at minimum, a bond hearing before an Immigration Judge.

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Worthington, Minnesota

Respectfully Submitted,

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