

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eliseo C.,

Petitioner,

v.

TODD BLANCHE, *et al.*,

Respondents.

Case No. 0:26-cv-02282-ECT-
SGE

**PETITIONER'S REPLY TO
RESPONDENTS' ANSWER
TO WRIT OF HABEAS
CORPUS**

I. Petitioner's claims under Due Process remain viable

As outlined in Petitioner's original habeas petition, the Eighth circuit has issued a decision in *Avila v. Bondi*, No. 25-3248 (8th Cir. March 25, 2026) holding that aliens who entered the United States illegally and who are not clearly and beyond a doubt entitled to be admitted, shall be detained under 8 U.S.C. § 1225(b)(2)(a), until the conclusion of their removal proceedings. However, this decision is not dispositive in this case because Petitioner's due process claims remain a viable path forward for his release. This Court should find that *Avila* does not change this chase's outcome on procedural due process grounds, as previously provided in the original petition.

Habeas corpus remains the proper remedy in Petitioner's case. In *Trump v J.G.G.*, 604 U.S. 670, 672 (2025), the Court held that "claims brought by immigration detainees that 'necessarily imply the invalidity' of their confinement falls within the 'core' of the writ of habeas corpus and thus must be brought in habeas." Petitioner's continued detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment.

Therefore, despite the decision in *Avila*, Petitioner continues to seek habeas relief ordering his immediate release from ICE custody or, in the alternative, an individualized custody determination before a neutral decisionmaker with authority to order release.

II. Petitioner's Procedural Due Process Claim

All persons within the United States possess a liberty interest in freedom from physical restraint. A procedural due process analysis to detention is governed by *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L.E.2d 18 (1976), which set forth factors for consideration when determining if a civil detention violates a detainee's due process rights: (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 and procedural safeguards";, and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Mathews*, 424 U.S. at 335, 96 S. Ct. 893.

The first factor in *Mathews* is the private interest, "the interest in being free from physical detention, states as 'the most elemental of liberty interests'." *Mathews*, 424 U.S.

at 335, 96 S. Ct. 893. The second factor in *Mathews* is the risk of erroneous deprivation. *Id.* In the instant case, detaining Petitioner without a bond hearing, creates an egregious and significant risk of erroneous deprivation of his liberty. Without the individualized determination of Petitioner's case and detention, DHS cannot justify his continued, indefinite detention. A bond hearing would give the instant Petitioner the opportunity to be heard and receive a meaningful assessment of whether he is dangerous or likely to abscond, greatly reducing the risk of an erroneous deprivation of his liberty.

The third factor in a *Mathews* test relates to the government's interest. Regardless of the government's purported interest in enforcing its interpretation of the immigration detention statutes, a habeas petitioner's "constitutional interest in his liberty exists above and apart from the INA." *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) ("[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.")). In the instant case, Petitioner has pursued benefits before USCIS including filing for a U visa. Petitioner has received a bonafide determination in his U visa application and has been placed in deferred action. The response filed the Respondents in this case does not address Petitioner's pending U visa application or his grant of deferred action. Instead, the response from Respondent's only addresses Petitioner's detention through the conclusion of his removal proceedings. Respondent's have provided no evidence that Petitioner's deferred action has been terminated or rescinded, thus leaving Petitioner in limbo while he sits in indefinite detention. As such, Petitioner has a history of demonstrated compliance with DHS. Absent an individualized

review, Petitioner faces a substantial risk of indefinite detention despite having no criminal convictions, and no individualized finding of danger or flight risk.

DATED: May 6, 2026

Respectfully submitted,

/s/ Maria Miller

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