UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Yonatan P.P., Petitioner, v. Todd Blanche, et. al., Respondents.	Case No. 26-CV-02949 (JMB/EMB) **REPLY IN SUPPORT OF VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

REPLY

Petitioner filed a verified petition for writ of habeas corpus on June 13, 2026. [Doc. 1]. The Court issued an order to show cause on June 15, 2026. [Doc. 5]. The Respondents filed their timely Response on June 17, 2026. [Doc. 8]. The Court gave Petitioner until June 22, 2026 to submit a Reply. [Doc. 11]. Petitioner submits this Reply in support of his request for habeas relief and immediate release from custody.

I. Petitioner is not detained pursuant to the Laken Riley Act.

In their Response, Respondents argue that Petitioner is "subject to mandatory detention under the Laken Riley Act. [Doc. 8, p. 3]. Respondents assert, "Petitioner is charged as inadmissible under INA § 212(a)(7) and he has been arrested for and charged with theft or burglary, bringing him squarely within the mandatory detention requirements of the Laken Riley Act." [Doc. 8, p. 4].

Respondents served the Bloomington Police Department with an Immigration Detainer, Form I-247A, on April 30, 2026. [Doc. 9-3]. Pursuant to 8 C.F.R. § 287.7(a),

"A detainer serves to advise another law enforcement agency that the Department seeks custody of a[] [non-citizen] presently in the custody of that agency, for the purpose of arresting and removing the [non-citizen]." Form I-274A sets forth a checklist, on which an agent of the Department of Homeland Security (DHS) may indicate on what grounds it seeks local law enforcement's cooperation. In Petitioner's case, Respondents selected the option that Petitioner "otherwise poses a risk to national security, border security, or public safety."[1] [Doc. 9-3, p. 1]. Although Respondents could have alleged that Petitioner "is subject to the detainer provision of the Laken Riley Act and is required to be effectively and expeditiously taken into custody by DHS pursuant to 8 U.S.C. § 1226(c)(3)," they did not. *Id.*

The arguments of counsel cannot, *post-hoc*, justify Petitioner's detention under 8 U.S.C. § 1226(c)(3). When Respondents issued their Immigration Detainer, they did not assert authority to arrest Petitioner under the Laken Riley Act. The Court should, therefore, not reform the Immigration Detainer and grant Respondents authority to detain Petitioner that they did not assert.

II. There is no probable cause to believe that Petitioner committed the crime of theft.

Under the Laken Riley Act, "The Attorney General shall take into custody any [non-citizen] who . . . is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 1182(a)

[1] Respondents present no evidence that Petitioner is in any way a risk to national security, border security, or public safety.

of this title . . and . . . is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense . . . " 8 U.S.C. § 1226(c). To the extent that Respondents now assert that they detained Petitioner due to a theft charge, Respondents provide no facts to establish probable cause that Petitioner committed the crime of theft. Respondents do provide a Citation Data Summary. [Doc. 9-6]. This record states, "This document is not an exact representation of the paper citation issued in this matter. This document contains initial citation data accepted by the Minnesota Judicial Branch. It may not include all information provided on the paper citation." Respondents provide no further evidence.

Additinally, Petitioner's own account of the events on April 30, 2026 contradicts Respondents' assertion that he committed the crime of theft. According to Petitioner, he and his friend were in Walmart. (Kelley Dec. ¶ 5). Petitioner was on his phone and not paying attention. *Id.* Unbeknownst to Petitioner, Petitioner's friend pocketed a necklace worth approximately $5. *Id.* Petitioner had no property of Walmart on his person. *Id.* Walmart security guards put Petitioner and his friend in a room and viewed security footage with them. *Id.* Walmart security guards also searched both Petitioner and his friend. *Id.* Security guards found nothing on Petitioner. *Id.* Petitioner did not take anything. *Id.* Security guards did find the $5 necklace on Petitioner's friend. *Id.* Security guards then called law enforcement, who arrested Petitioner and his friend, even though no stolen merchandise was located on Petitioner. *Id.*

Petitioner should not have been charged with theft. There was no probable cause to believe he had committed theft. Absent a conspiracy, the law does not recognize guilt by association.

III. Respondents continue to violate Petitioner's Due Process rights by keeping him in mandatory detention.

According to Respondents' own Immigration Detainer, Petitioner was not detained pursuant to the Laken Riley Act. To the extent Respondents now assert Petitioner is detained pursuant to the Lake Riley Act, Respondents have provided no probable cause that he committed the crime of theft. Petitioner therefore reasserts the Due Process arguments in his petition for habeas corpus [Doc. 1] and requests that the Court order his immediate release.

Date: June 22, 2026

/s/ Jason L. Schellack

Jason L. Schellack
901 North Third Street, Suite 120
Minneapolis, MN 55401
jason@autismlawcenter.com
612-200-9920

Attorney for Petitioner