IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Anthony Nimpson, Petitioner, v. **Markwayne Mullin**, Secretary, Department of Homeland Security; **Todd Blanche**, Acting Attorney General; **David Venturella**, Acting Director, Immigration and Customs Enforcement; and **David Easterwood**, Acting Director, St. Paul Field Office Immigration and Customs Enforcement; Respondents.	Civil No.: 0:26-cv-03017 **PETITION FOR WRIT OF HABEAS CORPUS** **8 U.S.C. § 1231** **28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner Anthony Nimpson, by and through undersigned counsel, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require United States Immigration and Customs Enforcement ("ICE") to release Petitioner from ICE detention and, in the meantime, enjoin Petitioner's transfer to a facility outside of Minnesota.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee *mandamus* action), § 1651 (All Writs Act),

and § 2241 (*habeas corpus*); Art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. Federal question jurisdiction exists because Petitioner seeks to challenge custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. ("INA").

4. Because Petitioner seeks to challenge his custody as a violation of the Constitution, laws, or treaties of the United States, jurisdiction is proper in this court. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear *habeas* petitions by noncitizens challenging the lawfulness of their detention. *See Zadvydas*, 533 U.S. 678, 687 (2001) ("[T]he primary federal *habeas corpus* statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases."); *Moallin v. Cangemi*, 427 F. Supp. 2d 908, 920–21 (D. Minn. 2006).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1), and 2241(d) because Petitioner is detained within this District, some of the Respondents reside and/or are headquartered within this District, and a substantial part of the events and omissions giving rise to the claim occurred within this District. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

EXHAUSTION

6. No statutory requirement of administrative exhaustion applies to Petitioner's challenge to the unlawfulness of his detention. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957,

965 (D. Minn. 2025). Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply to Petitioner's present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), *superseded by statute on other grounds as recognized in Woodford v. Ngo*, 548 U.S. 81 (2006).

PARTIES

7. Petitioner Anthony Nimpson lives in the State of Minnesota. Petitioner is a native of Liberia. He has an administratively final order of removal, issued in 2015. He was arrested by federal agents on May 28, 2026, when they invaded his home and arrested him without a warrant or any prior notice. He is currently detained at the Freeborn County Jail in Albert Lea, Minnesota.

8. Respondent Markwayne Mullin is being sued in his official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Mullin is responsible for the administration and implementation of federal immigration policies, including those that resulted in the arrest and detention of Petitioner. Secretary Mullin is a legal custodian of Petitioner.

9. Respondent Todd Blanche is being sued in his official capacity as the Acting Attorney General of the United States and the head of the Department of Justice. Attorney General Blanche shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Mullin. Attorney General Blanche is a legal custodian of Petitioner.

10. Respondent David Venturella is being sued in his official capacity as the

Acting Director of Immigration and Customs Enforcement, a sub-unit of the Department of Homeland Security. In that capacity, Acting Director Venturella is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the St. Paul Field Office for ICE within DHS. In that capacity, Acting Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Petitioner. The St. Paul Field Office is located in Fort Snelling, Minnesota.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

PETITIONER'S IMMIGRATION HISTORY AND STATUS

12. Petitioner Anthony Nimpson is a 39-year-old native of Liberia. He came to the United States as a refugee in and became a lawful permanent resident, retroactive to his date of entry. However, he was ordered removed in 2015, following a criminal conviction.

13. Petitioner has a criminal record. In 2012, he was convicted of felony gross sexual imposition. *North Dakota v. Nimpson*, No. 18-2011-CR-00468 (N.D. Dist. Ct. July 3, 2012).

14. Petitioner was ordered removed by an immigration judge on April 20, 2015. But there are often major legal barriers to deporting Liberian nationals.

15. For almost 25 years, "the Liberian nation and people were wracked by a series of bloody civil wars." *Vonhm v. Gonzales*, 454 F.3d 825, 826 (8th Cir. 2006). "The Department of State observed that the rebellion 'quickly escalated. . . and took on an alarmingly tribal nature'" *Id.* From 1980 through 2003, over 300,000 civilians were killed,

over 1,530,000 million were internally displaced, and over 1,480,000 fled the country as refugees. *See* George Klay Kieh, Jr., *Civilians and Civil Wars in Africa: The Cases of Liberia, Sierra Leone, and Côte D'Ivoire*, 48 Peace Rsch. 203, 209–13 (2016). Many of those Liberians victimized were killed or displaced in a manner "symptomatic of the general rudderless nature of war," while others were "targeted civilians sought because of their positions in the government; their class, ethnic, regional, and religious backgrounds; or their adversarial relationships with particular warlords or other top militia members." *Id.* at 210.

16. As a result, many Liberian refugees obtain protection under the 1951 Refugee Convention and the U.N. Convention Against Torture ("CAT"), impeding deportations even for individuals ordered removed because of the risks of persecution or torture many Liberian nationals faced if actually removed. And Liberia has at times limited the number and manner of repatriations it accepts from America. Liberian nationals who were ordered deported, but not accepted by Liberia, whether because of legal protections or Liberia's refusal to accept them, were almost universally released on orders of supervision, with required annual check-ins with INS and then ICE.

17. Similarly, Petitioner sought CAT withholding in his initial removal case. Although the immigration court denied Petitioner CAT withholding, Petitioner could not be deported to Liberia. The U.S. Government has been unable to execute Petitioner's removal order. He served around 90 days of immigration detention at the time of his removal, ICE made a determination that there was not a significant likelihood of Petitioner's removal in the foreseeable future, he was released on an order of supervision,

and he has been under an order of supervision at all times since.

18. Petitioner has not at any time recently, before his instant detention, been asked by ICE to come in to fill out an application for a travel document, and he does not have a passport from Liberia. He has not been informed of the prospect of removal to any other country. He has also not been called into the ICE field office for the purposes of effecting his removal.

RESPONDENTS' ARREST OF PETITIONER

19. On May 28, 2026, ICE officers arrested Petitioner. Petitioner lives with his sister Antonette, his 13-year-old nephew, and his grandmother, in [redacted]. On May 28, around 10:00 A.M., Petitioner was at home when someone knocked on the door. Decl. of Martha William at ¶ 3. Petitioner's nephew answered the door and found a woman in plainclothes and a badge standing outside. *See id.* The woman asked if Petitioner was home, and his nephew said yes.

20. Immediately upon the nephew's reply, five more plainclothes officers appeared from out of sight and pushed their way inside Petitioner's home. *See id.* The officers never asked permission to enter, nor did the nephew or any other person give consent for the officers to enter. *See id.* When Petitioner inquired into what was happening, the officers informed him that he was being detained. At this point, Petitioner became aware that the ICE officers had multiple cars parked behind the house as well.

21. The arresting officers did not present Petitioner any type of warrant (whether judicial or administrative) or other paperwork, at the time of arrest. Before his instant detention ICE had not formally notified Petitioner that it was revoking his order of

supervision. Petitioner was not served any warrant or notice of revocation at his house.

22. Petitioner was in a state of undress when the ICE officers detained him. The officers permitted Petitioner to put some clothes on. *See id.* at 5. The ICE officers then transported Petitioner to the Bishop Henry Whipple Federal Building in Fort Snelling, Minnesota.

23. At the Whipple Building, ICE officers finally served arrest paperwork on Petitioner. The Form I-200 administrative warrant states that it was served on Petitioner in New Hope, but Petitioner was never presented the warrant until he was already at the Whipple Building. The date of service on the warrant is listed as May 28, but noticeably includes no time of service. The warrant was served by an "N Thompson 11161." The warrant claims to have been issued on February 11, 2026, but also states that the warrant was read to Petitioner in Spanish, a language he does not speak and which is not an official language of Liberia. A copy of this warrant is attached to accompanying Declaration of Daniel P. Suitor as **Exhibit 2**.

24. At the Whipple Building, ICE officers served a notice of revocation of release on Petitioner. The notice was issued on May 26, two days before Petitioner's arrest. That notice states that Petitioner's release is being revoked because he "failed to remain law abiding" and "failed to check in w/ICE since January 2025." The notice does not explain how Petitioner failed to remain law abiding nor provide any details of when or where Petitioner was required to check in with ICE since January 2025. The notice of revocation states that it was served at Fort Snelling, on May 28, 2026, at 11:50 A.M, by a Deportation Officer "N Thompson 11161." A copy of this notice of revocation is attached

to accompanying Declaration of Daniel P. Suitor as **Exhibit 3**.

25. On information and belief, ICE does not currently have a plan to remove Petitioner to Liberia or any other country, nor has ICE obtained travel documents for Petitioner. Petitioner does not have a Liberian passport and has not filled out an application for a travel document.

26. Petitioner has not purposefully or intentionally acted to prevent his removal.

27. On information and belief, Respondents lacked probable cause to justify Petitioner's warrantless detention. Petitioner was in his own home in a state of undress. He didn't even have shoes on. Respondents had the house surrounded. Petitioner wasn't going anywhere. The ICE officers had ample time to plan and execute an unauthorized home invasion. Respondents could have obtained a warrant, which one court noted can be procured in an hour or less.[1] Instead, multiple ICE officers entered Petitioner's home without presenting him a warrant or obtaining consent to enter, and removed Petitioner unlawfully.

28. While ICE has been able to remove some Liberian individuals to their home country, there is no indication that it can or will execute the removal of Petitioner in the reasonably foreseeable future. Indeed, on information and belief, ICE does not have any valid travel document for Petitioner. Further, the regulatory procedure for revocation of Petitioner's order of supervision was not followed, and there were less restrictive

[1] One court noted that ICE officers were well capable of obtaining an administrative warrant over a one-hour lunch break during a court hearing without the non-citizen escaping. *United States v. Segura-Gomez*, No. 17-CR-65-FL-1, 2018 WL 6582823, slip op. at 15–16 (E.D.N.C. May 25, 2018), *R. & R. adopted*, (E.N.D.C. Nov. 30, 2018).

alternatives to initiate the removal process. Respondents also failed to observe the constitutional, statutory, and regulatory requirements for arresting Petitioner pursuant to a valid administrative warrant, resulting in an invalid warrantless arrest. As a result, Respondents' detention of Petitioner under 8 U.S.C. § 1231 is unlawful and violates agency regulations, § 1231 itself, the Fourth Amendment, and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

29. Without the intervention of this Court, Petitioner believes that Respondents will continue to detain him indefinitely, without regard for the mandates of the U.S. Constitution, the Immigration and Nationality Act, and the agencies' own rules and regulations.

30. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention on the conditions of the order of supervision in place before his arrest.

RESPONDENTS' CONDUCT IN MOVING DETAINEES OUT OF STATE

31. Petitioner is currently detained at the Freeborn County Jail in Albert Lea, Minnesota. ICE has a well-documented practice of transferring Minnesota detainees out of state and repeatedly shuttling them around the country, seemingly to evade this District's jurisdiction.[2] ICE may well transfer him outside of the State of Minnesota and the District

[2] *See, e.g.*, Elizabeth Shockman, *'ICE Conveyor Belt' Illegally Detaining, Moving Minnesota Children to Texas Faster Than Courts Can Respond*, MPR News (Jan. 28, 2026, at 4:00 AM), https://www.mprnews.org/story/2026/01/28/ice-detaining-moving-minnesota-children-to-texas-faster-than-courts-can-respond (describing how a father and his two-year-old daughter were moved out of Minnesota 20 minutes after this Court ordered their

of Minnesota, and to an unknown location, without even a moment's notice.

32. Thus, Petitioner respectfully requests that this Court issue an order enjoining Respondents from moving Petitioner outside of Minnesota so that Petitioner may consult with counsel while the Court is considering the present petition, and so that there is no risk that removal of Petitioner from Minnesota will deprive this Court of jurisdiction over the petition, and ordering Respondents to immediately return Petitioner to Minnesota if he has been moved prior to issuance of such order.

LEGAL FRAMEWORK

HABEAS PETITIONS

33. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful or unconstitutional detention, including noncitizens detained by federal immigration authorities. *See, e.g.*, *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 900–01 (D. Minn. 2020). "The Great Writ is 'a vital instrument' to protect individual liberties, and is an essential check on abuses of government power," particularly against "'arbitrary imprisonments,' which 'have been, in all ages, the favorite and most formidable instruments of tyranny.'" *Tou V. v. Bondi*, No. 26-CV-1831, slip op. at 2 (D. Minn. Feb. 18, 2026) (quoting *Boumediene v. Bush*, 553 U.S. 723, 743–45 (2008)).

34. A petitioner may seek a writ of habeas corpus when their custody violates

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release); Transcript of Show Cause Hearing at 19–27, *Segundo A.P.G. v. Bondi*, No. 26-CV-603 (D. Minn. Feb. 3. 2026) (describing how one detainee was ordered returned from Texas to Minnesota, but wound up in New Mexico and remained there despite additional orders from this Court), https://drive.google.com/drive/u/0/folders/1-QsB0RfJ8Zm6Ux8Exb0pen8wSNB3GWjM.

the U.S. Constitution or a federal law. 28 U.S.C. § 2241(c)(3). Such a petition should be granted if the petitioner proves the illegality of the detention by a preponderance of evidence. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025).

8 U.S.C. § 1231 AND ZADVYDAS

35. The Due Process Clause of the Fifth Amendment to the Constitution prohibits the United States government from depriving any person of their liberty "without due process of law." U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

36. The Fifth Amendment Due Process Clause also requires that Respondents follow procedures that are adequate to establish that detention is both statutorily and constitutionally valid. *See Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996) ("[D]ue process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake . . . are both particularly important and more substantial than mere loss of money.").

37. Noncitizens "detained pending a final removal order, pursuant to 8 U.S.C. § 1231, retain their liberty interests such that prolonged or indefinite detention presents significant due process concerns." *Hussein S.M. v. Garland*, No. 21-CV-348, slip op. at 5 (D. Minn. May 18, 2021) (citing *Zadvydas*, 533 U.S. at 699). If the "detention's goal is no longer practically attainable," detention becomes unreasonable and therefore violates the Fifth Amendment right to due process. *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

38. Under 8 U.S.C. § 1231, noncitizens with a final order of removal shall be removed from the United States within a period of 90 days. 8 U.S.C. § 1231(a)(1)(A).

39. The beginning of the 90-day removal period is determined by the latest of the following:

> (i) The date the order of removal becomes administratively final.
>
> (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.
>
> (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

Id. at § 1231(a)(1)(B).

40. During the removal period, the noncitizen may be detained, and may not be released under any circumstances if found inadmissible or deportable on criminal or national security grounds. *Id.* at § 1231(a)(2).

41. If the noncitizen is not removed during the 90-day period, he or he "shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien

> (A) to appear before an immigration officer periodically for identification;
>
> (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;
>
> (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General

considers appropriate; and

(D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

Id. at § 1231(a)(3).

42. The removal period may be extended beyond 90 days and the noncitizen may remain detained if the noncitizen frustrates his or her removal. *Id.* at § 1231(a)(1)(C).

43. Alternatively, the noncitizen may be detained beyond the 90 days if he is inadmissible under § 1182 or removable under various sections of § 1227, or determined to be a risk to the community or unlikely to comply with the order of removal. *Id.* at § 1231(a)(6); 8 C.F.R. § 241.4(a).

44. *Zadvydas v. Davis* is the landmark Supreme Court case on post-removal detention under 8 U.S.C. § 1231. In that case, the Supreme Court ruled that 8 U.S.C. § 1231 provides a "presumptively reasonable period of detention" of six months to effect a noncitizen's deportation. *Zadvydas*, 533 U.S. at 701.

45. Importantly, while *Zadvydas* has been read to permit 180 days of detention under § 1231 and any additional "period reasonably necessary to bring about that alien's removal from the United States," *id.* at 689–90, it does not permit the Government to arbitrarily arrest a person subject to § 1231 whenever it can, simply because it can. Such detention under this section is permissible only with the intent and ability to actually execute a noncitizen's removal.

46. Even then, when a person is on an order of supervision with ICE, the preliminary steps toward removal can be accomplished without confinement. In the past,

it has been common to call an individual into an ICE office to apply for a travel document and again when it is time for removal. *Zadvydas* also requires active, diligent efforts to carry out removal. It does not authorize the Government to detain a person for an extended period of time and *then* start the process.

47. After the expiration of the 180-day period of presumptively reasonable detention, and "once [Petitioner] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701. Thus, after six months of detention, the burden of proof in a habeas proceeding is placed on the Government to justify continued detention.

SUPERVISED RELEASE UNDER 8 C.F.R. § 241.13

48. Agency regulations also "control the federal government's ability to detain, release, and revoke the release of noncitizens subject to orders of removal." *Garrison G. v. Bondi*, No. 26-CV-172, 2026 WL 157677, at *3 (D. Minn. Jan. 17, 2026).

49. Government agencies must follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

50. When a noncitizen is detained pursuant to § 1231 and there is no significant likelihood of removal in the reasonably foreseeable future, they are released pursuant to 8 C.F.R. § 241.13(g). There are two grounds to revoke this supervised release: violation of the terms and conditions of release or changed circumstances. *Id.* at § 241.13(i).

51. "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, slip op. at 16 (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." *Id.* "These limits are not discretionary. The government is bound to follow the regulations it has promulgated." *Mong C. v. Noem*, No. 26-CV-1541, slip op. at 4 (D. Minn. Feb. 24, 2026) (citing *Accardi*, 347 U.S. at 268).

52. Thus, when ICE intends to revoke the release of a noncitizen "the government must strictly follow the procedures outlined in §§ 241.13 and 241.4." *Tou V. v. Bondi*, No. 26-CV-1381, slip op. at 6–7 (D. Minn. Feb. 18, 2026). It must notify an individual in writing before revoking their supervised release. *Id.* at 5. That communication must "notify the noncitizen 'of the reasons for revocation of his or her release.'" *Garrison G.*, 2026 WL 157677, at *3 (quoting 8 C.F.R. § 241.13(i)(3)). "Conclusory or post-hoc notices do not satisfy the regulation." *Mong C.*, No. 26-CV-1541, slip op. at 5. ICE must then "conduct an initial informal interview promptly after the noncitizen's return to custody to afford the noncitizen an opportunity to respond to the reasons for revocation stated in the notification." *Garrison G.*, 2026 WL 157677, at *3. The interview must be held after the service of the notice revoking the noncitizens release. *Sunee T. v. Noem*, No. 26-CV-1638, slip op. at 6 (D. Minn. Mar. 11, 2026).

53. Re-detention based on changed circumstances can occur when ICE "determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2). ICE must "consider[ ] factors probative of the [noncitizen's] future removal," "including the [noncitizen's] history of

compliance efforts, ICE's history in removing [noncitizens] to the country in question or third countries, and the State Department's views on the prospects of removal of [noncitizens] to those countries." *Sarail A. v. Bondi*, 803 F. Supp. 3d 775, 784–85 (D. Minn. 2025).

54. "Section 241.13 places the burden on ICE to establish that 'changed circumstances' justified the revocation of release." *Garrison G.*, 2026 WL 157677, at *3. ICE must provide "individualized explanation or confirmation of sufficient changed circumstances to justify re-detention." *Chong W.V. v. Noem*, No. 26-CV-1622, slip op. at 7 (D. Minn. Mar. 9, 2026). "[V]ague, conclusory statements" are "insufficient to demonstrate that ICE's revocation of [an individual's] supervised release was justified." *Bounkieng S. v. Noem*, No. 26-CV-1830, slip op at 5 (D. Minn. Mar. 19, 2026).

THE FOURTH AMENDMENT

55. The Fourth Amendment to the United States Constitution enshrines "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. This right "shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." *Id.*

56. The Fourth Amendment applies to noncitizens. *See United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010).

57. Immigration authorities must comply with governing statutes when arresting noncitizens without a warrant. *Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 945 (D.

Minn. 2017) ("[A]rrest and continued detention is lawful only if officers acted within their statutory authority for affecting a warrantless arrest.").

58. Even to the extent a noncitizen present in the country could be detained under other statutory authority, "it does not follow that [such a noncitizen] can be arrested and detained . . . without first complying with 8 U.S.C. § 1357(a), which addresses federal immigration officials' authority to make warrantless arrests." *Jefferson G.H.L. v. Blanche*, No. 26-CV-2344, 2026 WL 1229623, at *2 (D. Minn. May 5, 2026) (discussing detention under 8 U.S.C. § 1225(b)(2)); *see also Almeida-Sanchez v. United States*, 413 U.S. 266, 271—74 (1973) (holding the "permissible scope of intrusiveness" under Fourth Amendment greater at "the border itself" or "its functional equivalents" than in interior of the country).

59. There are two regulatory schemes for administrative warrants issued by DHS and ICE. First, there are warrants of arrest, which are authorized by 8 U.S.C. § 1226 and implemented via regulation at 8 C.F.R. § 236.1(b). These administrative warrants of arrest are used to "arrest[] and detain[] pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). These warrants are issued on ICE "Form I-200, Warrant of Arrest." 8 C.F.R. § 236.1(b)(1). Second, there are warrants of removal, which are authorized by 8 U.S.C. § 1231 and implemented via regulation at 8 C.F.R. §§ 241.2, 241.3. This brand of administrative warrant is issued on "Form I-205, Warrant of Removal," *id.* at § 241.2(a), and is used to arrest and detain noncitizens with a final order for removal pending their actual removal from the United States.

60. Because Petitioner is subject to a final order of removal, the warrant required

to arrest him was the second kind of administrative warrant, the warrant of removal. *Inti C.-L. v. Blanche*, No. 26-CV-2777 (PJS/SGE), slip op. at 2–3 (D. Minn. June 9, 2026). "A warrant of removal must be prepared in every case resulting in a final order of removal," *United States v. Orozco-Acosta*, 607 F.3d 1156, 1163 (9th Cir. 2010). And a warrant of removal was required for his arrest because a "removal order is not a surrogate for an arrest warrant." *United States v. Segura-Gomez*, No. 17-CR-65-FL-1, 2018 WL 6582823, slip op. at 16–17 (E.D.N.C. May 25, 2018), *R. & R. adopted*, (E.N.D.C. Nov. 30, 2018); *accord Kong v. United States*, 62 F.4th 608, 619 (1st Cir. 2023) ("The concepts of a deportation order and a deportation warrant cannot be conflated. The deportation order authorizes removal from the country. The warrant authorizes an arrest to effect removal."). Absent a valid warrant for removal, arrests of noncitizens with a final order for removal are held to the same statutory and regulatory standards for warrantless arrest as for noncitizens being placed into removal proceedings. *Segura-Gomez*, No. 17-CR-65-FL-1, slip op. at 18.

61. The Immigration and Naturalization Act permits ICE officers "to arrest a noncitizen without a warrant only in limited circumstances: (1) to arrest a noncitizen who, in the presence or view of the arresting officer, "is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of [noncitizens]," or (2) to arrest a noncitizen when the arresting officer has "reason to believe" the noncitizen is "in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest . . . ." 8 U.S.C. § 1357(a)(2) (emphasis added); *see also* 8 C.F.R. §§ 287.3(a), (d) and 287.8(c)(2)(i)–(ii); *accord Cutberto R.P. v. Blanche*, No. 26-CV-1934,

slip op. at 9 (D. Minn. Apr. 10, 2026).

62. "Because the Fourth Amendment applies to arrests of illegal aliens, the term 'reason to believe' in § 1357(a)(2) means constitutionally required probable cause." *Quintana*, 623 F.3d at 1237.

63. However, having "reason to believe" that Petitioner is "'an alien subject to removal from the United States' does not, without more, provide the probable cause needed to make a lawful arrest." *Orellana*, 230 F. Supp. at 945 (quotation omitted). That is because "it is not a crime for a removable alien to remain present in the United States." *Arizona v. United States*, 567 U.S. 387, 407 (2012). "To hold that a noncitizen is likely to escape merely because they are removable would effectively collapse § 1357(a)(2)'s two distinct requirements into one . . . . If every noncitizen that is here illegally is presumed likely to escape authorities, then § 1357(a)(2)'s second, independent requirement is rendered superfluous." *Jefferson G.H.L.*, 2026 WL 1229623, at *3.

64. Rather, "the Fourth Amendment demands a particularized assessment of [Petitioner]'s likelihood of escaping" before an arrest warrant can be obtained. *Orellana*, 230 F. Supp. 3d at 946 (citing *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)); *accord, e.g.*, *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1006–07 (N.D. Ill. 2016); *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 889 (S.D. Ohio 2016); *Ramirez Ovando v. Noem*, 810 F. Supp. 3d 1209, 1217 (D. Colo. 2025) (requiring "particularized inquiry" that subject is likely to abscond).

65. The facts informing the assessment of whether a person is likely to escape "may vary." *See Escobar Molina v. U.S. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 13

(D.D.C. 2025). "Courts have also 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." *Id.* (collecting cases). However, "[j]ust because a noncitizen is unlawfully present in the United States does not mean that he or she is likely to escape." *Jefferson G.H.L.*, 2026 WL 1229623, at *3.

66. It is Respondents' burden to establish both probable cause predicates for reliance on 8 U.S.C. § 1357's exceptions to the warrant requirement, and the absence of either one warrants Petitioner's immediate release. *See, e.g.*, *Cutberto R.P.*, No. 26-CV-1934, slip op. at 11 (requiring "probable cause to support that Petitioner was 1) not lawfully present and 2) likely to escape before they could get a warrant based on the totality of the circumstances"); *accord Jefferson G.H.L.*, 2026 WL 1229623, at *2–3. If Respondents fail to establish probable cause, such as by relying on a deficient or inadequate Form I-205 administrative warrant, they have failed to satisfy § 1357(a)(2) and its associated regulations. See, e.g., *Sergio P. v. Bondi*, No. 26-CV-01538, 2026 WL 497290 (D. Minn. Feb. 23, 2026), *abrogated on other grounds by Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026).

67. If Petitioner was arrested without a valid Form 1-205 and without the appropriate probable cause, he must be released. *See Inti C.-L.*, No. 26-CV-2777, slip op. at 3–4 (granting release to a habeas petitioner where he was arrested without a valid I-205 warrant or probable cause to believe he was a flight risk); *Linares Munoz v. Roberts*, No. 26-CV-1181, slip op. at 2, 5 (M.D. Fla. Apr. 30, 2026) (same).

68. ICE regulations further constrain Respondents' conduct in making

warrantless arrests. The only appropriate manner for immigration authorities to make warrantless arrests for perceived civil violations of immigration law is laid out in 8 C.F.R. § 287.3.

69. Retroactively served warrants cannot cure an otherwise unlawful detention. *See also Alberto C.M. v. Noem*, No. 26-CV-380, 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where the warrant "was not issued until after his arrest and initial detention"); *Marlon S.T.L. v. Bondi*, No. 26-CV-665, 2026 WL 251975, at *2 (D. Minn. Jan. 30, 2026) ("A detainee being held pursuant to § 1226(a), as Petitioner is here, must have been served an arrest warrant prior to detainment.").

RELEASE IS THE PROPER REMEDY

70. "Habeas is at its core a remedy for unlawful executive detention. The typical remedy is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (citations omitted).

71. Regarding 8 U.S.C. § 1231, "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable" and order Petitioner's release. *Zadvydas*, 533 U.S. at 699. That "release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances." *Id.* at 700.

72. "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) (collecting cases), *R. & R. adopted*, (D. Minn. Mar. 19, 2026).

73. The remedy for a violation of Petitioner's due process rights is immediate

release. *See Pedro Eduardo R. P. v Bondi,* No. 26-CV-01323, 2026 WL 473140 (D. Minn. Feb. 17, 2026) (recommending immediate release after the government failed to contest the petitioner's Fourth and Fifth Amendment arguments), *R. & R. adopted*, 2026 WL 478607 (Feb. 19, 2026); *Jose L.R.O. v. Bondi*, No. 26-CA-850, slip op. at 25 (W.D. Tex. Mar. 23, 2026) ("[W]here the Court finds an ongoing detention unlawful, 'the typical remedy for such detention is, of course, release.'" (quoting *Munaf*, 553 U.S. at 693)).

74. Immigration detention is civil in nature and, as a result, Congress must have expressly authorized it by statute and the detention must be reasonably related to its statutory purpose. *Zadvydas*, 533 U.S. at 687, 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose, and there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody. Due Process requires that Petitioner be able to engage in substantive immigration proceedings while released from custody rather than from a jail cell, potentially in some far flung corner of the country far from his family and counsel.

75. "The remedy for a warrantless arrest is immediate release." *Edison D.M.J. v. Bondi*, No. 26-CV-1588, slip op. at 5 (D. Minn. Feb. 27, 2026). This is because "[t]he [Fourth] Amendment is a constraint on the power of the sovereign, not merely on some of its agents. The remedy for its violation imposes costs on that sovereign, motivating it to train all of its personnel to avoid future violations." *Arizona v. Evans*, 514 U.S. 1, 18–19 (1995) (Stevens, J., dissenting).

CAUSES OF ACTION

COUNT ONE: VIOLATION OF 8 U.S.C. § 1231

76. Petitioner re-alleges and incorporates by reference the paragraphs above.

77. 8 U.S.C. § 1231 authorizes the detention of noncitizens in order to execute a final order of removal, so long as removal is likely to occur in the reasonably foreseeable future.

78. Petitioner has a final order of removal to Liberia, and was on an order of supervision prior to his arrest. To date, Respondents have not taken any steps or made any efforts to execute the removal order. Respondents have not indicated that there is a specific plan in place to remove Petitioner or that Liberia or some other country will accept Petitioner, and the ability to carry out his removal is currently only speculative.

79. Therefore, 8 U.S.C. § 1231 does not authorize further detention of Petitioner as he was not detained in order to execute his removal and his removal is not likely to occur in the reasonably foreseeable future.

COUNT TWO: VIOLATION OF FIFTH AMENDMENT SUBSTANTIVE DUE PROCESS

80. Petitioner re-alleges and incorporates by reference the paragraphs above.

81. The Fifth Amendment Due Process Clause protects against arbitrary and indefinite detention by the executive branch. *Zadvydas*, 533 U.S. at 699.

82. Due process requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals. *See Zadvydas*, 533 U.S. at 690–91. As Petitioner's removal is not substantially likely to occur in the reasonably foreseeable future, his detention is arbitrary and unreasonable, and

therefore in violation of the Fifth Amendment's guarantee of Due Process.

COUNT THREE: FIFTH AMENDMENT PROCEDURAL DUE PROCESS

83. Petitioner re-alleges and incorporates by reference the paragraphs above.

84. *Mathews v. Eldridge* instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail. 424 U.S. 319, 335 (1976). All three factors favor Petitioner.

85. The first factor, the private interest at issue, favors Petitioner. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

86. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. While agency regulations prescribe the process that must be followed prior to revocation of supervised release, that process was not followed here. Further, agency press releases and social media posts make clear the arrest of Petitioner was not based on a procedurally permissible ground identified in agency regulations.

87. Moreover, Petitioner will continue to be erroneously deprived of his liberties if Respondents' current procedure entailing *en masse* detentions of immigrants for the sake of detentions is followed. Where thousands of individuals are being detained across the

country, "[w]ithout an individual assessment, the risk of erroneous deprivation is high." *Pedro A.D.L.O.O. v. Bondi*, No. 26-CV-01959, 2026 WL 948970, at *3 (D. Minn. April 8, 2026). This lack of individual assessment is an issue not only at the outset, but also as these indefinite detentions continue. Prolonged detention without any particularized assessment of need "no longer bears a reasonable relation to its purpose." *See Zamudio Sanchez v. Noem*, No. 25-CV-00403, 2026 WL 596133, at *13 (W.D. Tex. Mar. 2, 2026); *see also Black v. Decker*, 103 F.4th 133, 154 (2d Cir. 2024) ("Where the noncitizen poses no danger and is not a flight risk, all the government does in requiring detention is separate families and remove from the community breadwinners, caregivers, parents, siblings and employees." (citation and internal quotations omitted)).

88. Requiring Respondent to consider alternative procedures—that is, a particularized inquiry as to the necessity of detention rather than a policy of "detain first, justify later"—is reasonable to protect individual rights and liberty as well as preserve government resources. *See, e.g.*, *Gunaydin v. Trump*, 784 F. Supp. 3d 1175, 1188 (D. Minn. 2025) ("[T]he automatic stay regulation includes no requirement that the agency official invoking it consider any individualized or particularized facts, which increases the potential for erroneous deprivation of individuals' private rights."). Here, Respondents made no individualized inquiry and had no rational basis to believe that detention is necessary to ensure Petitioner's appearance to comply with removal procedures pursuant to his order for removal and order of supervision.

89. The third factor, the government's interest, also favors Petitioner. The government has no legitimate interest in detaining an individual who has not violated a

material term of their supervised release or where has been a change in conditions that would make removal in the reasonably foreseeable future to be substantially likely. The government has no legitimate interest in detaining someone simply because they are undocumented. *Pedro A.D.L.O.O.*, 2026 WL 948970 at *3 (finding that "the government's interest in detaining Petitioner is weak because they have not established that Petitioner is unlikely to appear or that he poses any threat to the community as he has no criminal history."). For these reasons, arresting and detaining Petitioner violated procedural due process under the Fifth Amendment to the U.S. Constitution.

COUNT FOUR: FOURTH AMENDMENT SEARCH AND SEIZURE

90. Petitioner realleges and incorporates by reference the allegations contained above.

91. Respondents did not have Petitioner's consent or present any form of warrant to arrest him. Respondents' officers invaded Petitioner's home without a judicial warrant. And the warrant served long after Petitioner's arrest was an improper Form I-200 warrant, invalid to authorize his arrest.

92. Absent a valid warrant, Respondents have exceeded their authority to make a warrantless arrest of Petitioner under 8 U.S.C. § 1357(a)(2) because, at the time of Petitioner's warrantless arrest, Respondents lacked probable cause, or "reason to believe," that Petitioner was both "in the United States in violation of any such law or regulation" regulating the admission, exclusion, expulsion, or removal of noncitizens and "likely to escape before a warrant can be obtained for his arrest."

93. Respondents have made, and continue to make, an unreasonable warrantless

seizure of Petitioner under the Fourth Amendment. Petitioner's resultant detention is therefore unlawful.

COUNT FIVE: VIOLATION OF *ACCARDI* DOCTRINE

94. Petitioner re-alleges and incorporates by reference the paragraphs above.

95. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that the agency failed to follow its rules in a hearing] he should receive a new hearing"). *Accardi* prohibits agencies from taking actions "inconsistent with their internal regulations when it would affect individual rights." *United States v. Lee*, 274 F.3d 485, 492 (8th Cir. 2001).

96. On information and belief, Respondents' detention of Petitioner violates the law because ICE did not comply with its own regulations under 8 C.F.R. § 241.13 in revoking his supervised release.

97. By arresting Petitioner without a warrant and without the requisite probable cause to believe that Petitioner was a flight risk, Respondents violated 8 C.F.R. § 287.8(c)(2)(ii)).

98. All of Respondents' violations of their own regulations directly impacted Petitioner's individual rights, namely, Petitioner's personal liberty interests in freedom from confinement. As such, Petitioner's detention is unlawful and should be set aside under the *Accardi* doctrine.

REQUEST FOR EVIDENTIARY HEARING

99. An evidentiary hearing is appropriate when material facts are in dispute. *Ruiz*

v. Norris, 71 F.3d 1404, 1406 (8th Cir. 1995). However, an evidentiary hearing is not required when a conclusion can be reached on the issue pursuant to undisputed facts. *United States v. Winters*, 411 F.3d 967, 973 (8th Cir. 2005).

100. Petitioner anticipates that Respondents may contest various facts such as the date, time, and location that any warrant and/or notice to revocation were issued or served in this case. Such issues could be dispositive. If the Court finds that material facts are in dispute, and it does not order his release based on undisputed facts, then Petitioner respectfully requests an evidentiary hearing so that sworn testimony may be taken from him and the relevant ICE officers and officials to determine the truth of these issues.

REQUEST FOR ORDER TO SHOW CAUSE

101. Within three days, unless good cause for a delay is shown, "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

102. Petitioner respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why a writ of habeas corpus should not be granted.

103. Petitioner respectfully requests that an Order to Show Cause direct Respondents, should they offer a warrant in this case, to provide sufficient details to establish the validity of this warrant, such as: (1) the name, title, training, and qualifications of the officer who issued the warrant; (2) the time and place at which the warrant was

issued; (3) the evidence the issuing officer relied upon in making his determination that an arrest was warranted in this case; (4) the name, title, training and qualifications of the agent who served the warrant upon Petitioner; and (5) the time, place, and manner by which the warrant was served upon Petitioner.

104. Petitioner respectfully requests that an Order to Show Cause direct Respondents, should they offer a notice of revocation of release and alien informal interview statement, to provide sufficient details to establish the validity of these documents, such as: (1) the name, title, training, and qualifications of the officer who issued the notice of revocation; (2) the time and place at which the notice of revocation was issued; (3) the basis for revocation and the evidence the issuing officer relied upon in making his determination that revocation was warranted; (4) the name, title, training and qualifications of the agent who served the notice of revocation upon Petitioner; (5) the time, place, and manner by which the notice of revocation was served upon Petitioner; (6) the name, title, training and qualifications of the agent who conducted any informal interview with Petitioner; and (7) the time, place, and manner by which the informal interview was held.

105. Specifically, Petitioner requests that the Court order Respondents to produce evidence in **completely unredacted** form. In habeas cases in this District, Respondents have produced evidence with key information redacted—without explanation, justification, or permission by the Court or rule of law—which deprives petitioners of their ability to conduct fact investigations and prepare certain evidence. Respondents are free to seek Petitioner's consent to file redacted documents, or seek leave of the Court to do so.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner asks this Court for the following relief:

1. Assume jurisdiction over this matter;

2. Enjoin Respondents from transferring Petitioner from this District without court approval pending the duration of these proceedings, or transport Petitioner back to Minnesota if already moved out of state;

3. Order Respondents to show cause as to why Petitioner should not be released immediately on his prior order of supervision within three days;[B

4. Declare that Petitioner's current detention exceeded Respondents' authority and is unlawful;

5. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;

6. Require that Petitioner be released within the State of Minnesota, at a safe time and place communicated to counsel and with all of Petitioner's personal belongings and effects in Respondents' possession, such as Petitioner's driver's license, immigration papers, identification documents including any passport or employment authorization document, cell phone, and keys;

7. Enjoin Respondents from implementing any additional conditions of release beyond those in Petitioner's current order of supervision;

8. Retain jurisdiction over this matter to decide any future motion for an award of reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), Local Rule 54.3(a), or any other basis justified by law, upon such application; and

9. Grant any and all further relief this Court deems just and proper.

DATED: June 18, 2026

Respectfully submitted,

/s/ Daniel P. Suitor

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am Petitioner's attorney and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, which knowledge comes from my conversations with my client as well as my personal knowledge as an attorney filing over 50 habeas petitions for noncitizens detained during and after Operation Metro Surge.

DATED: June 18, 2026

Respectfully submitted,

/s/ Daniel P. Suitor

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