UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0: 26-CV-3017 KMM-DTS

Anthony N.,

Petitioners,

v.

Markwayne Mullin, *et al.*,

Respondents.

SUPPLEMENTAL BRIEFING

Respondents respectfully submit this brief pursuant to the Court's July 21, 2026 order.

ARGUMENT

The court seeks supplemental briefing on two issues, addressed below.

1. I-205 was issued with proper authority.

The I-205 warrant was issued by a Supervisory Detention and Deportation Officer (SDDO) for Scott Baniecke, the Field Office Director. A Field Office Director is authorized to issue an I-205 warrant. 8 C.F.R. § 241.2(a)(1)(iii). And Field Office Directors are allowed to delegate this authority to "duly authorized officers or employees of the Department of Homeland Security or the United States who are delegated the authority as provided in 8 CFR 2.1 to issue Warrants of Removal, and who have successfully completed any required immigration law enforcement training." 8 C.F.R. § 241.2(a)(1)(xxxii). A

Supervisor Detention and Deportation Officer is an immigration officer with authority to arrest. *See* 8 C.F.R. § 287.5(e)(2).

Beyond this, the government is entitled to the presumption of regularity in the present case, under which "in the absence of clear evidence to the contrary," courts presume that public officers "have properly discharged their official duties." *McDonough v. Anoka County*, 799 F.3d 931, 948 (8th Cir. 2015) *citing U.S. v. Armstrong*, 517 U.S. 456, 464 (1996). This rule extends to DHS's delegation of authority. *Coreas v. Holder*, 526 Fed.Appx. 322 (4th Cir. 2013)(failure to define authority of "group supervisor" to issue Notice to Appear was insufficient to overcome presumption of regularity); *Gagliardo, U.S. ex rel. v. Karnuth*, 66 F.Supp. 969, 975 (W.D.N.Y. 1945)(fact that Attorney-General did not personally sign the warrant was inconsequential, as it was "presumed that the officer who signed the warrant for deportation had authority to do so").

II. The I-205 Warrant of Removal is still valid.

Petitioner suggests that the I-205 Warrant of Removal against him may no longer be enforceable. It does not appear that binding caselaw exists in the Eighth Circuit addressing the issue. But the Ninth Circuit weighed in on the issue directly in *Spector v. Landon*, which established that a deportation warrant remains enforceable, no matter the lapse of time. 209 F.2d 481 (9th Cir. 1954).

Said the court in *Spector*: "No cases have been found by counsel holding that a deportation warrant becomes invalid or unenforceable through mere lapse of time, or for that matter because of dilatory conduct or laches on the part of the immigration authorities in effecting a deportation." *Id.* at 482. The court then discusses the habeas challenges to

detention which might occur owing to passage of time (a question rendered nugatory by *Zadvydas v. Davis* and the regulations of 8 C.F.R. § 241), and concludes that none of those due process considerations would result in the invalidity of a warrant. "It is not thought that dilatoriness or laches on the part of the authorities in the execution of the warrant would be regarded as of consequence unless the person affected is shown to have been prejudiced thereby. Obviously the delay in effecting appellant's deportation operated to his advantage rather than the reverse." *Id.* at 482-83.

The Ninth Circuit reacknowledged the holding of *Spector* in *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1113 (9th Cir. 2001)(finding a reasonableness limit for *detention* post-*Zadvydas*).

Nor is there any valid claim the I-205 been "re-used." Until Petitioner is removed, the warrant remains valid. This explains why the last page of it is incomplete—it can only be filled out when Petitioner is finally removed.

Dated: July 24, 2026

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