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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jairo Leonel Ulloa Gonzales, Petitioner, v. Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Department of Homeland Security, in his official capacity; David VENTURELLA, Acting Director of Immigration and Customs Enforcement; Immigration and Customs Enforcement, in his official capacity; David EASTERWOOD, Field Office Director of Enforcement and Removal Operations, Minneapolis - St. Paul Field Office, Immigration and Customs Enforcement, in his official capacity; and Eric TOLLEFSON, Sheriff of Kandiyohi County, Minnesota, custodian of detainees at the Kandiyohi County Jail, in his official capacity. Respondents.	Case No. 0:26-cv-03051 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Jairo Leonel Ulloa Gonzales, is a non-citizen and national of Honduras. Petitioner entered the United States on or about September 8, 2021, without inspection.

2. On March 9, 2022, Petitioner was issued Notice to Appear (NTA) and placed in full removal proceedings pursuant to 8 U.S.C. § 1229a. *See* Ex. A. EOIR Case Portal.

3. On September 7, 2022, Petitioner submitted Form I-360, Petition for Amerasian, Widower or Special Immigrant, in the Special Immigrant Juvenile (SIJ) classification.

4. On November 14, 2022, Petitioner was convicted of underage drinking and driving pursuant to Minnesota Stat. 169A.33.2 and sentenced to ten (10) days in state custody. *See* Ex. B. Order – Warrant of Commitment (65-CR-22-299).

5. On March 24, 2023, USCIS approved Petitioner's Form I-360 and determined that he warranted a favorable exercise of discretion to receive deferred action for a period of four (4) years unless terminated earlier by USCIS. *See* Ex. C. Form I-360 Approval Notice ([redacted]).

6. On July 13, 2023, an Immigration Judge ordered dismissal of removal proceedings. *See* Ex. A.

7. Petitioner has been living peacefully in the United States for more than four (4) years. Upon information and belief, Petitioner has never missed a court hearing and, aside from a misdemeanor conviction for underage drinking and driving under Minnesota Stat. 169A.33.2, Petitioner has no criminal convictions.

8. On February 12, 2026, Petitioner was arrested and charged by the Montevideo Police Department for driving under the influence, which remains pending. *See* Ex. D.

Form I-213, Record of Deportable/Inadmissible Alien. *See also* Ex. E. Form I-200, Administrative Warrant.

9. On May 22, 2026, Respondents arrested and detained Petitioner without a legally valid administrative warrant or probable cause and transferred him to the Kandiyohi County Jail. *See* Ex. D; *see also* Ex. E.

10. On June 11, 2026, twenty-one (21) days *after* his unlawful arrest and detention by Respondents, Petitioner was again issued NTA and placed in full removal proceedings pursuant to 8 U.S.C. § 1229a. *See* Ex. F. Notice to Appear.

11. The Department of State (DOS) Visa Bulletin for July 2026 indicates that a visa will be immediately available to Petitioner in the EB-4 category as of July 1, 2026.[1]

12. ICE officers detained Petitioner without adequate consideration of his prior case history or procedural status. His mandatory detention appears arbitrary and inconsistent with established principles of due process and proportional immigration enforcement.

13. Respondents did not provide Petitioner or counsel with any written custody determination or explanation for his detention.

14. Petitioner was unlawfully arrested in Minnesota and without explanation or due process, transported by Respondents to the Kandiyohi County Jail in Willmar, Minnesota, without notice to counsel. Petitioner is currently detained by Respondents at the Kandiyohi County Jail in Willmar, Minnesota. *See* Ex. G. ICE Locator Search Results.

15. Despite his grant of deferred action and having no apparent reason to detain Petitioner, and despite Petitioner's approved Form I-360 SIJ classification and imminent eligibility for adjustment of status, based on recent 8th Circuit precedent, Respondents

[1] https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-july-2026.html

now maintain Petitioner is detained under the mandatory provisions of 8 U.S.C § 1225, as an "applicant for admission."

16. Petitioner has been present in the United States since 2021, and USCIS granted him SIJ classification and deferred action while he awaited a visa to become available to enable his adjustment of status.

17. Petitioner challenges his arrest without a legally valid administrative warrant and without probable cause, Respondents' delay in issuance of NTA until three (3) weeks after his unlawful arrest, as well as his detention without being provided notice of termination of his deferred action as a violation of procedural due process under the Fifth Amendment, the Administrative Procedures Act (APA), and the Fourth Amendment guarantee against unreasonable searches and seizures.

18. Upon information and belief, Petitioner's grant of deferred action remains valid, and Respondents cannot remove him from the United States.

19. Petitioner respectfully requests that this Court declare his detention unlawful and grant him a Writ of Habeas Corpus, as well as order Respondents to immediately release him from custody.

20. Petitioner seeks habeas relief under 28 U.S.C. § 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort,* 388 F.3d 1305, 1310 (10th Cir. 2004) ("Challenges to immigration detention are properly brought directly through habeas") (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)). In the alternative, Petitioner respectfully requests that this Court order Respondents to show cause why this Petition should not be granted within three days. *See* 28 U.S.C. § 2241.

PARTIES

21. Petitioner, Jairo Leonel Ulloa Gonzales, is a 21-year-old Honduran national who is seeking lawful permanent residency in the United States based on his approved Form I-360 SIJ classification. USCIS granted Petitioner deferred action on March 24, 2023, for a period of four (4) years unless terminated earlier, and Petitioner will be eligible to adjust status on July 1, 2026. Respondents detained Petitioner on May 22, 2026, without a legally valid administrative warrant or probable cause. Petitioner is now detained at the Kandiyohi County Jail in Willmar, Minnesota.

22. Respondent Markwayne Mullin is the Secretary of Homeland Security. In that capacity, Defendant Mullin is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner. He is sued in his official capacity.

23. Respondent David Venturella is the Acting Director of Immigration and Customs Enforcement (ICE). As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner. He is sued in his official capacity.

24. Respondent David Easterwood is the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Petitioner. He is sued in his official capacity.

25. Respondent Eric Tollefson, Sheriff of Kandiyohi County, Minnesota, is the immediate custodian of detained non-citizens, including Petitioner, housed at the Kandiyohi County Jail. He is sued in his official capacity.

JURISDICTION AND VENUE

26. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.

27. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

28. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district because Petitioner was apprehended and arrested in the State of Minnesota on June 10, 2026, without proper notice and at Respondents' unilateral direction, because Petitioner is in Respondents' custody in the District of Minnesota, and because this district is the district of Petitioner's current confinement. Petitioner has retained counsel in Minnesota to challenge his arrest and detention. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

FACTUAL BACKGROUND

29. Petitioner, Jairo Leonel Ulloa Gonzales, is a 21-year-old Honduran national who is seeking lawful permanent residency in the United States based on his approved SIJ classification.

30. Petitioner arrived in the United States on or about September 8, 2021. On March 9, 2022, Petitioner was issued NTA and placed in full removal proceedings under 8 U.S.C. § 1229a. *See* Ex. A.

31. On September 7, 2022, Petitioner filed Form I-360, Petition for Amerasian, Widower, or Special Immigrant in the SIJ classification based on the state juvenile court order that he had been abused, abandoned, or neglected, and that returning to his home country would not be in his best interest.

32. On November 14, 2022, Petitioner was convicted of underage drinking and driving pursuant to Minnesota Stat. 169A.33.2 and sentenced to ten (10) days in state custody. *See* Ex. B.

33. On March 24, 2023, USCIS approved Petitioner's Form I-360 and determined that he warranted a favorable exercise of discretion to receive deferred action for a period of four (4) years unless terminated earlier by USCIS. *See* Ex. C.

34. On July 13, 2023, an Immigration Judge ordered Petitioner's removal proceedings dismissed. *See* Ex. A.

35. Petitioner has never missed a court hearing or otherwise violated the conditions of his grant of deferred action. Upon information and belief, aside from a misdemeanor conviction for underage drinking and driving, Petitioner has no criminal convictions, either in the United States or elsewhere.

36. The Department of State (DOS) Visa Bulletin for July 2026 indicates that a visa will be immediately available to Petitioner on July 1, 2026, in the EB-4 category, enabling him to adjust status in the United States to legal permanent resident (LPR).

37. Despite this, on May 22, 2026, Respondents arrested and detained Petitioner without a legally valid administrative warrant or probable cause and for no apparent lawful reason, and without providing Petitioner with notice of termination of his grant of

deferred action. *See* Ex. D; *see also* Ex. E. Upon information and belief, Petitioner's grant of deferred action remains valid.

38. Petitioner was not in removal proceedings at the time of his arrest and detention by Respondents. Respondents did not issue NTA charging Petitioner as removable from the United States until June 11, 2026. *See* Ex. F.

39. Petitioner was detained by Respondents without a legally valid administrative warrant or probable cause and is currently detained at the Kandiyohi County Jail in Willmar, Minnesota. *See* Ex. G.

40. Detaining Petitioner is an expensive and pointless endeavor. Petitioner respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

EXHAUSTION OF REMEDIES

41. Exhaustion of remedies is not required in order for Petitioner to submit his petition for a Writ of Habeas Corpus to this Court. There is no statutory requirement of administrative exhaustion before immigration detention may be challenged in federal court by a writ of habeas corpus. See 8 U.S.C. § 1252(d)(1).

42. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025). Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties' disagreement is based on a legal conclusion. *Id.* at 967-68. *See also Simbana Tasiguano v. Bondi et al.* No. 0:26-cv-00030 (D. Minn. Jan. 14, 2026) ("As to exhaustion, requiring administrative

exhaustion would be futile in light of *Hurtado*"). Any requirement of administrative exhaustion is therefore purely discretionary.

43. In making that decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order . . . the need for collateral review is most pressing….In this context the need for habeas corpus is more urgent." *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

44. 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).

45. DHS has taken the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225. Further, in a published decision, the BIA recently held that "Immigration Judges lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission." *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025).

46. Under the BIA's interpretation, Petitioner is ineligible for bond as a noncitizen who entered the United States without inspection. Accordingly, there are no administrative remedies that Petitioner could exhaust before seeking habeas relief.

47. Further, neither an immigration judge nor the BIA can rule on a petitioner's constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the

statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations."); see also *Dominguez Hernandez v. Garland* (8th Cir. 2022) (noting that the Eighth Circuit lacks jurisdiction to review the BIA's discretionary decision, but "may, however, review constitutional claims or questions of law") (quoting *Rodriguez v. Barr*, 952 F.3d 984, 989 (8th Cir. 2020)).

48. Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.

LEGAL BACKGROUND

49. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

50. Respondents contend that Petitioner's detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Based on recent 8th Circuit precedent, Respondents treat noncitizens like Petitioner as subject to mandatory detention under § 1225 and ineligible for bond.

51. A writ of habeas corpus may be granted to any person who demonstrates he is in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3); Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004) (concluding that the Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States" (citing U.S. Const., Art. I, § 9, cl. 2)); *Aditya W.H. v. Trump*, 782 F. Supp. 3d 691, 702 (D. Minn. 2025).

52. The right to challenge the legality of a person's confinement through a petition for a writ of habeas corpus "extends to . . . immigration-related detention." *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 900–01 (D. Minn. 2020) (citation omitted).

53. The petitioner bears the burden of proving that his detention is illegal by a preponderance of evidence. *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670, at *5 (D. Minn. Aug. 27, 2025) (citing *Aditya W.H.,* 782 F. Supp. 3d at 703).

54. Here, Petitioner is not challenging DHS' decision to commence removal proceedings or to adjudicate removability. Petitioner is instead challenging his arrest without a legally valid administrative warrant and without probable cause, Respondents' failure to issue NTA until three (3) weeks after his unlawful arrest and detention, as well as his detention without notice or an opportunity to be heard despite his grant of deferred action by USCIS and approved Form I-360 SIJ classification, based upon which his eligibility to adjust status is imminent, as unlawful and unconstitutional.

55. Respondents' arrest and detention of Petitioner without a legally valid administrative warrant and without probable cause, as well as without notice of the termination of his deferred action, is patently unlawful, violates procedural due process under the Fifth Amendment, the Fourth Amendment guarantee against unreasonable searches and seizures, and the APA.

56. Notably, Petitioner was not in removal proceedings at the time of his arrest, and Respondents issued NTA twenty-one (21) days *after* unlawfully arresting and detaining him without a valid administrative warrant or probable cause, in further violation of due process, the INA, and the APA.

57. Accordingly, Petitioner respectfully requests that this Court declare his arrest and detention by Respondents unlawful and order his immediate release from custody.

ARGUMENT

I. Petitioner's Detention Without Procedural Safeguards Required by Statute Violates His Right to Procedural Due Process Under the Fifth Amendment.

58. The right to due process extends to "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

59. The Due Process Clause of the Fifth Amendment generally "requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch,* 494 U.S. 113, 127 (1990).

60. "Even individuals who face significant constraints on their liberty or over whose liberty the government weilds significant discretion retain a protected interest in their liberty." *Pinchi v. Noem,* No. 25-cv-5632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 25, 2025) (citations omitted).

61. Respondents contend that Petitioner is an "applicant for admission" under 8 U.S.C. § 1225, and thus, subject to mandatory detention.

62. Petitioner's detention is unlawful, and he should be immediately released because Respondents violated applicable regulations by arresting him without probable cause and while he remains in a valid period of deferred action awaiting the imminent availability of a visa in the EB-4 category.

63. Congress established SIJ status "to protect abused, neglected or abandoned children who, with their families, illegally entered the United States, and it entrusted the review of SIJ petitions to USCIS[.]" *Osorio-Martinez v. Attorney Gen. United States of*

Am., 893 F.3d 153, 163 (3d Cir. 2018). By creating this status, the INA confers certain protections against removal for young immigrants. *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 655 (E.D. Va. 2020). "Accordingly, a juvenile who received SIJ status could be removed on certain grounds, such as serious criminal convictions, but could not be removed for having [] entered the country somewhere other than at an official checkpoint." *Id.* (citing 8 U.S.C. § 1227(c)) (emphasis in original).

64. Under the INA, an SIJ is "an immigrant who is present in the United States":

> (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
>
> (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
>
> (iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status[.]

8 U.S.C. § 1101(a)(27)(J). Petitioner's SIJ status and eligibility require his physical presence in the United States. *Id.* If Petitioner were removed, he would lose SIJ status and any meaningful opportunity for judicial review would be foreclosed.

65. To qualify for SIJ classification, a noncitizen must be under 21, unmarried, and physically present in the United States; the noncitizen must also have a valid state juvenile court order recognizing them as abused, abandoned, or neglected, and proving it is not in their best interest to return to their home country. Age-based eligibility for SIJ classification is frozen at the time of filing.

66. As to deferred action, once such status is conferred, for humanitarian reasons, "no action will thereafter be taken to proceed against an apparently deportable alien[.]" *AADC*, 525 U.S. at 484. Although USCIS has made other changes in immigration policy, it recently stated that "aliens with current deferred action based on their SIJ classification will generally retain this deferred action, as well as retain their current employment authorization provided based on this deferred action, until the current validity periods expire." USCIS, Policy Alert PA-2025-07 (June 6, 2025)[2]. Petitioner has obtained deferred action status through March 24, 2027. *See* Ex. C.

67. A district court may grant a writ of habeas corpus to any person who demonstrates he is in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3); see also *I.N.S. v. St. Cyr*, 533 U.S. 289, 305–07 (2001). As Petitioner notes, courts have granted habeas relief where the government seeks to remove noncitizens whose deferred action status remains in effect. *See, e.g., Sepulveda*, No. 2:25-cv-1063, 2025 WL 2209708, at *3–5 (W.D. Wash. Aug. 4, 2025) (granting habeas relief to petitioner with deferred action status); *Guerra Leon v. Noem*, No. 3:25-cv-01495- TAD-KDM, Memorandum Order (W.D. La. Oct. 30, 2025) (same). If deferred action status does not preclude removal while it remains in effect, then conferring such status would be meaningless.

68. Where there is no factual basis for detention, there is no link between the deprivation of a protected Fifth Amendment liberty interest and a non-punitive state purpose. As Petitioner has a protected liberty interest, the Due Process Clause requires

[2] https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250606SIJDeferredAction.pdf.

procedural protections before he can be deprived of that interest. This vital liberty interest is at stake when an individual is subject to detention by ICE. *See Zadvydas,* 533 U.S.

69. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

70. Petitioner was not in removal proceedings at the time of his arrest on May 22, 2026, and Respondents did not issue NTA placing him in removal proceedings until three (3) weeks later, on June 11, 2026. The availability of a visa in the EB-4 category is imminent, upon which date Petitioner will be eligible to adjust status based on his approved Form I-360 SIJ classification.

71. Because deferred action prevents removal, Petitioner's detention is unlawful.

72. The Government's sole basis for detaining Petition is that it may do so in order to remove him. This Court should find that Petitioner's deferred action status prevents removal. As a result, this Court should conclude that the Government has no legal basis to detain Petitioner and that Petitioner has met his burden on his habeas petition.

73. Where an individual's detention is unlawful from its inception, the appropriate remedy is release. Complete relief to Petitioner requires immediate release in order to ensure Petitioner's fundamental interest in liberty and being free from official restraint. Respondents' arrest and detention of Petitioner without providing notice of the termination of his deferred action or demonstrating changed circumstances to justify the

termination of his deferred action, if it has indeed been terminated, is unlawful and violates his procedural due process rights.

74. "[R]elease is an available and appropriate remedy' for 'detention that lacks a lawful predicate.'" *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS), ECF No. 9 at 6 (D. Minn. Dec. 19, 2025) (Blackwell, J.) (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). See also *Rojas v. Almodovar*, 2025 WL 3034183, at *8 (S.D.N.Y. Oct. 30, 2025) (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)); *Munaf,* 553 U.S. at 693 ("Habeas is at its core a remedy for unlawful executive detention. The typical remedy is, of course, release.") (internal citation omitted); *Rodriguez-Acurio v. Almodovar*, 2025 WL 3314420, at *31 (E.D.N.Y. Nov. 28, 2025) (holding that where an individual's detention is unlawful from its inception, "a bond determination by a DHS officer or an immigration judge would not remedy the core constitutional violation," as "the detention without adequate pre-deprivation procedures has already been carried out"); *Martinez v. McAleenan*, 385 F. Supp. 3d 349, 373 (S.D.N.Y. 2019) ("As Petitioner's arrest and detention were blatantly unlawful from the start, the only commensurate and appropriate equitable remedy to even partially restore Plaintiff is to immediately release him and enjoin the Government from further similar transgressions.").

75. The Fifth Amendment's Due Process Clause requires notice of the termination of deferred action on behalf of Petitioner in order to detain him for the purpose of removal. Under that clause, "[n]o person shall . . . be deprived of . . . 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 the [due process clause] protects." *Zadvydas*, 533 U.S. at 690. Moreover,

"[t]he liberty guaranteed by that clause does not extend to United States citizens alone. Both the language of the Constitution and the caselaw under it establish that the protection extends to all persons, including persons whom the Government alleges to be non-citizens and to be removable." *Garcia*, 448 F. Supp. at 301.

76. Noncitizens who have been granted discretionary relief from removal in the United States in the form of deferred action have a liberty interest under the Due Process Clause. The fact that a decision-making process involves discretion does not prevent an individual from having a protectable liberty interest. *See Young v. Harper,* 520 U.S. 143, 150 (1997) (rejecting an argument that a pre-parolee does not enjoy the same liberty interest as a parolee because the government could exercise discretion to deny parole); *see also e.g. Rojas*, 2025 WL 3034183, at *7 (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)).

77. SIJ classification may be revoked only for the what the Secretary of Homeland Security deems "good and sufficient cause." 8 U.S.C. § 1155; 8 C.F.R. § 205.2. According to USCIS regulations, such revocation must be made upon notice to the youth in question, who must be given the opportunity to submit evidence in opposition to the revocation and to appeal an adverse decision. *See* 8 C.F.R. § 205.2. If status is ultimately revoked, the youth is entitled to notice and the opportunity to appeal the decision. *See* 8 C.F.R. § 205.2(c), (d). Revocation of an SIJ petition may only be performed by a USCIS officer authorized to approve such petition in the first instance. *See* 8 C.F.R. § 205.2(a).

78. The main benefit of SIJ, and indeed, its core purpose, is that it confers on vulnerable young people like Petitioner the right to seek LPR status while remaining in the United States through adjustment of status. *See* 8 U.S.C. § 1255(h).

79. To facilitate this process, Congress removed numerous barriers to adjustment of status for SIJ beneficiaries through amendments to the SIJ provisions in 1991 and again in 2008. SIJ youth are "deemed…to have been paroled into the United States" for the purposes of adjustment of status. 8 U.S.C. § 1255(h)(1). Further, Congress exempted SIJ youth from many common inadmissibility grounds and created a generous waiver of many of the non-exempted inadmissibility grounds. 8 U.S.C. § 1255(h)(2). Congress explicitly provided that certain grounds for removal "shall not apply to a special immigrant described in section 1101(a)(27)(J) of this title [the SIJ statute] based upon circumstances that existed before the date the [noncitizen] was provided such special immigrant status." 8 U.S.C. § 1227(c).

80. Although SIJ classification renders youth eligible to apply for adjustment, they can only do so when a visa is immediately available to them. 8 U.S.C. § 1255(h). However, there is an annual limit on visas available to SIJ beneficiaries. 8 U.S.C. § 1153(b)(4). Despite the immediate unavailability of visas, waitlisted SIJ beneficiaries are the same vulnerable young people that the SIJ statute was designed to protect. The fact that no visa is currently available because a numerical limit has been reached changes nothing about their eligibility determination by USCIS, or Congress' intent that they be afforded a pathway to LPR status and, eventually, citizenship. These are the same individuals who state courts have determined cannot be safely reunited with their parent(s) or returned to their home country.

81. Petitioner does not challenge his initial detention or bond decision; instead, he raises an as-applied constitutional due process challenge to the government's ability to

detain him despite his grant of deferred action and approved SIJ classification and without providing him with an opportunity to respond.

82. Again, there is no public interest in detaining individuals whom the Government cannot show to be a danger to the community.

83. First, the statute itself requires that the Government actually exercise discretion by making an individualized determination regarding whether good cause exists to revoke an individual's grant of deferred action. Second, there is good reason to believe that due process requires the Government to show good cause for termination of a noncitizen's grant of deferred action at which the individual can contest his detention and at which the Government bears the burden of proving by clear and convincing evidence that sufficient and good cause exists to justify the revocation of a grant of deferred action.

84. Respondents have failed to provide Petitioner with the procedures due to him under the Due Process Clause, and accordingly, this Court should find his detention unlawful.

85. Before DHS can revoke an approved SIJS petition, it must follow specific regulatory procedures, but removing an SIJS beneficiary and thus depriving them of the core benefit of SIJS would be a *de facto* revocation of their SIJS without following those mandatory processes. See 8 U.S.C. § 1155; 8 C.F.R. § 204.11(j) (allowing revocation of SIJS only for "good and sufficient cause" and outlining requirements to revoke SIJS, including providing notice and an opportunity to appeal).

86. Even if good cause exists to revoke Petitioner's deferred action, Respondents still failed to follow federal law in arresting and detaining him without probable cause. No evidence on the record suggests that a USCIS official with requisite authority determined

that "sufficient and good cause" exists to revoke Petitioner's grant of deferred action. *See* 8 C.F.R. § 205.2(a). Further, Petitioner has not been provided notice of revocation of his grant of deferred action explaining the specific reasons for the revocation. *Id.*

87. Thus, even if Petitioner's grant of deferred action has been terminated, which upon information and belief, it has not, the government violated 8 C.F.R. § 205.2(a) by failing to provide the procedural process provided therein.

88. The Due Process Clause is applicable in this case and deferred action pursuant to an approved SIJ classification can establish the same kinds of liberty interests described in *Morrissey v. Brewer,* 408 U.S. 471 (1972). Here, Petitioner has established such an interest.

89. Petitioner has accrued a liberty interest in freedom from immigration detention, and his detention is limited by the demands of the Due Process Clause. Petitioner has been out of custody for more than four years, and during that time, began a life in the United States, and complied with the terms of his release. His detention denies him that freedom. Petitioner also sought lawful status in this country by filing Form I-360 and requesting SIJ classification. These obligations are the very kind contemplated in *Morrissey* and demonstrate the liberty interest accrued by Petitioner during the more than four years he has lived with relative freedom in this country.

90. Petitioner has been out of custody for more than four years before being detained by ICE, during which time his interest in release grew even stronger as he worked and lived freely. His private interest in freedom from detention and remaining out of custody is therefore substantial. Given the civil context, Petitioner's liberty interest is arguably greater than the interest of parolees in *Morrissey. See Morrissey,* 408 U.S. at 487.

91. The risk of erroneous deprivation is considerable in this case where USCIS approved his SIJ classification and granted Petitioner deferred action, Petitioner's eligibility for a visa is imminent, and nothing on the record suggests that Respondents have made an individualized determination that sufficient and good cause exists to revoke Petitioner's grant of deferred action, as required by statute and longstanding agency policy.

92. Petitioner is wrongfully confined, a direct attack on Petitioner's liberty interests. The government's detention of Petitioner without demonstrating sufficient and good cause such that revocation of his grant of deferred action is justified, without providing him with an opportunity to be heard before a neutral decision maker, and without an individualized determination of his circumstances violates his right to procedural due process.

93. Finally, the third *Mathews* factor favors Petitioner as well. While the Government certainly has a strong interest in enforcing its immigration laws, its interest in detaining noncitizens absent a rational reason for doing so is low, particularly youth who have been abused, abandoned, or neglected, and where a state juvenile court has recognized that return to their home country is not in their best interest. The justification for mandatory detention of "arriving aliens" subject to expedited removal should carry little weight in this case, where Petitioner has an approved SIJ classification and a grant of deferred action, his eligibility for a visa is imminent, he has developed significant ties to the United States and where his removal proceedings are not being dealt with in an expedited fashion. Requiring procedural due process does not impose a significant fiscal or administrative burden on the Government, nor does it undermine the Government's

prerogative to decide which noncitizens to admit, as Petitioner's removal proceedings – and the Government's discretion over them – will continue regardless of his detention status.

94. Here, the relevant question is whether the administrative procedures provided to detain Petitioner were constitutionally sufficient, not whether any procedure whatsoever must be provided. Applying the *Mathews v. Eldrige* framework, this Court should find that the Due Process Clause requires that Petitioner be provided notice and an opportunity to contest the revocation of his deferred action. On balance, the Court should find that under the three *Mathews* factors, procedural due process entitles Petitioner to an opportunity to respond to the revocation of his grant of deferred action based on his individualized circumstances.

II. Respondents Violated Petitioner's Due Process and the APA by Issuing Notice to Appear More Than 48 Hours After Arrest and Absent Emergency or Extraordinary Circumstances.

95. In the Form I-200, Respondents state that there was probable cause to believe that Petitioner was removable from the United States based upon "the execution of a charging document to initiate removal proceedings against [Petitioner]."

96. Respondents failed to issue any charging document against Petitioner until well beyond 48 hours after his arrest in detention, in contravention of longstanding agency policy and statutory procedure, and in violation of due process and the APA. Petitioner was arrested by Respondents on May 22, 2026; the NTA was not issued until June 11, 2026, approximately three (3) weeks later.

97. On March 30, 2004, then Undersecretary of Border and Transportation Security, Asa Hutchinson, issued Memorandum titled "Guidance on ICE Implementation of Policy and Practice Changes Recommended by the Department of Justice Inspector General."[3]

98. Pursuant to 8 C.F.R. § 287.3(d), an initial custody determination and charging decision shall be made within 48 hours of a noncitizen's arrest "except in the event of an emergency or other extraordinary circumstance." A memorandum or other written documentation that explains in detail the emergency or extraordinary circumstances will be placed in the noncitizen's A-file.

99. "Emergency or other extraordinary circumstances," as used in 8 C.F.R. § 287.3(d), is construed to mean:

1. A significant infrastructure or logistical disruption including, but not limited to, disruption caused by an act of terrorism, weather, natural catastrophe, power outage, serious transportation emergency or serious civil disturbance;

2. Whenever there is a compelling law enforcement need including, but not limited to, an immigration emergency resulting in the influx of large numbers of detained [noncitizens] that overwhelms agency resources and makes it unable to logistically meet the general servicing requirements; or

3. Individual facts or circumstances unique to the [noncitizen] including, but not limited to, the need for medical care or a particularized compelling law enforcement need.

100. The official making the determination as to whether there is a "compelling law enforcement need" shall be at the level of a Special Agent in Charge, a Border Protection Chief, a Field Office Director, or an equivalent position. This official shall memorialize the decision as required in subparagraph B.3 above and immediately forward that decision to Headquarters. A copy of this written decision will be simultaneously provided to ICE's Principal Legal Advisor.

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[3] https://www.ice.gov/doclib/foia/policy/memoGuidanceICE_ImpPolicyPracticeChanges_03.30.2004.pdf

101. Any determination that a "compelling law enforcement need" exists shall be reviewed by the official making the determination and the ICE Office of the Principal Legal Advisor no later than 30 days after such decision being made to determine whether the factors leading to such a determination continue to exist.

102. Notice to Appear (NTA) shall be served upon the detained noncitizen within 48 hours following arrest, considering such factors as infrastructure and logistical considerations, the need to obtain conviction records and other information related to the noncitizen or immigration charges, the need for legal review, and other law enforcement requirements. If the emergency or extraordinary circumstances provisions as discussed in sections B and C above are activated, service of the NTA shall be made as soon as practicable.

103. When a noncitizen is arrested without a legally valid warrant, ICE must make a custody determination and decide whether to issue a notice to appear within 48 hours, unless there is some kind of emergency or extraordinary circumstance. 8 C.F.R. § 287.3(d) (2026). In the event of an emergency, that determination needs to "be made within an additional reasonable period of time." *Id.*; *see also Castaneda Mondragon v. Noem et al.,* No. 0:26-cv-00380-DWF-SGE (D. Minn. Jan. 23, 2026). Nothing on the record suggests that Petitioner's circumstances constituted an emergency, and regardless, twenty-one (21) days is not a reasonable period of time under these circumstances. *See Marin v. Noem,* No. 25-cv-9343, 2025 WL 3158094, at *3-4 (C.D. Cal. Oct. 4, 2025) (discussing what reasonable period of time means in the context of NTA issuance).

104. Under 8 C.F.R. § 287.3(c)-(d), following a warrantless arrest an officer must promptly advise the individual of the reasons for arrest and of the right to representation.

Within 48 hours, the government must determine whether the person will remain in custody or be released on bond, and whether a Notice to Appear and warrant of arrest will issue. *Id.* § 287.3(d). Only in the event of an "emergency or other extraordinary circumstance" may that determination be delayed, and then only "within an additional reasonable period of time." *Id.*

105. Few courts have interpreted what constitutes an "additional reasonable period of time" under Section 287.3. In *Turkmen v. Ashcroft*, noncitizen detainees arrested in the wake of the September 11, 2001, attacks alleged that delayed service of Notices to Appear violated their due process rights. *Turkmen v. Ashcroft*, No. 02-CV-2307 (JG), 2006 WL 1662663, at *1, *45 (E.D.N.Y. June 14, 2006), *aff'd in part, vacated in part, and remanded*, 589 F.3d 542 (2d Cir. 2009). After their respective arrests, two plaintiffs were not served with Notices to Appear for sixteen days, one for seven days, and another for five days. *Id.* at *45. The district court rejected their claim, holding that the September 11 attacks qualified as an "extraordinary circumstance" and that delays of several days were reasonable in that context. *Id.* at *45. The court cautioned, however, that "[t]here is no doubt that at some point after arrest, an alien's due process rights would be violated if he were detained without being served a Notice to Appear." *Id.* at *46 (emphasis omitted).

106. The circumstances here are materially different. Nothing on the record suggests that Respondents determined that an "emergency" or "compelling law enforcement needs" presented systemic obstacles comparable to the September 11 attacks. Even assuming Petitioner's circumstances qualified as an "extraordinary circumstance," however, Respondents have provided no explanation for how this purported emergency

prevented them from making a Section 287.3 determination. Any claim that Respondents were unable to make such a determination is contradicted by Respondents' own Form I-213 that deportation officers spoke at length with Petitioner regarding his family, health, and fear of return to Honduras.

107. On these facts, Respondents' failure to provide Petitioner with formal notice of the reasons for his detention cannot be justified as a "reasonable period of time" under Section 287.3(d) in violation of his due process rights. Considering the absence of factual support for Petitioner's arrest, the lack of justification for his continued detention, and the length of time he has been held without process, this Court should conclude that Petitioner is likely to succeed on the merits of his claim that his detention lacks statutory authority and violates the Constitution. Respondents provided no explanation in the I-213 of why the intake process could not be completed or why twenty-one (21) days is a reasonable period of time.

III. The Administrative Warrant ICE Claims Authorized Petitioner's Arrest is Facially Defective and Baseless.

108. The Form I-200 fails to indicate any valid legal basis for probable cause – the checkbox explaining how officers allegedly developed probable cause based on "the execution of a charging document to initiate removal proceedings against the subject" is incorrectly checked. The warrant may have been completed by an officer not authorized to issue a warrant. ICE's own narrative report on Form I-213, issued May 22, 2026, contradicts the issuance date of the NTA on June 11, 2026, and fails to explain how officers developed reasonable suspicion to investigate Petitioner in the first place, let alone probable cause to arrest and detain him.

109. These defects are not mere technicalities. As the Seventh Circuit noted, a federal district court supervising the *Castañon Nava v. DHS* litigation and consent decree recently found that "ICE had implemented a policy of issuing defective I-200 warrants in its field for the express purpose of avoiding its obligation" to comply with 8 U.S.C. § 1357(a)(2) and the consent decree. *See Castañon Nava v. DHS,* No. 18-cv-3757-RRP (N.D. Ill. Feb. 8, 2022). Moreover, in *Ramirez Ovando v. Noem,* the Colorado District Court certified a provisional class, addressing ICE's systemic failure to establish probable cause and to conduct individualized flight risk assessments before detaining individuals without warrants. *See Ramirez Ovando v. Noem,* No. 1:25-cv-3183 (D. Col. Nov. 25, 2025). Petitioner's case fits this pattern: a warrant so defective it should not be considered a warrant at all, and detention without the procedural safeguards federal law requires.

110. The I-200 administrative warrant an ICE officer served on Petitioner and which Respondents later provided to Counsel has several defects and inconsistencies. The I-200 incorrectly states that officers believed they had probable cause to detain Petitioner based, in part, on the issuance of a charging document which was issued nearly three (3) weeks after the administrative warrant. Notably, the form itself includes five checkboxes that officers can use to indicate how they developed probable cause, two of which are checked. The I-200 includes an electronic signature block by Supervisory Detention and Deportation Officer (SDDO) Munoz. A different officer – whose name is not present on the form – completed the remaining service portion of the form, as evidenced by both the handwriting and the ink. The warrant is dated May 21, 2026, a day before Petitioner's arrest by Respondents and twenty-one (21) days before the NTA was issued.

111. Further, Respondents submitted Form I-213, along with the Form I-831 continuation page, which constitutes the hearsay narrative report by one or more ICE officers regarding Petitioner's detention. The I-213 is dated May 22, 2026, and signed by Deportation Officer Trevino and SDDO Munoz. Based on comparison of the signatures, it appears that Deportation Officer Trevino is the unnamed signatory of the certificate of service portion of the defective I-200.

112. Respondents issued Form I-213, Record of Deportable/Inadmissible Alien, on May 22, 2026. According to the I-213, "[o]n May 21, 2026, Immigration and Customs Enforcement (ICE) Deportation Officer (DO) Trevino encountered [Petitioner] at the Chippewa County Jail during routine ICE Criminal Alien Program (CAP) operations." The I-213 further states that "DO Trevino conducted records checks in Department of Homeland Security (DHS) databases…which indicated that [Petitioner] is unlawfully present in the United States" and subsequently "lodged Immigration Detainer, Form I-247A[.]" According to the I-213, that same day, SDDO Munoz then issued a Warrant for Arrest of Alien, Form I-200, and "[o]n May 22, 2026, DO Trevino responded to Chippewa County Jail, identified himself as an immigration officer, served the I-200, placed [Petitioner] under arrest without incident, and transported [him] to Kandiyohi County Jail for booking."

113. As with the I-200 and the NTA, the I-213 contains significant inconsistencies, as follows. The drafter states that Deportation Officer Trevino "encountered" Petitioner on May 21, 2026, based on "routine ICE Criminal Alien Program (CAP) operations." The I-213 states that "records checks in Department of Homeland Security (DHS) databases, with biometric confirmation of identity which indicated that [Petitioner] is unlawfully

present in the United States." Further up on the form, the drafter indicates that all record checks were conducted on May 21, the same date that the administrative warrant was issued.

114. The I-213 incorrectly states that "[o]n November 21, 2022, the Renville County District Court convicted [Petitioner] for driving under the influence and sentenced him to 90 days confinement," however, Petitioner was not convicted of driving under the influence on November 21, 2022. In reality, on November 14, 2022, Petitioner was convicted of Traffic – Underage Drinking and Driving pursuant to Minn. Stat. 169A.33.2. *See* Order – Warrant of Commitment (65-CR-22-299) and sentenced to serve ten (10) days confinement, while the remainder of the sentence was stayed for one (1) year. The I-213 provides no indication that officers conducted an individualized determination of flight risk.

IV. The Notice to Appear is Notably and Facially Defective.

115. The Notice to Appear (NTA) issued by Respondents, dated June 11, 2026, and signed by SDDO Holien, is notably and facially defective. The NTA alleges that Petitioner is subject to removal pursuant to 212(a)(6)(A)(i) of the INA, as amended, in that Petitioner is a noncitizen present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General, as well as pursuant to 212(a)(7)(A)(i)(I) of the INA, as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other

suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

116. Specifically, and relevant to Petitioner's case here, Congress prohibited consideration of 8 U.S.C. § 1182(a)(6)(A) (noncitizens present without admission or parole) and 8 U.S.C. § 1182(a)(7)(A) (documentation requirements for immigrants) when determining an SIJ beneficiary's admissibility to the United States for purposes of adjustment of status. *See* 8 U.S.C. § 1255(h)(2) (providing that paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), and (9)(B) of section 1182(a) [inadmissible noncitizens] of this title shall not apply" when determining an SIJ beneficiary's admissibility). In addition, the INA provides that certain grounds of removal "shall not apply to [SIJ beneficiaries] based on circumstances that exist before the date the [noncitizen] was provided such special immigrant status." *Joshua,* 439 F.Supp.3d at 656 (citation omitted). Accordingly, under the INA, an SIJ beneficiary cannot "be removed for having entered the country somewhere other than at an official checkpoint." *Id.* (citing 8 U.S.C. § 1227(c)). Likewise, "the INA exempts SIJ designees from inadmissibility based on the lack of 'valid entry document[s].'" *Osorio-Martinez,* 893 F.3d at 163 (citing 8 U.S.C. § 1182(a)(7)(A)(i)(I)).

117. Petitioner is not subject to the grounds of removability under 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I), and the NTA is facially defective.

118. DHS's campaign is consistent with similar policies and practices of unlawful and warrantless arrests it has implemented throughout the United States, which courts throughout the country have found unlawful. *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, 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). Indeed, in one long-running case in Chicago, a court recently found that ICE's recent warrantless arrests violated a settlement agreement. *Castañon Nava v. Dep't of Homeland Sec.*, --- F. Supp. 3d ----, 2025 WL 2842146, at *21, 23 (N.D. Ill. Oct. 7, 2025). Despite these court orders, DHS has now moved on to Minnesota—not only implementing similar policies but also even further escalating the scale and intensity of unlawful stops and arrests.

119. 8 U.S.C. § 1226(a) authorizes immigration officers to arrest and detain a noncitizen "[o]n a warrant." 8 C.F.R. § 287.5(e)(2) sets forth which officers have authority to issue administrative warrants, including "Deportation Officers." Authorized officers must have "probable cause" to issue a warrant. "[T]he term 'reason to believe' in § 1357(a)(2) means constitutionally required probable cause," *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010), which is a higher standard than reasonable suspicion. Probable cause "must be particularized with respect to the person to be searched or seized." *Maryland v. Pringle*, 540 U.S. 366, 371 (2003). There is no sound reason for believing that a warrant need not be predicated on probable cause as well, consistent with the Fourth Amendment. Respondents pattern and practice of arresting people without lawful warrants and without probable cause of removability stands in violation of the Fourth Amendment and the INA's warrantless arrest statute, 8 U.S.C. § 1357(a)(2).

120. Congress requires immigration arrests to be based on warrants, with certain narrow exceptions. Under § 1357(a)(2), two conditions must be met before an agent may conduct a warrantless arrest: the agent must have "reason to believe" both that (1) the

individual "is in the United States in violation of any [immigration] law or regulation," and (2) the individual "is likely to escape before a warrant can be obtained for his arrest."

121. The putative I-200 administrative warrant in Petitioner's case fails on its face to assert a basis in probable cause for its issuance, in violation of the law. The I-213 and accompanying documents fail to establish probable cause for a warrantless arrest and show that officers failed to conduct an individualized assessment of flight risk before detaining Petitioner in immigration custody, in violation of law. Consequently, this Court should order Respondents to release Petitioner, because he is detained in violation of law and regulation. In addition, as well as in the alternative, this Court should declare that Petitioner was unlawfully detained pursuant to a warrantless arrest.

V. Respondents Unlawfully Arrested Petitioner with a Facially Defective and Legally Void Administrative Warrant.

122. Respondents unlawfully arrested and detained Petitioner using a facially defective and legally void administrative warrant, . Given the numerous inconsistencies, this Court should find that Petitioner was unlawfully arrested without a warrant. Given that the box for "the execution of a charging document to initiate removal proceedings against the subject" is incorrectly checked, and the inconsistencies between the dates on the I-213, the I-200, and the NTA, the I-200 only bolsters Petitioner's Fourth Amendment and APA claims. Petitioner's continued detention by Respondents is unlawful and this Court should order Petitioner's immediate release from custody.

123. Section 1226(a) provides that, "[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). This Court has addressed this precise issue in prior orders, and judges in this District have concluded that "[i]ssuance of

a warrant is a necessary condition to justify discretionary detention under section 1226(a)." *Ahmed M. v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026) (Tostrud, J.) (quoting *Chogllo Chafla v. Scott*, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 5 (D. Me. Sept. 21, 2025)); see *Brian P. N. v. Bondi*, No. 26-cv -39 (KMM/DLM), ECF No. 14 at 2 (D. Minn. Jan. 21, 2026) (Menendez, J.); *Diego L. v. Bondi*, No. 26-cv-382 (JMB/DJF), 2026 WL 145206, at *3 (D. Minn. Jan. 20, 2026) (Bryan, J.); *Alex G. C. v. Bondi*, No. 26-cv-271(NEB/EMB), ECF No. 7 at 5 (D. Minn. Jan. 17, 2026) (Brasel, J.); *Juan R. v. Bondi*, No. 26-cv-252 (SRN/DTS), 2026 WL 125255, at *2–3 (D. Minn. Jan. 16, 2026) (Nelson, J.); *Juan S. R. v. Bondi,* No. 25-cv-5 (PJS/LIB), ECF No. 8 at 3–4 (D. Minn. Jan. 12, 2026) (Schiltz, C. J.).

124. This is because Section 1226 provides that an alien may be arrested and detained "[o]n a warrant issued by the Attorney General." 8 U.S.C. § 1226(a) (emphasis added). Consequently, "[i]t follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a)." *Ahmed M.,* 2026 WL 25627, at *3 (quoting *Chogllo Chafla,* 2025 WL 2688541, at *11); *accord Florida v. United States,* 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023) (holding that Section 1226 "is not even triggered unless an arrest warrant is issued" and that "[i]f [an] alien has not been arrested on a warrant, then the subsequent provisions giving the Attorney General discretion to detain or release 'the arrested alien' are likewise not triggered"); *J.A.C.P. v. Wofford,* No. 1:25-cv -01354-KES-SKO (HC), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025).

125. The administrative warrant relied upon by Respondents is facially defective and legally void, rendering Petitioner's arrest effectively warrantless. This Court should conclude that the Government has failed to establish the lawfulness of Petitioner's

detention and declare that Petitioner was unlawfully arrested and detained without a warrant in violation of federal regulations.

126. Upon information and belief, on May 22, 2026, Petitioner was arrested and detained by Respondents without notice or cause. Respondents did so based not on Petitioner's personal circumstances or individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History." But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron*, 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring) (cleaned up). Further, upon information and belief, at no point did Respondents conduct an individualized assessment of whether Petitioner was a flight risk or a danger to the community.

127. The writ is meant to provide exactly the relief Petitioner seeks here: to prevent the Respondents—a whole set of immigration agencies with vast resources, who have at their disposal a punitive detention system and agents roving the streets to arrest immigrants—from setting themselves above the law in order to detain Petitioner.

128. In their lawless pursuit of detention bed quotas, Respondents cast aside Petitioner's due process rights—a bedrock of American freedom—to arrest and detain Petitioner without reasonable suspicion or probable cause, ignoring the laws governing arrests without a warrant. Moreover, arrest without a warrant or probable cause violates both 8 U.S.C. § 1357, which requires reason to believe the person "is likely to escape" before a warrant could be obtained, and ICE's own nationwide policy, to which it is bound pursuant to a settlement agreement in *Castañon Nava et al. v. Dep't of Homeland*

Sec., No. 18-cv-3757 (N.D. Ill.), which requires consideration of specific factors to determine if someone is likely to escape and documentation of these "specific particularized facts" in the I-213.

129. "Except at the border and its functional equivalents," immigration agents may stop individuals in public only after identifying "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" of a violation of immigration law. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975); *see also* 8 C.F.R. § 287.8(b)(2) (allowing officer to "briefly detain" a noncitizen for questioning if the officer "has a reasonable suspicion, based on specific articulable facts" that the noncitizen is engaged in an offense or is unlawfully in the United States). Rather, reasonable suspicion must be "particularized and objective," *United States v. Arvizu*, 534 U.S. 266, 273 (2002). Information obtained from an officer's lawful questioning "may provide the basis for a subsequent arrest." 8 C.F.R. § 287.8(b)(3).

130. Immigration officers may arrest an individual without a warrant in limited circumstances. See *Arizona v. United States*, 567 U.S. 387, 407–08 (2012) (noting strong Congressional preference, as expressed in INA, for immigration arrests to be based on warrants). The INA permits arrest without a warrant if an immigration officer has reason to believe that a noncitizen (1) is in the United States in violation of the immigration laws and (2) "is likely to escape before a warrant can be obtained for his arrest". 8 U.S.C. § 1357(a)(2); accord. 8 C.F.R. § 287.8(c)(2)(i)-(ii). An officer "has reason to believe" when they have the equivalent of "constitutionally required probable cause." *United States v. Quintana,* 623 F.3d 1237, 1239 (8th Cir. 2010).

131. ICE is bound not only by statute and due process, but also by its national policy adopted pursuant to settlement agreement in *Castañon Nava et al. v. Dep't of Homeland Sec.,* No. 18-cv-3757 (N.D. Ill.). Under this policy, ICE must consider a delineated list of factors before making an arrest, including (a) the officer's ability to determine the individual's identity; (b) knowledge of the individual's prior escapes or evasions of immigration authorities; (c) the individual's attempts to flee to avoid being discovered by immigration; and (d) the individual's ties to the community, such as a family, home, or employment. Settlement Agreement, *Castañon Nava et al. v. Dep't of Homeland Sec.,* No. 18-cv-3757 (N.D. Ill.).

132. Respondents' arrest of Petitioner follows a pattern in recent months: arrest and detain first, justify later. But that is not the law. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents' attempts to arrest, detain, transfer, and deport Petitioner are arbitrary and capricious and in violation of the law, and to immediately issue an order granting his release from custody.

VI. Respondents Have Violated Petitioner's Fourth Amendment Right to be Free from Unlawful Search and Seizure Absent a Warrant Establishing Probable Cause.

133. Respondents' unlawful arrest and detention of Petitioner using a defective administrative warrant, effectively equivalent to his arrest without a warrant, also violates the Fourth Amendment, which protects the right of all persons present in the United States to be free from unreasonable seizures by government officials absent a warrant establishing probable cause. The Form I-200 is substantively and fatally defective. One of the five checkboxes is incorrectly completed and fails to explain how the responsible ICE

official developed probable cause to believe Petitioner is in the country unlawfully based on the issuance of a charging document approximately three (3) weeks later. In effect, the warrant is based upon nothing at all. The I-200 is also unreliable. The form represents that SDDO Munoz has "determined there is probable cause" for Petitioner's arrest without specifying how.

134. Moreover, SDDO Munoz' signature is an electronic signature block. All other portions of the warrant have been filled out in the same ink and handwriting, apparently by Deportation Officer Trevino, however, without his name actually being present, there is no evidence on the record that the officer who signed the service section is authorized to issue warrants. Respondents suggest that the warrant was issued on May 21, 2026, when in reality it was completed and served on May 22, 2026. This supposition becomes stronger when the I-200 is viewed in conjunction with other documents issued in connection with Petitioner's detention, including the NTA dated nearly three (3) weeks later, on June 11, 2026.

135. The I-213 report lacks detail regarding why officers conducted records checks of Petitioner on May 21, 2026. While it states that officers obtained information about Petitioner through record searches on May 21, it elsewhere indicates that Petitioner's actual arrest occurred on May 22. If officers had reasonable suspicion to conduct a search and lawfully developed probable cause on May 21, why didn't they do so? The NTA is dated June 11, 2026.

136. This Court should find that the purported I-200 administrative warrant is legally void and immigration officers therefore detained Petitioner without a warrant. The I-213 demonstrates that immigration officers lacked reasonable suspicion to issue a warrant on

May 21, 2026. Additionally, there is ample evidence of widespread abuses of I-200 warrants by ICE officers. Consequently, the warrant is legally invalid and "not a warrant" within the meaning of the Fourth Amendment and 8 U.S.C. § 1226(a). Because the warrant is a legal nullity, immigration officers had no lawful basis to detain Petitioner. This Court should therefore order Petitioner to be released from custody. In addition, this Court should declare that Petitioner was detained pursuant to an unlawful warrantless arrest.

VII. Respondents have Violated Petitioner's Fourth Amendment Right to be Free from Warrantless Arrest Absent Reasonable Suspicion for Investigation and Lawfully Obtained Probable Cause.

137. As Petitioner noted above, this Court should find that the purported I-200 administrative warrant is legally void and immigration officers therefore detained him without a warrant. The I-213 demonstrates that immigration officers lacked reasonable suspicion to conduct records checks of Petitioner.

138. Immigration officers should never have initiated records checks of Petitioner in the first place, nor should they have made the May 21 arrest. Immigration officials compounded these violations by unlawfully initiating biometrics collection. Even assuming, *arguendo,* that immigration officers had a lawful basis to effect a warrantless arrest, they failed to conduct an individualized assessment of Petitioner's flight risk before doing so. Wherefore, this Court should order the Respondents to release Petitioner forthwith. In addition, as well as in the alternative, this Court should declare that Petitioner was detained unlawfully pursuant to a warrantless arrest, entitling him to immediate release, because officers arrested him without probable cause and failed to conduct an individualized assessment of his flight risk.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)
Abuse of Discretion
Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

139. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

140. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

141. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)).

142. To avoid an abuse of discretion, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

143. By arresting Petitioner without a legally valid warrant and without probable cause that he is a a flight risk, and also prior to initiating removal proceedings, Respondents have violated the APA.

144. Respondents have failed to articulate a reasoned explanation for Petitioner's continued detention, failed to consider obvious, less-restrictive alternatives to detention, and failed to conduct any individualized assessment or provide Petitioner with an

opportunity to contest his detention. This constitutes agency action that must be set aside under 5 U.S.C. § 706.

145. By detaining Petitioner without articulating a rationale based on his individualized circumstances, and by detaining him in contradiction of his individualized circumstances, they have abused their discretion under the APA.

146. Respondents have also abused their discretion under the APA by arresting and detaining Petitioner without a legally valid warrant and without the requisite probable cause for a warrantless arrest.

147. By failing to issue NTA until three (3) weeks after his arrest, Respondents have violated longstanding agency policy and procedure in violation of the APA. Respondents have also abused their discretion under the APA by failing to issue NTA within 48 hours of Petitioner's arrest and failing to document extraordinary or emergency circumstances or a compelling law enforcement need for the delay in issuance of the NTA.

148. Petitioner has an approved Form I-360 SIJ classification and deferred action, thus, he cannot be removed from the United States. Nothing in the I-213 suggests that Respondents conducted an individualized determination of Petitioner's circumstances, in fact, there is no mention of Petitioner's approved SIJ classification and deferred action anywhere in the I-213. Upon information and belief, Petitioner's Form I-360 SIJ classification remains valid and his grant of deferred action has not been revoked.

149. This Court should declare that Respondents have violated the APA by arresting and detaining Petitioner without a valid administrative warrant or probable cause as well as by failing to issue NTA within the required period of time and order his immediate release from custody.

COUNT II

Violation of the Immigration and Nationality Act, 8 U.S.C. § 1357(a)(2)

150. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

151. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), his arrest and detention under that statute without a legally valid administrative warrant and without the requisite probable cause for a warrantless arrest is unlawful pursuant to 8 U.S.C. § 1357(a)(2).

152. Section 1357(a)(2) requires that Respondents conduct individualized determination and document suspicion of flight risk in order to arrest noncitizens without a valid administrative warrant.

153. Respondents' failure to establish the requisite probable cause for Petitioner's arrest using a legally invalid administrative warrant, equivalent to a warrantless arrest, violates the INA and this Court should find that the appropriate remedy is immediate release.

COUNT III

Violation of Due Process
(Arbitrary Detention)

154. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

155. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the presence is "lawful, unlawful, temporary, or permanent," the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

156. Petitioner has a fundamental interest in liberty and being free from official restraint. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

157. While the government has discretion to detain individuals under 8 U.S.C. §1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

158. Federal courts use the three-part *Mathews* test and consider each *Mathews* factor in turn to determine whether Petitioner's detention comports with constitutional due process requirements and whether civil detention violates a detainee's due process rights. *Matthews v. Eldridge*, 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335; *see also Booker v. City of Saint Paul,* 762 F.3d 730, 734 (8th Cir. 2014) (quotation omitted);

159. A *Mathews* analysis supports finding Petitioner's right to procedural due process under the Fifth Amendment and his fundamental liberty interests outweigh any putative governmental interests and are owed additional procedural protections.

160. First, Petitioner has a protected interest in his liberty and has a significant private interest at stake. Courts have long considered as-applied due process challenges to other mandatory detention provisions of the INA and found noncitizens to possess a cognizable

interest in their freedom from custody. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("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 protects.").

161. A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147–49 (1997). Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *See Id.* (due process requires pre-deprivation hearing before revocation of preparole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context).

162. Second, Petitioner will continue to be deprived of this interest if the current procedure (arresting and detaining Petitioner without probable cause and without a legal basis) is followed. There is no rational explanation for detaining Petitioner. Respondents' detention of individuals like Petitioner who have an approved Form I-360 SIJ classification and a grant of deferred action without adequate procedural safeguards, including proving adequate notice that his deferred action had been terminated, and the reasons for the termination, and without demonstrating changed circumstances justifying termination of his deferred action, if it has indeed been terminated, is unlawful and violates procedural due process. This Court must consider "whether the challenged procedure creates a risk of erroneous deprivation of an individual's private rights and the

degree to which alternative procedures could ameliorate those risks." *Gunaydin v. Trump,* 784 F.Supp.3d 1185, 1187 (D. Minn. 2025).

163. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Petitioner poses no safety threats to the community. Releasing Petitioner would in fact *save* the government the resources and expense of continued imprisonment.

164. Petitioner has a fundamental interest in liberty and being free from official restraint. One's physical freedom is a paramount interest secured by statutes and the Constitution, and Petitioner possesses a strong liberty interest in his freedom from detention because he has established a life here – albeit without authorization.

165. Petitioner's arrest and detention without a valid administrative warrant or probable cause and without notice of termination of his grant of deferred action or an individualized determination of whether termination of his deferred action is warranted, as required by statute, violates procedural due process guaranteed by the Fifth Amendment to the United States Constitution, which prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law[.]" U.S. CONST. AMEND. V.

166. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

167. Due process "is a flexible concept that varies with the particular situation." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

168. As a matter of procedural due process, Petitioner is entitled to notice and an opportunity to be heard prior to or, at minimum, promptly upon being arrested and having his deferred action terminated, if it has been terminated.

169. Respondents' failure to issue NTA within the requisite period without establishing that extraordinary or emergency circumstances or a compelling law enforcement need justify the delay further violates Petitioner's right to due process guaranteed in the Fifth Amendment.

170. This Court should declare Petitioner's warrantless arrest without probable cause and Respondents' failure to issue NTA within 48 hours of arrest unlawful and in violation of due process, and accordingly, order Petitioner's immediate release from custody.

COUNT IV

Violation of Fourth Amendment Protections (Unreasonable Searches and Seizures)

171. Respondents' arrest of Petitioner without a legally valid warrant or probable cause violates the Fourth Amendment, and the appropriate remedy is to order his immediate release.

172. Petitioner was detained without a legally valid administrative warrant, as required in the District of Minnesota under *Garrison v. Bondi*, therefore, complete relief to the plaintiff in this case requires immediate release in order to ensure Petitioner's fundamental interest in liberty and being free from official restraint.

173. Respondents have failed to establish the requisite probable cause for Petitioner's arrest without a legally valid administrative warrant or probable cause. Nothing on the

record suggests that Petitioner was likely to escape before a legally valid administrative warrant could be obtained.

174. On May 22 2026, Respondents arrested and detained Petitioner without a legally valid administrative warrant based on probable cause in violation of the Fourth Amendment. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1018–19 (9th Cir.2008) (citing *Camara v. Mun. Ct. of San Francisco*, 387 U.S. 523, 534 (1967)).

175. For this independent reason, Petitioner's arrest and detention is unlawful and the Court should order his immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Declare that Petitioner's arrest without a legally valid administrative warrant or probable cause and without an individualized determination of flight risk is unlawful;
3. Declare that Respondents' failure to issue NTA within 48 hours of Petitioner's arrest is unlawful;
4. Prohibit Respondents from transferring Petitioner from the district without the court's approval;
5. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
7. Grant any further relief this court deems just and proper.

Dated: June 23, 2026.

By: /s/Karen V. Bryan

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Verification by Petitioner's Legal Counsel
Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status are true and correct to the best of my knowledge.

/s/Karen V. Bryan
Karen V. Bryan, Esq.

Date: June 23, 2026