**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MINNESOTA**

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| Ovidio Ramirez Dubon,<br><br>Petitioner,<br><br>v.<br><br>Pamela Bondi, Attorney General,<br><br>Kristi Noem, Secretary, U.S. Department of Homeland Security,<br><br>Todd M. Lyons, Acting Director of Immigration and Customs Enforcement,<br><br>David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, and<br><br>Ryan Shea, Sheriff of Freeborn County<br><br>Respondents. | Case No. 26-CV-03374 (KMM/SGE)<br><br>**PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS** |

Petitioner Ovidio Ramirez Dubon ("Petitioner") submits the following Reply in Support of Petition for Writ of Habeas Corpus:

***FACTUAL BACKGROUND***

Mr. Ramirez Dubon is a resident of West St. Paul, Minnesota, who has lived continuously in the United States since approximately 2016 and does not have a final order of removal. ECF No. 1 at ¶¶ 13-14[1]. On March 3, 2026, Petitioner was detained by

[1] Unless otherwise identified, all citations to ECF Nos. are to this action, 26-CV-03374 (KMM/SGE).

Respondent U.S. Immigration and Customs Enforcement ("ICE") after attending a scheduled court appearance. *Id.* at ¶ 14. On March 11, 2026, Petitioner filed through counsel a Petition for Writ of Habeas Corpus. *Id.* at ¶ 15. On March 20, 2026, this Court granted Mr. Ramirez Dubon's Petition and ordered his immediate release. *Id.* at ¶ 16.

In granting the Petition, this Court concluded that 8 U.S.C. § 1226(a) was not a "valid basis for [Mr. Ramirez Dubon]'s detention" as Respondents failed to point to "a valid warrant supporting the applicability of § 1226(a) . . .." *See* Case No. 26-CV-1834 (KMM/SGE), ECF No. 7, at 4. This Court also rejected Respondents' argument that the petition should be denied because he "has voluntarily agreed to return to his home country of Honduras" by signing a Form I-826. *Id.* at 3-4. Respondents have since acknowledged that Petitioner has revoked "his consent to voluntary departure at the time of filing his first habeas petition." ECF No. 7 at 2.

On July 14, 2026, Petitioner was charged with a criminal misdemeanor and arrested by the West St. Paul Police Department. *Id.* at 2-3. Following a hearing for this charge, Petitioner was set to be released from the Dakota County Judicial Center on July 16, 2026 – whereupon ICE again detained him. *Id.* at 3; ECF No. 1 at ¶ 18.

***For the second time since the start of Operation Metro Surge***, Respondents have unlawfully detained Mr. Ramirez Dubon indefinitely without a Form I-200 Administrative Warrant ("I-200") ***issued pursuant to*** a Form I-862 Notice to Appear ("NTA"). As conceded in their Response, the I-200—which is "pursuant to section 236 [8 U.S.C. § 1226] and 287 [8 U.S.C. § 1357] of the Immigration and Nationality Act" was issued on July 14,

2026. ECF No. 7 at 3. The NTA was not issued until ***two days later***, on July 16, 2026.[2] *Id.* Petitioner was also issued a Form I-247A Immigration Detainer. ECF No. 8, Ex. C. Like the I-200, the I-247A invokes § 1226:

> DHS officers are authorized to arrest a removable alien under the immigration laws ***pursuant to an administrative warrant pending a decision on whether they will be removed from the United States, under 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(b)***, or pending removal, under 8 C.F.R. § 241.2(a)(1), and may arrest removable aliens under certain circumstances without a warrant pursuant to 8 U.S.C. § 1357(a).

*Id.* (emphasis added).

## *LEGAL ARGUMENT*

As set forth below, immediate release is an appropriate remedy here because: (1) Petitioner is currently detained pursuant to 8 U.S.C. § 1226(a), (2) the I-200 was not issued pursuant to an NTA and thus the warrant is invalid, and (3) Respondents have not established that they satisfied the requirements for a warrantless arrest.

### 1. Petitioner is Detained Pursuant to §1226(a)

**First**, while Respondents purport to be detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), it is clear from the face of the I-200 that he is being detained under 8 U.S.C. §

[2] Respondents claim that the NTA was at least issued prior to Petitioner's arrest. *Id.* at 3, 8. Neither the Supporting Declaration of Christopher A. Campbell nor the attached documents establish this to be true. Mr. Campbell did not sign the NTA nor does he profess to have personal knowledge of its issuance. The NTA is not timestamped. It appears equally if not more likely that the NTA was not created until after Mr. Ramirez Dubon was submitted to administrative processing at the Whipple Federal Building. *See, e.g.*, *Hector J.A.S.*, 2026 WL 1243500, at *2 (ordering release of petitioner where respondents did not issue NTA until booking following arrest in the field).

1226(a). Courts in this District have routinely held that an arrest pursuant to an I-200 invokes the statutory framework of § 1226. *See, e.g.*, *Victor P. v. Blanche*, No. 26-CV-3217 (JMB/SGE), 2026 WL 2110732, at *3 (D. Minn. July 22, 2026) ("Thus, just as it is stated in the Form I-200 on which the arrest and detention is based, the Court concludes that the Respondents have detained Victor P. pursuant to the framework of 8 U.S.C. § 1226."); *Martha C.G.P. v. Blanche*, No. 26-CV-2308 (DWF/JFD), 2026 WL 1329577, at *2 (D. Minn. May 13, 2026) ("While Respondents invoke § 1225(b)(2) now, they did not arrest Petitioner under that statute. Instead, Respondents invoked the discretionary detention provisions of 8 U.S.C. § 1226 in the Form I-200 administrative warrant."); *Hector J.A.S. v. Shea*, No. CV 26-2242 (JRT/DLM), 2026 WL 1243500, at *2 (D. Minn. May 6, 2026) ("Because Respondents represented to Petitioner that his arrest was based on § 1226(a), the Court will hold Respondent to those representations.").[3]

Respondents point to a single decision from the District of Minnesota which has reached a conclusion at odds with the majority view. *See Venancio P.J. v. Blanche*, No. 26-CV-2740 (ECT/JFD), 2026 WL 1862252, at *2 (D. Minn. June 29, 2026). Courts elsewhere have delved into the textual interpretation of the I-200 and reached opposite

[3] An array of Courts outside this District have reached the same conclusion. *See, e.g.*, *Espinoza-Avalos v. Blanche*, No. 8:26CV191, 2026 WL 1396593, at *2 (D. Neb. May 19, 2026) (where I-200 was invoked, holding that "Respondents must justify Petitioner's arrest under either Section 1226(a) or Section 1357."); *Baldera-Bances v. Mullin*, No. CIV-26-983-J, 2026 WL 2138200, at *4 (W.D. Okla. July 15, 2026), *report and recommendation adopted*, No. CIV-26-983-J, 2026 WL 2142820 (W.D. Okla. July 24, 2026); ("When ICE arrested Petitioner, they did so pursuant to a Form I -200 Warrant for Arrest of Alien under sections 236 and 287 of the INA, that is, the § 1226 authority, rather than under § 1225.. . .The manner of Petitioner's arrest thus confirms that his detention arises under § 1226(a)."); *Rodriguez-Acurio v. Almodovar*, 811 F. Supp. 3d 274, 312 (E.D.N.Y. 2025), *appeal dismissed*, No. 26-219, 2026 WL 1208948 (2d Cir. Feb. 25, 2026) ("The fact that ICE secured a warrant to detain Rodriguez-Acurio therefore suggests that they understood her to be subject to discretionary rather than mandatory detention").

conclusions.[4] But more significant to this case is that the same judge, Hon. Tostrud, has also held that *§ 1226 did govern the arrest* when both the I-200 and a separate document cited to the statute as its authority for arrest. *See Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 963, 969 & n.7 (D. Minn. 2025), *appeal dismissed sub nom., Escalante v. Bondi*, No. 25-3126, 2025 WL 4698552 (8th Cir. Dec. 5, 2025)). That is precisely the case here as the I-247A also clearly articulates that Petitioner's arrest "pursuant to an administrative warrant" was done under 8 U.S.C. § 1226(a).

**Second**, Respondents – apparently walking away from prior held positions that warrantless detention pursuant to § 1225 is perfectly acceptable – now claim here that an I-200 *is in fact required* to initiate mandatory detention under 8 U.S.C. § 1225(b)(2) in certain situations. ECF No. 7 at 4. Without identifying any prior practice of using I-200 warrants to initiate mandatory detention, Respondents deduce that because they are now invoking § 1225(b)(2) to justify arrests in the interior of the country, and because § 1357(a)(2) only allows warrantless arrests when there is reason to believe that an individual is likely to escape before a warrant can be detained, the regulatory framework governing I-200 warrants must envelope both § 1226 and § 1225. However, the logical conclusion here isn't that I-200 warrants have ever contemplated § 1225, but rather that Respondents' efforts to expand mandatory detention via the July 8, 2025 Interim Guidance Regarding Detention Authority for Applications for Admission and its precedential adoption via *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) upended

[4] *See e.g.*, *Rodriguez-Acurio v. Almodovar*, 811 F. Supp. 3d 274, 312 (E.D.N.Y. 2025), appeal dismissed, No. 26-219, 2026 WL 1208948 (2d Cir. Feb. 25, 2026).

longstanding historical immigration practice—which invoked § 1226 and § 1225 in distinct ways—and did so without preparing an adequate regulatory framework. The fact that there is now an absurd gap (*i.e.* how does ICE invoke mandatory detention pursuant to a warrant in the interior of the country?) in how immigration enforcement is playing out does not mean that an I-200 warrant can suddenly invoke § 1225, but rather that § 1226 remains the proper authority under which detention can be initiated in a way that complies with currently existing regulations and due process.

**In short**, if the requirements of § 1357(a)(2) cannot be satisfied, then an I-200 warrant is required. If an I-200 warrant is required, then the detention is "pursuant to section 236 [8 U.S.C. § 1226] and 287 [8 U.S.C. § 1357] of the Immigration and Nationality Act" – not § 1225. *See* ECF No. 8, Ex. B. Here, because an I-200 warrant was served, Petitioner respectfully submits that the Court should hold Respondents "to its representations that it has made to [Petitioner] . . . and find that he is detained pursuant to 8 U.S.C. § 1226(a)." *See Souleimane C. v. Blanche*, No. 26-CV-2215 (LMP/JFD), 2026 WL 1180075, at *4 (D. Minn. Apr. 30, 2026); *see also C. C. v. Blanche*, No. 26-CV-3220 (LMP/SGE), 2026 WL 2137334, at *4 (D. Minn. July 24, 2026) ("The Court therefore rejects the Government's assertion, 'adopted post hoc and raised for the first time in this litigation,' that it arrested and detained Andrés pursuant to Section 1225(b)(2).") (quoting *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 486 (S.D.N.Y. 2025).

**2. Predating the NTA, the I-200 Warrant is Invalid**

Form I-200 warrants are used to detain noncitizens suspected of violating immigration law and can be issued and executed at any time ***between the issuance of the***

***notice to appear and the completion of removal proceedings***. 8 C.F.R.§ 236.1(b); *see Jouquin C.S. v. Bondi*, No. 26-cv-1438 (DWF/DJF), 2026 WL 483256, at *2 (D. Minn. Feb. 20, 2026) (discussing when I-200's can be issued). Contrary to Respondents' argument, it is well accepted by Courts in the District of Minnesota, including this one, that an I-200 warrant issued prior to an NTA is invalid. *See, e.g.*, *Pedro D.C. v. Blanche*, No. 26-CV-2450 (KMM/DLM), 2026 WL 1759444, at *2 (D. Minn. June 18, 2026) ("Here, there is no evidence that the NTA came before the I-200 warrant. . . . Therefore, the Court concludes that Petitioner was not arrested pursuant to a valid I-200 warrant under 8 U.S.C. § 1226(a)."); *Victor P. v. Blanche*, No. 26-CV-3217 (JMB/SGE), 2026 WL 2110732, at *3 (D. Minn. July 22, 2026) ("Putting both rules together, DHS may arrest a non-citizen using a Form I-200 only if the Form I-200 issues at the same time or after DHS issues an NTA."); *Carlos J.M. v. Todd Blanche*, No. 26-CV-2943 (ECT/DTS), 2026 WL 2168878, at *2 (D. Minn. July 20, 2026), *report and recommendation adopted sub nom. Carlos J.M. v. Todd Blanche*, No. 26-CV-2943 (ECT/DTS), 2026 WL 2170790 (D. Minn. July 28, 2026) (Finding petitioner was arrested without a valid warrant where government conceded "an I -200 can be issued only after a Notice to Appear has been filed."); *Jose R.M.B. v. Kandiyohi Jail Adm'r*, No. CV 26-3079 (JRT/ECW), 2026 WL 1894373, at *2 (D. Minn. July 1, 2026) ("However, in this case, it appears removal proceedings were not commenced against Petitioner through a Notice to Appear until June 14, 2026—two days after his arrest pursuant to the I-200 warrant. Accordingly, Petitioner's arrest pursuant to the I-200 warrant was unlawful.") (internal citation omitted); *Rey A. v. Blanche*, No. 26-CV-2287 (NEB/JFD), 2026 WL 1678230, at *3 (D. Minn. May 29, 2026), *report and*

*recommendation adopted sub nom. Rey A. A. F. v. Blanche*, No. 26-CV-2287 (NEB/JFD), 2026 WL 1683219 (D. Minn. June 10, 2026) ("At least three courts in this District have relied on *Castanon Nava* to find warrants invalid when no corresponding Notice to Appear was filed.").

Respondents' allusion to a "broader arrest authority" without explanation or supporting caselaw is not convincing in light of the explicit language of § 236.1(b)(1), and moreover relies on a flawed idea of what role the NTA plays. Respondents claim that the purpose of an NTA is to serve as one avenue for establishing probable cause on the I-200. But the NTA's core purpose isn't to serve as the basis for an I-200's probable cause determination, rather – and fundamentally – it is the "'case-initiating document' that serves as the written notice of removal proceedings . . .." *Pedro D.C.*, 2026 WL 1759444 at *1 (quoting *Niz-Chavez v. Garland*, 593 U.S. 155, 164 (2021)).

There were no pending removal proceedings against Petitioner when the I-200 was issued on July 14, 2026. As Respondents concede, Mr. Ramirez-Dubon's first Petition was granted and he had revoked his purported voluntary removal. *See* ECF No. 7 at 2 ("Since Petitioner had originally agreed to voluntary departure a new NTA was not issued."). Thus, Petitioner was not in removal proceedings until the second NTA was issued on July 16, 2026 – two days after the I-200 was issued. *See David Franco Loaez & Victor David Lobo Medina v. Bausch*, No. 26-CV-00945-MAV, 2026 WL 2150155, at *1 (W.D.N.Y. July 27, 2026) ("In other words, ***without a valid NTA in place, removal proceedings are not pending***, and Respondents have no authority to make an arrest or effectuate detention

pursuant to § 1226(a).") (emphasis added). Consistent with this authority, the I-200 at issue here is invalid and Petitioner's arrest was therefore unlawful.[5]

**3. The Requirements for a Warrantless Arrest Were Not Satisfied**

When an individual is arrested pursuant to an invalid I-200, then the arrest will be treated as warrantless. *Castañon Nava v. Dep't of Homeland Sec.*, No. 18-cv-3757, 2025 WL 2842146, at *12 (N.D. Ill. Oct. 7, 2025). This court has previously set forth the standard for warrantless arrests:

> A warrantless arrest of a noncitizen is permissible only if there is "reason to believe that the alien so arrested is in the United States in violation of any [immigration] law or regulation and is likely to escape before a warrant can be obtained for his arrest[.]" 8 U.S.C. § 1357(a)(2). In this context, "the term 'reason to believe' ... means constitutionally required probable cause." *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010).

*Pedro D.C.*, 2026 WL 1759444 at *2. Respondents fail to establish that these requirements were met here. Accordingly, Mr. Ramirez Dubon's warrantless arrest was unlawful. *See, e.g.*, *Ahmed S. v. Blanche*, No. 26-CV-2265 (KMM/DLM), 2026 WL 1998718, at *6 (D. Minn. July 10, 2026) (finding that Petitioner's detention was not "consistent with the government's warrantless arrest authority under 8 U.S.C. § 1357."); *Vladimir G. v. Easterwood*, No. 26-CV-2971 (JMB/ECW), 2026 WL 1786418, at *3 (D. Minn. June 22, 2026) ("To the extent that the Federal Respondents alternatively seek to justify

[5] While the Court need not reach the issue here, the same facts support a finding of immediate release based upon Due Process. *See, e.g.*, *Yonatan P. v. Blanche*, No. 26-CV-2949 (JMB/EMB), 2026 WL 1842652, at *4 n.5 (D. Minn. June 26, 2026).

[Petitioner's] arrest under the warrantless arrest provisions of 8 U.S.C. § 1357(a), the Court cannot agree because the record presented cannot support the necessary finding of probable cause.").

**4. Immediate Release is an Appropriate Remedy**

As this Court and others throughout the District of Minnesota have held, immediate release is an available remedy when an individual is being detained pursuant to an unlawful arrest. *See, e.g.*, *Pedro D.C.*, 2026 WL 1759444 at *2 ("Because Petitioner has met his burden of showing that his arrest was unlawful by a preponderance of the evidence, *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1143 (D. Minn. 2025), he must be released"); *Ahmed S.*, 2026 WL 1998718, at *7 ("Courts in this District have repeatedly found that the proper remedy for a warrantless arrest that fails to comply with 8 U.S.C. § 1357(a)(2) is release."); *Pina C.D.B. v. Bondi*, No. 26-CV-1929 (KMM/DJF), 2026 WL 810676, at *3 (D. Minn. Mar. 24, 2026) (concluding "immediate release is the proper remedy" for arrest effected in absence of valid administrative warrant); *Vladimir G.*, 2026 WL 1786418, at *3 ("Because Vladimir G.'s arrest was pursuant to an invalid warrant and therefore unlawful, immediate release is the appropriate remedy."); *Hector J.A.S.*, 2026 WL 1243500, at *2 (ordering release of petitioner where respondents did not issue NTA until booking following arrest in the field); *Martha C.G.P.*, 2026 WL 1329577 ("Respondents have not made a showing that a warrantless arrest was justified. The remedy for a warrantless arrest is immediate release."); *Jose R.M.B.*, 2026 WL 1894373 (holding that "the proper remedy is his release" where "***removal proceedings were not commenced against Petitioner***

***through a Notice to Appear until [ ] two days after his arrest pursuant to the I-200 warrant***" and warrantless arrest did not abide by 8 U.S.C. § 1357(a)) (emphasis added).

In line with these cases, Petitioner respectfully submits that because (1) he is detained pursuant to an invalid I-200 which was issued prior to the NTA and (2) Respondents have failed to substantiate that the requirements for a warrantless arrest were satisfied, immediate release is the appropriate remedy.[6]

***CONCLUSION***

For the foregoing reasons, Petitioner respectfully requests that the Court grant his Petition for Writ of habeas Corpus.

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[6] In the alternative, Petitioner submits that detention under § 1226 is discretionary and requires, at minimum, a bond redetermination hearing, which Respondents have not provided here. *See, e.g.*, *Andrés Felipe C. C. v. Blanche*, No. 26-CV-3220 (LMP/SGE), 2026 WL 2137334, at *4 (D. Minn. July 24, 2026) ("Depriving Andrés of a bond redetermination hearing, to which he plainly is entitled under Section 1226(a) and its implementing regulations, violates Andrés's right to due process."); *Selvin Adonay E. M. v. Noem*, 817 F. Supp. 3d 720, 733–35 (D. Minn. 2025) (finding petitioner's due process rights were violated because he was denied a bond redetermination hearing despite being detained under Section 1226(a)).