UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Jose Juan MEJIA RAMRIREZ, *Petitioner*, v. **Todd BLANCHE**, in his official capacity as Attorney General of the United States; **Markwayne MULLIN**, in his official capacity as Secretary of the Department of Homeland Security; **David VENTURELLA**, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; **David EASTERWOOD**, in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; **Joel BROTT,** in his official capacity as Sheriff of Sherburne County, *Respondents.*	Case No. 0:26-cv-3927 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. This case seeks the immediate release of Petitioner Mr. Jose Juan Mejia Ramirez from unlawful immigration detention by the Department of Homeland Security's ("DHS") U.S. Immigration and Customs Enforcement ("ICE"). ICE has been detaining Petitioner since at least May 6, 2026 at the Sherburne County Jail. By and through undersigned counsel, Petitioner hereby files this petition for a writ of habeas corpus and a complaint for

declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release Petitioner from unconstitutional and unlawful detention.

2. In light of the information and belief that ICE is/has rapidly moved individuals in its custody out of the District of Minnesota, this petition also requests that the Court's Order to Show Cause ("OSC") immediately enjoin Respondents from moving Petitioner outside of the District of Minnesota. Ordering that relief in the OSC is now a nearly universal practice in this District.

3. **Mr. Mejia Ramirez's detention is unlawful for at least 5 reasons.**

4. *First*, Mr. Mejia Ramirez's arrest violates his Fourth Amendment rights, as well as statute and regulation. This basis warrants release. *See, e.g., Vladimir G. v. Easterwood*, No. 26-CV-2971 (JMB/ECW), 2026 WL 1786418, at *2 (D. Minn. June 22, 2026) (ordering immediate release of Petitioner because the Government generated the NTA after the Form I-200 warrant).

5. *Second*, Mr. Mejia Ramirez's detention violates his Fifth Amendment right to Procedural Due Process. By being detained, Mr. Mejia Ramirez was deprived of his liberty, and is entitled to a post-detention bond hearing under *Mathews v. Eldridge,* 424 U.S. 319, 335 (1976). The Immigration Judge's denial of bond based on lack of authority violates Mr. Mejia Ramirez's right to post-detention due process. *See* Ex. C. This basis warrants release, or in the alternative, a fair bond hearing.

6. *Third*, due process requires that the government show, in a pre-deprivation hearing before a neutral adjudicator, materially changed circumstances before depriving Mr. Mejia

Ramirez of the liberty interest created by the issuance of his V-3 visa, and that process was not followed. This basis warrants release.

7. *Fourth,* Mr. Mejia Ramirez is entitled to release under substantive due process. There has been no finding that he is a flight risk or a danger. This basis warrants release.

8. *Fifth*, Mr. Mejia Ramirez argues that he is entitled to a bond hearing because he is and can only be detained under 8 U.S.C. § 1226(a) and is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because he was admitted to the United States when he was granted a V-3 visa. This basis warrants a bond hearing.

9. *Finally*, Petitioner preserves the argument that, should *Avila v. Bondi,* 170 F.4th 1128 (8th Cir. 2026), cease to be controlling law, he is entitled to a bond hearing because he is and can only be detained 8 U.S.C. § 1226(a) and is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This basis warrants no remedy at this time.

10. For these reasons, Mr. Mejia Ramirez respectfully asks this Court to declare that his detention is unlawful and order his immediate release. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("Habeas is at its core a remedy for unlawful executive detention," for which "[t]he typical remedy is, of course, release."). Alternatively, absent outright release, the Due Process Clause requires, at a minimum, that this Court order an individualized review of Mr. Mejia Ramirez's detention at an immigration bond hearing where the government bears the burden of justifying Mr. Mejia Ramirez's detention. *See Pedro O. v. Garland*, 543 F. Supp. 3d 733, 744 (D. Minn. 2021) (concluding that, where a petitioner's detention violates due process, as per *Mathews* the petitioner "is entitled to a bond hearing in immigration court at which the Government must justify [the]

detention[] … show[ing] by clear and convincing evidence that Pedro poses either a risk of flight or a risk of danger to the community"); *see also, e.g.*, *Matamoros Rodriguez v. Woodbury County Jail*, No. C26-4041-LTS-MAR, 2026 WL 1735035, at *4 (N.D. Iowa June 16, 2026) (ordering bond hearing in which the government bears the burden of proof of showing dangerousness or flight risk by clear and convincing evidence).

JURISDICTION AND VENUE

11. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241 (habeas corpus); art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

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

13. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by federal immigration authorities. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (holding 8 U.S.C. § 1226(e) does not bar habeas review nor constitutional challenges to detention under the statute); *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018) (holding 8 U.S.C. § 1225(b)(9) does not bar challenges to detention). *See also Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) ("[T]he primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.").

14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within the District of Minnesota. Venue is also proper in this Court under 28 U.S.C. § 1391(b)(2), (e)(1)(A)-(B) because Respondents are employees, officers, and agencies of the United States, because a defendant resides in this District, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

PARTIES

15. Petitioner Mr. Mejia Ramirez has lived in the United States for 36 years. He is a resident of Cottage Grove, Minnesota, who is currently detained at the Sherburne County Jail in Elk River, Minnesota. Petitioner is under the direct control of the respondents and has no scheduled release date.

16. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the head of the Department of Justice. As Attorney General, he has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

17. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the Department of Homeland Security. As head of the U.S. Department of Homeland Security, the federal agency tasked with enforcing immigration laws, Secretary Mullin is Mr. Mejia Ramirez's ultimate legal custodian.

18. Respondent David J. Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. As ICE's Acting Director, Respondent Lyons is a legal custodian of Mr. Mejia Ramirez.

19. Respondent David Easterwood is sued in his official capacity as the Acting Field Office Director of the St. Paul Field Office, Enforcement and Removal Operations, ICE. In that capacity, Field Office Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mr. Mejia Ramirez. In his official capacity, Respondent Easterwood is a legal custodian of Mr. Mejia Ramirez.

20. Respondent Joel Brott is sued in his official capacity as Sheriff of Sherburne County. As Sheriff of Sherburne County, Respondent Joel Brott oversees the Sherburne County Jail, the facility where Petitioner is presently detained and is therefore one of his legal custodians.

EXPEDITED REVIEW UNDER 28 U.S.C. § 2243

21. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

22. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (citation omitted). "The writ of habeas corpus, challenging illegality of detention, is reduced to a sham if the trial courts do not act within a reasonable time." *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978).

23. Due to the nature of this proceeding, Mr. Mejia Ramirez respectfully asks this Court to expedite proceedings in this case as necessary and practicable for justice.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

24. Petitioner Mr. Mejia Ramirez has lived in the United States for 36 years. Mr. Mejia Ramirez's primary language is English.

25. Minnesota is Mr. Mejia Ramirez's home. He lives here with his family, whom he is very close with. Mr. Mejia Ramirez came to Minnesota with his mother and twin brother, Fernando, who is now deceased. He has spent nearly his entire life in the United States. He lives with his mother and takes care of his grandmother when she visits. Mr. Mejia Ramirez is a productive and contributing member of his community. He attends mass service with his family at [redacted] every weekend. He is a pillar for his family and friends and the heart and soul of his household, supporting the well-being and happiness of the people he loves. Though Mr. Mejia Ramirez has made mistakes, he is diligently fulfilling his obligations to the Court in two recently resolved misdemeanor cases in Minnesota.

26. Mr. Mejia Ramirez is applying for Lawful Permanent Residency and does not have a final order of removal.

27. Mr. Mejia Ramirez arrived in the United States from Mexico when he was two or three years old and was not paroled after inspection by an immigration officer. On December 17, 2002, Mr. Mejia Ramirez was admitted on a V-3 nonimmigrant visa. A V-3 visa provides nonimmigrant status to dependent children accompanying or following to join a parent that is a lawful permanent resident, or to children of eligible spouses of a lawful permanent resident. 8 C.F.R. § 214.15(a). Mr. Mejia Ramriez's V-3 nonimmigrant visa expired on December 16, 2004.

28. Upon information and belief, Mr. Mejia Ramirez was approached and arrested by ICE agents on May 5, 2026 as he leaving the Washington County jail. Upon information and belief, Mr. Mejia Ramirez was taken to the Bishop Henry Whipple Federal Building for processing and was then transported to the Sherburne County Jail.

29. Upon information and belief, Mr. Mejia Ramirez was not shown a valid warrant when ICE agents arrested him. Subsequently, Mr. Mejia Ramirez was given a copy of an I-200 warrant dated May 2, 2026, which invokes Section 236 [1226] of the Immigration and Nationality Act. *See* Ex. A. As grounds for probable cause, the warrant has two boxes checked: (1) "the execution of a charging document to initiate removal proceedings against the subject;" and (2) "biometric confirmation of the subject's identity and a records check of federal databases . . . ." *Id.*

30. Mr. Mejia Ramirez was provided with and signed an I-862 Notice to Appear dated May 5, 2026. *See* Ex. B at 3; *id.* at 1. Accordingly, removal proceedings against Mr. Mejia Ramirez began on May 5, 2026. *See* Ex. C at 1–2.

31. Mr. Mejia Ramirez requested a bond redetermination hearing, and one was nominally held on July 14, 2026. On July 20, 2026, Immigration Judge Nathan Hansen denied bond on findings that he did not have jurisdiction to hear Mr. Mejia Ramirez's bond redetermination request under *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025) and *Avila v. Bondi,* 170 F.4th 1128 (8th Cir. 2026). *See* Ex. C at 3.

32. Mr. Mejia Ramirez remains confined in the Sherburne County Jail in Elk River, Minnesota.

STANDARD OF LAW

33. A detained noncitizen may petition for a writ of habeas corpus when their custody violates the U.S. Constitution or a federal law. 28 U.S.C. § 2241(c)(3); *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). The petition should be granted if the petitioner proves the illegality of the detention by a preponderance of evidence. *Giordan M.G. v. Blanche*, No. CV 26-2585 (JWB/DTS), 2026 WL 2364399, at *2 (D. Minn. Aug. 14, 2026) (citation omitted).

34. Detained noncitizens face no statutory exhaustion requirements to invoke 28 U.S.C. § 2241. *Jose J.O.E. v. Bondi*, 797 F.Supp.3d 957, 965 (D. Minn. 2025). A judicially imposed prudential exhaustion requirement would not be appropriate here because time is of the essence, the factual record is straightforward and largely undisputed, and the parties' disagree regarding a legal conclusion. *Id.* at 967–68. *See also Giron Reyes v. Lyons*, 801 F.Supp.3d 797, 803 (N.D. Iowa 2025). Further administrative exhaustion would be futile and is therefore unnecessary. *Eliseo A.A. v. Olson*, 811 F.Supp.3d 1021, 1032 (D. Minn. 2025) (rejecting the Government's argument that petitioner should have argued their detention in the B.I.A. because administrative review would be "futile" following the B.I.A.'s "definitive position" in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025)).

35. Federal immigration officers may detain people only as authorized by the Immigration and Nationality Act (INA), 8 U.S.C. §1101, *et seq*. The Constitution places additional limits on federal immigration detentions, independent of the question of

statutory authority. *See Counselman v. Hitchcock*, 142 U.S. 547, 565 (1892), *overruled on other grounds by Kastigar v. United States*, 406 U.S. 441 (1972)).

36. Respondents must comply with (1) statutory and due process limitations on Respondents' authority to keep a noncitizen in civil detention, and (2) statutory and Fourth Amendment limitations on Respondents' ability to perform the initial arrest.

Generally, the Remedy is Release

37. When a habeas petitioner's detention is without legal basis, the typical and appropriate remedy is release. *Munaf*, 553 U.S. at 693 (describing release as the "typical remedy" for "unlawful executive detention").

38. "[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). "Indeed, in 1670, the Chief Justice of the Common Pleas [in England] was able to say, in ordering the immediate discharge of a juror who had been jailed by a trial judge for bringing in a verdict of not guilty, that '[t]he writ of habeas corpus is now the most usual remedy by which a man is restored again to his liberty, if he have been against law deprived of it.'" *Id.* at 484-85 (*quoting Bushell's Case*, Vaughan 135, 136, 124 Eng. Rep. 1006, 1007). Thus, when a habeas petitioner's detention is without legal basis, the typical and appropriate remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention"); *Wilson L.L. v. Blanche*, No. 26-CV-02475, 2026 WL 1283186, at *2-3 (D. Minn. May 11, 2026) (because "Petitioner's detention is unlawful . . . as in other similar cases, the Court concludes that the appropriate remedy is

release from custody"); *Emily Andreina N.V. v. Blanche*, No. 0:26-cv-02570, 2026 WL 2209844, at *4-5 (D. Minn. July 31, 2026) (ordering release; distinguishing "[s]eeking release from custody in an immigration habeas case" from "a noncitizen's effort to prohibit the government from pursuing removal proceedings"); *see also Pedro Eduardo R. P. v Bondi,* No. 26-CV-01323, 2026 WL 473140 (D. Minn. Feb. 17, 2026) (recommending immediate release after the government failed to contest petitioner's Fourth and Fifth Amendment arguments), *report and recommendation adopted*, 2026 WL 478607 (Feb. 19, 2026); *Jefferson Y.M.*, 2026 WL 1848510 (granting immediate release when government responded in an untimely manner and thereby waived any challenge to Fifth Amendment arguments). Courts across the country have accordingly ordered release when granting immigration habeas petitions. *See, e.g. Jose L.R.O. v. Bondi*, No. 5:26-CA-850, Doc. No. 11 at 25 (W.D. Tex. Mar. 23, 2026); *Sanchez v. Sec'y of Homeland Sec.*, No. 3:26-cv-00695, 2026 WL 1238601, at *2 (M.D. Fla. May 6, 2026); *Amandeep S. v. Mullin*, No. 6:26-cv-03341 (W.D. Mo. June 25, 2026), Doc. No. 11.

39. Release is an appropriate remedy for individuals with various immigration histories. *See, e.g., Dylan M. v. Blanche*, No. 26-CV-2802 (D. Minn. June 8, 2026), Doc 12, slip op. at *10 (granting the habeas corpus petition of a teenager who arrived on a tourist visa as a child, which visa subsequently expired, and who was found to have been detained unlawfully) and *Makitio G. A., v. Blanche*, No. 26-CV-2200, 2026 WL 1584457, at *6 (D. Minn. May 22, 2026) (recommending release for someone who was unconstitutionally and unlawfully detained after Respondent's revoked petitioner's order of supervision), *report and recommendation adopted*, 2026 WL 1591270 (June 3, 2026).

CLAIMS FOR RELIEF

COUNT ONE
Violation of the Fourth Amendment to the U.S. Constitution, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.8(c), (b)

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

Applicable Law

41. Detention statutes such as 8 U.S.C. §§ 1225(b)(2), 1226(a), and 1231 provide the Government with the authority to arrest and detain a noncitizen. 8 U.S.C. § 1357(a) sets the parameters for when the Government has the authority to detain a noncitizen by a warrantless arrest.

42. 8 U.S.C. § 1357(a) and the Fourth Amendment determine whether a warrantless arrest is lawful. "Section 1357 implicates the Fourth Amendment's protections." *Sergi A.G. v. Blanche*, No. 26-cv-03393-MJD-SGE, Doc. No. 9, slip op. at *14 (D. Minn. Aug. 31, 2026). *See also Trump v. Illinois*, 607 U.S. ___, 146 S. Ct. 432, 436 n.4 (2025) (Kavanaugh, J., concurring) ("The basic constitutional rules . . . are longstanding and clear: The Fourth Amendment requires that . . . arrests must be based on probable cause").

43. The Fourth Amendment secures "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]" U.S. CONST. amend. IV.

44. Warrantless arrests in the interior of the country are permissible only when the arresting officer has reason to believe the noncitizen is "in the United States in violation of any such law or regulation **and** is likely to escape before a warrant can be obtained for his arrest . . . ." 8 U.S.C. § 1357(a)(2) (emphasis added). *See also* 8 C.F.R. §§ 287.3(a), (d),

and 287.8(c)(2)(i–ii); *Arizona v. United States*, 567 U.S. 387, 408 (2012) (citing § 1357(a)(2) to find that immigration officers "may arrest an alien for being 'in the United States in violation of any [immigration] law or regulation,' for example, but only where the alien 'is likely to escape before a warrant can be obtained.'").

45. The "reason to believe" requirement of 8 U.S.C. § 1357(a)(2) "means constitutionally required probable cause." *Quintana*, 623 F.3d at 1239. Probable cause exists when, based on the totality of the circumstances, facts are "sufficient to lead a reasonable person to believe that the suspect has committed or is committing an offense." *Garang v. City of Ames*, 2 F.4th 1115, 1121 (8th Cir. 2021) (citation modified).

46. Immigration agents must have probable cause that a person is in the United States in violation of immigration law. Probable cause that a person is in the United States in violation of immigration law cannot be based on an accent or skin color: "apparent ethnicity alone cannot furnish reasonable suspicion[.]" *Noem v. Vazquez Perdomo*, 606 U.S. ___, ___, 146 S. Ct. 1, 3 (2025) (Kavanaugh, J., concurring); *see also Parada v. Anoka Cnty.*, 332 F. Supp. 3d 1229, 1243 (D. Minn. 2018) (continued detention to await transfer to immigration authorities based solely on "a perceived civil violation of U.S. immigration laws" was an "egregious" Fourth Amendment violation); *Hussen v. Noem*, 822 F.Supp.3d 944 (D. Minn. 2026) ("compelling and troubling" evidence established that, during Operation Metro Surge, the government "adopted a policy authorizing federal immigration officers to conduct investigatory stops based on ethnicity or race without reasonable suspicion that the individuals were violating immigration laws."); *Juan J. v. Blanche*, No.

26-cv-02977 (D. Minn. July 2, 2026) (insufficient evidence of reason to believe an individual was unlawfully present at time of arrest).

47. Immigration agents must have probable cause that a person is likely to escape. Probable cause that a noncitizen is likely to escape requires more factual support than mere undocumented status. *Jefferson G.H.L.*, 2026 WL 1229623, at *3 ("To hold that a noncitizen is likely to escape merely because they are removable would effectively collapse § 1357(a)(2)'s two distinct requirements into one . . . . If every noncitizen that is here illegally is presumed likely to escape authorities, then § 1357(a)(2)'s second, independent requirement is rendered superfluous."). Probable cause that a person might escape requires a "particularized assessment" sufficient to conclude that the subject is likely to abscond before an arrest warrant can be obtained. *Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 946 (D. Minn. 2017) (citing *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)). The relevant inquiry is "whether it was likely that ICE officers would be able to locate [a noncitizen] after obtaining a warrant to arrest him" and not merely "whether a noncitizen will remain at the scene of encounter with law enforcement before an administrative warrant can be obtained." *Walther Ademir A.S. v. Blanche*, No. 26-CV-02804, 2026 WL 1734906, at *2–5 (D. Minn. June 16, 2026); *see also Anibal P.P. v. Blanche*, 26-cv-03125, 2026 U.S. Dist. LEXIS 153824, at *10 (D. Minn. July 13, 2026).

48. It is Respondents' burden to establish both predicates for probable cause to invoke the authority of the exception to the warrant requirement under 8 U.S.C. § 1357. To determine whether there is probable cause, "'a court must examine the events leading up to the arrest, and then decide "whether these historical facts, viewed from the standpoint of

an objectively reasonable police officer, amount to' probable cause." *Pringle*, 540 U.S. at 366 (quoting *Ornelas v. United States*, 517 U.S. 690, 696 (1996)). Reliance on a deficient or inadequate Form I-200 administrative warrant is insufficient to satisfy § 1357(a)(2) and its associated regulations. *Jefferson G.H.L.*, 2026 WL 1229623, at *2–3. The government's failure to substantiate either predicate of probable cause warrants Petitioner's immediate release. *See, e.g., Cutberto R.P.*, No. 26-CV-1934, Doc. No. 11, slip op. at 13 (D. Minn. Apr. 10, 2026).

49. Arrests and detention pursuant to 8 U.S.C. § 1226(a) and 8 U.S.C. § 1231 must comply with additional requirements by statute. Arrest and detention pursuant to 8 U.S.C. § 1226(a) require issuance and service of an I-200 warrant; and, further, because an I-200 warrant on its face invokes the authority of § 1226(a), that basis for detention must be asserted to an arrestee upon its service. *Jefferson G.H.L. v. Blanche*, No. 26-CV-2344, 2026 WL 1229623, at *2 (D. Minn. May 5, 2026). Arrest and detention of noncitizens subject to final removal orders pursuant to 8 U.S.C. § 1231 require the issuance of an I-205 warrant. 8 C.F.R. § 241.3(a) ("Once the removal period defined in section 241(a)(1) of the Act begins, an alien in the United States will be taken into custody pursuant to the warrant of removal."); 8 C.F.R. § 241.2(a)(1) (defining "Form I-205" as a "Warrant of Removal"); and *Inti C.-L. v. Blanche*, No. 26-CV-02777, Doc. 10, slip op. at 4 (D. Minn. June 6, 2026) ("Section § 1231(a)(2) does indeed mandate *detention*, but the regulations are clear that a[n I-205] warrant of removal is nevertheless necessary to effect *arrest*." (emphasis in original)).

50. ICE lacks statutory and regulatory authority to engage in a policy of issuing I-200 warrants to collaterals in the field without the concurrent or prior issuance of a notice to appear (NTA). *Oscar R. R. G. v. Bondi*, No. CV 26-1204 (JRT/SGE), 2026 WL 412448, at *1 (D. Minn. Feb. 13, 2026) (citing *Castañon Nava v. Dep't of Homeland Sec.*, 806 F. Supp. 3d 823, 851 (N.D. Ill. 2025), *aff'd in part sub nom. Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 175 F.4th 828 (7th Cir. 2026)).

51. When a noncitizen is arrested pursuant to an I-200 warrant, such an arrest is pursuant to discretionary detention under 8 U.S.C. § 1226(a). In order for the I-200 warrant to authorize arrest, it must have been issued together with or after a valid Notice to Appear was issued:

> A noncitizen "may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest." 8 C.F.R. § 236.1(b)(1); *see* 8 U.S.C. § 1226(a). A Form I-200 warrant "empowers [immigration agents] to arrest aliens during removal proceedings," *Cesar F.F.* Order at 4. Therefore, an I-200 warrant is valid only if it is issued "[a]t the time of issuance of the notice to appear, or at any time thereafter[.]" 8 C.F.R. § 236.1(b)(1).

Pedro D.C. v. Blanche, No. 26-cv-02450, 2026 WL 1759444, at *1 (D. Minn. June 18, 2026) (*quoting Cesar F.F. v. Blanche*, No. 26-CV-02540, Doc. No. 8, slip op. at 4 (D. Minn. June 2, 2026)).

52. Timing matters because a Notice to Appear initiates the removal proceeding for which the Form I-200 then authorizes arrest. *Giordan M.G., v. Blanche*, No. 26-cv-02585, Doc. 19, slip op. at 5 (D. Minn. Aug. 14, 2026) (citing *Niz-Chavez v. Garland*, 593 U.S. 155, 163–64 (2021)) (A notice to appear is a single written instrument that "serves as the basis for *commencing* a grave legal proceeding") (emphasis added); 8 U.S.C. § 1229(a).

53. If an I-200 warrant is used, then immigration authorities are invoking 8 U.S.C. § 1226(a) as the basis for detention and are representing the same to the detainee. *Jefferson G.H.L.*, 2026 WL 1229623, at *2. Under § 1226(a), detention is discretionary and requires the detainee to be provided with a bond hearing.

54. 8 U.S.C. § 1225(b)(2) as the basis for detaining a noncitizen does not eliminate the Fourth Amendment requirement for the Government to have probable cause when making warrantless arrests in the interior of the country. *Almeida-Sanchez v. United States*, 413 U.S. 266, 272 (1973) (providing that "no Act of Congress can authorize a violation of the Constitution."). When making arrests under 8 U.S.C. § 1225(b)(2), arresting officers are constrained by the independent requirements of 8 U.S.C. § 1357(a) when making any warrantless arrest. *Jefferson G.H.L.*, 2026 WL 1229623, at *2 ("it does not follow that [a noncitizen] can be arrested and detained pursuant to § 1225(b)(2) without first complying with 8 U.S.C. § 1357(a), which addresses federal immigration officials' authority to make warrantless arrests."); *Cutberto R.P. v. Bondi*, No. 26-CV-01934, Doc. No. 11, slip. op. at *8–14 (D. Minn. April 10, 2026). Therefore, arrests under 8 U.S.C. § 1225(b)(2) can only be effected in the interior of the country if arresting officers satisfy the requirements of 8 U.S.C. § 1357(a)(2).

The Arrest was Warrantless

55. Upon information and belief, Respondents did not serve a valid administrative warrant on Mr. Mejia Ramirez at the time of his arrest on immigration grounds.

56. An I-200 warrant is plainly invalid if an NTA is not generated on or before the time the warrant is issued. *Vladimir G.*, 2026 WL 1786418, at *2; *accord Yonatan P., v.*

Blanche, No. 26-CV-2949 (JMB/EMB), 2026 WL 1842652, at *3–4 (D. Minn. June 26, 2026). This is because "a warrant issued before removal proceedings have begun purports to exercise authority that does not yet exist." *Jesus F.D. v. Mullin*, No. 26-CV-2486 (PJS/DTS), Doc. No. 10, slip. op. at *5–6 (D. Minn. June 10, 2026). Thus, an arrest conducted pursuant to a Form I-200 issued prior to a Notice to Appear is "functionally warrantless." *Jose V.P.R. v. Sheriff of Freeborn Cnty.*, No. 26-CV-3047 (NEB/DLM), Doc. No. 15, slip. op. at *3 (D. Minn. Aug. 28, 2026).

57. Upon information and belief, the I-200 warrant was issued **three days** before the NTA was printed. The Form I-200 warrant was issued May, 2, 2026. *See* Ex. A. The Form I-862 Notice to Appear was issued May 5, 2026. Immigration agents lacked the authority to issue this warrant.

58. An I-200 warrant does not supply a lawful basis for an arrest if it is issued before the filing of an NTA. *See, e.g.*, *Martha C.G.P. v. Blanche*, No. 26-cv-2308 (DWF/JFD), 2026 WL 1329577, at *3 (D. Minn. May 13, 2026) ("Respondents may arrest a noncitizen using a Form I-200 only if the Form I-200 issues at the same time or after the Department of Homeland Security issues an NTA."); *Carlos J.M. v. Blanche*, No. 26-CV-2943 (ECT/DTS), 2026 WL 2168878, at *2 (D. Minn. July 20, 2026), *report and recommendation adopted sub nom. J.M. v. Blanche*, No. 26-CV-2943 (ECT/DTS), 2026 WL 2170790 (D. Minn. July 28, 2026) ("The Government admits that 'an I-200 can be issued only after a Notice to Appear has been filed.' Therefore, Carlos J.M. was arrested without a valid warrant.") (citation modified). Therefore, this I-200 warrant does not provide a lawful basis to arrest Mr. Mejia Ramirez.

59. Additionally and in the alternative, upon information and belief, the I-200 warrant indicates on its face that it is not signed by the authorized immigration officer. Next to the Printed Name and Title of the Authorized Immigration Officer, the individual who actually signed wrote ", signed for[.]" Without anything in the record to contradict this conclusion, this language indicates that another person provided their signature in lieu of the Authorized Immigration Officer named on the line below that signature. The record here does not currently supply an explanation for this discrepancy.

60. Upon information and belief, the I-200 warrant was not properly served pursuant to 8 U.S.C. § 1226(a).

61. Therefore, the I-200 warrant is invalid. The arrest of Mr. Mejia Ramirez subsequently conducted pursuant to this invalid warrant is therefore warrantless.

The Warrantless Arrest Lacked Probable Cause

62. If the I-200 warrant is found invalid, such as if it cannot be shown that the warrant was accompanied or predated by a valid Notice to Appear, or if the I-200 warrant was served only after the noncitizen was taken into custody, the arrest is only lawful if the requirements for a warrantless arrest pursuant to 8 U.S.C. § 1357(a) were met. *Jefferson G.H.L.*, 2026 WL 1229623, at *2; *Jouquin C.S. v. Bondi*, No. 26-01438, 2026 WL 483256, at *2 (D. Minn. Feb. 20, 2026).

63. Absent a valid warrant, Respondents exceeded their authority to make a warrantless arrest of Mr. Mejia Ramirez under 8 U.S.C. § 1357(a)(2) because, at the time of Mr. Mejia Ramirez's warrantless arrest, the arresting ICE agents lacked probable cause, or "reason to believe," that petitioner was both "in the United States in violation of any such law or

regulation" regulating the admission, exclusion, expulsion, or removal of noncitizens **and** "likely to escape before a warrant can be obtained for his arrest."

64. In the I-200 warrant, ICE agents represented they had two grounds to support probable cause: (1) "the execution of a charging document to initiate removal proceedings against the subject;" and (2) "biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law[.]" *See* Ex. A. Upon information and belief, neither of these facts supported probable cause at the time such representation was made on the I-200 warrant issued before the arrest of Mr. Mejia Ramirez.

65. Upon information and belief, the execution of a charging document to initiate removal proceedings against Mr. Mejia Ramirez could not have supported probable cause at the such representation was made on the I-200 warrant issued before the arrest of Mr. Mejia Ramirez. Upon information and belief, the I-200 warrant was issued on May 2, 2026. Upon information and belief, removal proceedings against Mr. Mejia Ramirez began on May 5, 2026. *See* Ex. C at 1–2. Thus, upon information and belief, no charging document to initiate removal proceedings could have existed at the time that the I-200 warrant was generated because removal proceedings had not yet begun at the time the I-200 warrant was generated. Upon information and belief, the I-200 warrant specifying the bases for probable cause to arrest Mr. Mejia Ramirez was issued on May 2, 2026, prior to Mr. Mejia Ramirez's arrest on May 5, 2026. The record here does not currently supply an explanation for this discrepancy.

66. Upon information and belief, biometric confirmation of Mr. Mejia Ramirez's identity could not have supported probable cause at the time such representation was made on the I-200 warrant issued before the arrest of Mr. Mejia Ramirez. "Biometric confirmation involves the measurement or analysis of a unique physical or behavioral characteristic (such as fingerprints)." *Jaminton R.B. v. Mullin*, No. 26-CV-3091 (ECT/JFD), 2026 WL 2350324, at *2 (D. Minn. Aug. 13, 2026) (discussing what constitutes biometric information). Minnesota courts have found that this information can only be collected once ICE has taken a detainee into custody. "Petitioner's biometric information could have only been confirmed after Petitioner had been taken into ICE's custody." *Jefferson G.H.L.*, 2026 WL 1229623, at *2; *accord Francisco M.A. v. Blanche*, No. CV 26-2032 (JRT/EMB), 2026 WL 1229701, at *2 (D. Minn. May 5, 2026). Upon information and belief, the I-200 warrant specifying the bases for probable cause to arrest Mr. Mejia Ramirez was issued on May 2, 2026, prior to Mr. Mejia Ramirez's arrest on May 5, 2026. The record here does not currently supply an explanation for this discrepancy.

67. There was not probable cause to arrest Mr. Mejia Ramirez without warrant under 8 U.S.C. § 1357(a)(2). The representations already made by the Government regarding the reasons for its arrest of Mr. Mejia Ramirez are not objectively reasonable historical facts, and do not support probable cause.

The Proper Remedy is Release

68. This case is part of a pattern of warrantless, unlawful arrests by ICE in Minnesota and elsewhere. Courts in this District have repeatedly concluded that ICE violated the law by arresting noncitizens without a valid warrant or the required probable cause and ordered

a petitioner's immediate release. See, e.g., Venancio P.J. v. Blanche, No. 26-CV-2740 (ECT/JFD), 2026 WL 1862252, at *3 (D. Minn. June 29, 2026); Jorge Anibal P.P. v. Blanche, No. 26-CV-3125 (LMP/LIB), 2026 WL 2017765, at *4 (D. Minn. July 13, 2026); 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); Cutberto R.P., No. 26-CV-01934 (MJD-DTS) (D. Minn. April 10, 2026), Doc. no. 11 at pp. 10-13; Jefferson G.H.L., No. 26-CV-2344 (JRT-ECW), 2026 WL 1229623, at *3; Hector J.A.S. v. Shea, No. CV 26-2242 (JRT-DLM), 2026 WL 1243500, at *3 (D. Minn. May 6, 2026); Martha C.G.P., 2026 WL 1329577, at *3; Jesus F.D., 2026 WL 1894373, at *5; Walther Ademir A.S., No. 26-CV-02804 (LMP-SGE), 2026 WL 1734906, at *2–5; Pedro D.C., 2026 WL 1759444 at *2; Sergio F.M. v. Blanche, No. 26-CV-02749 (ECT-DTS) (D. Minn. June 15, 2026) Doc. No. 8, report and rec. adopted, (July 8, 2026) Doc. No. 11.

69. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Respondents detained Mr. Mejia Ramirez in violation of the Fourth Amendment of the United States Constitution, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.8(c). Mr. Mejia Ramirez's continuing detention is a continuing harm of this unconstitutional, illegal, and unauthorized arrest, so the proper remedy is his release. No post-detention process can cure this violation. *See, e.g.*, *Wilson L.L.*, 2026 WL 1283186, at *2.

COUNT TWO
Violation of the Administrative Procedure Act, 5 U.S.C. § 706
Detaining Petitioner in a Manner that is Arbitrary, Capricious, and Not in Accordance with the Law Violates the Administrative Procedure Act

70. Mr. Mejia Ramirez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

Applicable Law

71. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

72. Even where statutory language of 8 U.S.C. § 1225(b)(2)—as interpreted by the Eighth Circuit—provides for "mandatory" *detention* without a bond hearing and only narrow discretionary release exceptions under 8 U.S.C. § 1182(d)(5)(A), Government powers to *arrest* persons who have lived in the country for years remain implicitly discretionary under the statutory scheme set forth in 8 U.S.C. § 1357. The Government's policy of scouring the interior of the country to satisfy large, arbitrary noncitizen arrest quotas has forced courts handling habeas cases to confront constitutional limits on the use—and abuse—of discretionary arrest powers under § 1357(a). *See Almeida-Sanchez v. United States*, 413 U.S. 266, 271-74 (1973) (the "permissible scope of intrusiveness" under the Fourth Amendment is greater at "the border itself" or "its functional equivalents" than in the interior of the country).

The Government Violated the Administrative Procedure Act

73. Respondents' arrest of Petitioner prior to the issuance of a valid Notice to Appear and a valid administrative warrant violated 8 U.S.C. § 1226(a).

74. Respondents failed to base their warrantless arrest on the requisite probable cause that Petitioner is in violation of immigration law and was likely to abscond before a warrant could be obtained. 8 U.S.C. § 1357(a)(2). The application of 8 U.S.C. § 1357(a)(2) to Mr. Mejia Ramirez without factual predicates for both required probable cause findings is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

Remedy

75. Respondent's actions were without observance of procedures required by law and should be set aside.

COUNT THREE
Violations Under the *Accardi* Doctrine
Respondents' Contravention of DHS Policy Violates the Accardi *Doctrine*

76. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

Applicable Law

77. Under the *Accardi* doctrine, a Court can set aside agency action that violates agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy,* 347 U.S. 260, 268 (1954). *Accardi* prohibits agencies from taking actions "inconsistent with

their internal regulations when it would affect individual rights." *United States v. Lee*, 274 F.3d 485, 492 (8th Cir. 2001).

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

79. The arrestee must be interviewed by an immigration officer other than the arresting officer, "unless no other qualified officer is readily available and locating one would entail unnecessary delay." *See Puc-Ruiz v. Holder*, 629 F.3d 771, 780 (8th Cir. 2010) (quoting 8 C.F.R. § 287.3(a)).

80. The arrestee must "be advised of the reasons for his arrest, of his right to legal representation, and that any statement made may be used against him in a subsequent proceeding," and "be given a list of the free legal services available in the district where the hearing will be held. *Id.* (quoting 8 C.F.R. § 287.3I).

81. A determination must be made "within 48 hours of the arrest, except in the event of an emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time, whether the alien will be continued in custody or released on bond or recognizance ***and*** whether a notice to appear and warrant of arrest as prescribed in 8 CFR parts 236 and 239 will be issued." 8 C.F.R. § 287.3(d) (emphasis added). The use of the word "and" in § 287.3(d) confirms that the warrant, NTA, and an individual determination regarding continued confinement are discrete requirements that each must be satisfied to comply with § 287.3(d).

82. The use of the words "release on bond or recognizance," and the reference to 8 C.F.R. § 236 also confirm that Respondents are required to make specific findings about whether "the alien is likely to appear for any future proceedings." 8 C.F.R. § 236.1I(8).

83. Because "it is important for officers and agents to clearly, succinctly, and contemporaneously document" factors that "are often challenged months or years after the fact," ICE internal policy reflected in a January 28, 2026 memorandum by acting ICE director Todd Lyons requires that "following a warrantless arrest, officers and agents shall document in the narrative section of the Form I-213, Record of Deportable/Inadmissible Alien, all factors considered in determining that the alien was likely to escape before a warrant could be obtained." Todd. M. Lyons, "Civil Immigration Arrest Authority: Administrative Arrest Warrants and Warrantless Arrests" (Jan. 28, 2026), *available as Hussen v. Noem*, No. 26-cv-00324 (D. Minn. Jan. 30, 2026) Doc. 85-1; *see also Sergi A.G. v. Blanche*, No. 26-CV-03393, Doc. 9, slip op. at 15–20 (D. Minn. Aug. 31, 2026).

The Government Violated its own Policy

84. By arresting Petitioner prior to the issuance of a valid Notice to Appear, and with the use of an I-200 warrant, Respondents violated 8 C.F.R. § 236.1(b)(1).

85. By arresting Petitioner without a warrant and without the requisite probable cause to believe that Petitioner was likely to escape before a warrant could be obtained, Respondents violated 8 C.F.R. § 287.8(c)(2)(ii).

86. Petitioner reserves raising the following additional grounds: (1) Respondents failed to advise Petitioner of the reasons for his arrest, his right to legal counsel, and that statements may be used against him in subsequent legal proceedings; and failed to provide

him with a list of free legal services in violation of 8 C.F.R. § 287.3(c); (2) Respondents failed to advise Petitioner of his right to communicate with the consular or diplomatic officers of the country of his or her nationality in the United States in violation of 8 C.F.R. § 236.1(e) and internal ICE policy; (3) Respondents failed to make a custodial determination within 48 hours of Petitioner's arrest regarding whether release on bond or recognizance imposed a danger to the community or a flight risk, in violation of 8 C.F.R. § 287.3(d); (3) Respondents failed to "clearly, succinctly, and contemporaneously document" in Form I-213 "all factors considered in determining that the alien was likely to escape before a warrant could be obtained[,]" in violation of the January 28, 2026 memorandum of acting ICE director Todd Lyons; (4) Respondents violated ICE Policy No. 10074.2 by issuing an I-247A Immigration Detainer to local law enforcement without a valid accompanying I-200 warrant for arrest or I-205 warrant of removal.

87. Respondents' violations of their own regulations directly impacted Petitioner's individual rights, namely, Mr. Mejia Ramirez's personal liberty interests. As such, Petitioner's detention is unlawful and should be set aside under the *Accardi* doctrine.

The Proper Remedy is Release

88. Release is the appropriate remedy for violation(s) of Respondents' own regulations and established policy because the violations concern the legal authority for Petitioner's present physical custody, as opposed to just an irregularity in an administrative proceeding where the final outcome would be unaffected. *Wilson T. v. Blanche*, No. 26-CV-02981, 2026 WL 2445467, at *2 (D. Minn. Aug. 20, 2026) ("Petitioner does not seek to invalidate his removal proceedings because an agency failed to follow a collateral procedural

requirement. He seeks habeas relief from detention that lacked a lawful predicate when it began.").

COUNT FOUR
Fifth Amendment Procedural Due Process
Respondents are Detaining Petitioner Without Due Process

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

Applicable Law

90. The Fifth Amendment provides that "[n]o person shall . . . deprived of life, liberty, or property, without due process of law." U.S. CONST. amend. V; *see also* U.S. CONST. amend. XIV ("No State shall . . . deprive any person of life, liberty, or property, without due process of law[.]").

91. Due process "is not a technical conception with a fixed content unrelated to time, place and circumstances." *Cafeteria & Rest. Workers Union v. McElroy*, 367 U.S. 886, 895 (1961) (quoting *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 162–63 (1951) (Frankfurter, J. concurring)) (internal quotation marks omitted). It is a critical liberty interest that must be considered in factual context.

92. To comply with Due Process, civil immigration detention must at a minimum "bear[] a reasonable relation to the purpose for which the individual was committed." *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). "Executive detention must rest on more than categorical, unsubstantiated, or facially deficient grounds, particularly where the government has not demonstrated with evidence that the detainee poses a danger to the community, presents a flight risk, or is subject to removal based on any criminal or national security ground." *Mohammed H. v. Trump*, 781

F.Supp.3d 886, 895 (D. Minn. 2025). Generally, absent an individualized determination that confinement is necessary to ensure appearances in immigration court or to protect the community, indiscriminate detention does not serve the purpose contemplated by the immigration statutes and violates due process.

93. The Fifth Circuit found that mandatory detention under 8 U.S.C. § 1225(b)(2) for more than 90 days without any individualized determination presumptively violates noncitizens' due process rights. *Sosnava Rodriguez v. Ortega*, No. 26-50183, 2026 WL 1906557, at *1 (5th Cir. July 2, 2026), *vacated pending reh'g en banc* (July 10, 2026).

94. Courts often use the three-factor *Mathews* test to evaluate due process claims when noncitizens are detained: (1) the private interest affected by the official action; (2) the risk of erroneous deprivation of that interest coupled with the probable value of alternate procedural safeguards; and (3) the government's interest, including any potential burden from the alternate procedure. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

95. A prior bond hearing must have provided constitutionally adequate process in order to establish that continuing detention is lawful. *Juan C.M.C. v. Blanche*, No. 26-CV-02402, Doc. 34, slip op. at 2 (D. Minn. Aug. 13, 2026).

96. A bond hearing must have an impartial decisionmaker. *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970) (stressing importance of decisionmaker's conclusion being grounded in the evidence presented and accompanied by a statement indicating the reasons for the decision and the evidence relied upon). Sham bond hearings do not provide Due Process. Current circumstances surrounding immigration bond hearings "raise substantial concerns as to whether any non-citizen can receive the impartial hearing that due process requires."

Haiguang Z., 2026 WL 800203, at *3,*7 (questioning "whether the constitutional guarantee of an impartial decisionmaker is being honored in any case brought before an IJ [immigration judge]" today after hundreds of IJs were terminated and the Government seeks to fill vacancies created by those firings by openly advertising for "deportation judge" roles).

97. A bond hearing must not place the burden of proof on the detainee. Moreover, courts have scrutinized the burden of proof applied in immigration bond hearings. If the Government permits a bond hearing at all, it places the burden of proof on detainees. *See, e.g., Matter of Adeniji*, 2 I&N Dec. 1102 (BIA 1999); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006); *Matter of A-L-S-*, 29 I&N Dec. 794 (BIA 2026). That does not provide constitutional Due Process and is a structural error that constitutes a *per se* prejudice. The Supreme Court has struck down civil detention schemes that placed the burden on the detainee to prove nondangerousness but has upheld civil detention processes where the government bore the burden of proof by clear and convincing evidence. *Zadvydas*, 533 U.S. at 691 (*citing Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) and *United States v. Salerno*, 481 U.S. 739, 747,750-52 (1987)); *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 40 (1st Cir. 2021) (under the second *Mathews* factor, the Government carries the burden of proof).

The Bond Hearing was Inadequate

98. The Immigration Judge denied bond without any finding of flight risk or dangerousness. *See* Ex. C. Upon information and belief, there was not full and fair oral argument pertaining to flight risk and dangerousness, as the Immigration Judge was solely

focused on the question of whether he had authority to hear the request for bond redetermination.

99. Procedural due process requires that continued detention must be justified according to flight risk and dangerousness in a fair hearing. Accordingly, the bond hearing was inadequate.

Respondents' Detention of Mr. Mejia Ramirez Without Bond Violates his Procedural Due Process Rights

100. The *Mathews* factors weigh in favor of finding that mandatory detention under 8 U.S.C. § 1225 is unconstitutional under the Due Process Clause of the Fifth Amendment as applied to Mr. Mejia Ramirez.

101. The first *Mathews* factor concerns the private interest affected by the official action. *Mathews*, 424 U.S. at 335. Mr. Mejia Ramirez has a significant private interest at stake because he is in a detention facility. 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 Parham v. J.R.*, 442 U.S. 584, 600 (1979). Mr. Mejia Ramirez is a "person" within the meaning of the Due Process Clause, and all such persons have a strong, constitutionally protected interest in their liberty. Mr. Mejia Ramirez entered the United States 36 years ago and has been residing here since then. During that time, Mr. Mejia Ramirez has established substantial family and community ties. Mr. Mejia Ramirez's protected liberty interest "deserves great weight and gravity." *Acosta Dominguez v. Noem*, No. EP-25-CV-00741-DB, 2026 WL 67200, at *4 (W.D. Tex. Jan. 8, 2026). Yet Mr. Mejia Ramirez is being held "far from his family," in a jail in "the same conditions as criminal

inmates." *Jacinto*, 796 F. Supp. 3d at 590; *see also Selvin Adonay E.M.*, 2025 WL 3157839, at *9 (finding the first *Mathews* factor weighed in petitioner's favor when the conditions of confinement were "indistinguishable from criminal incarceration").

102. The second *Mathews* factor concerns the risk of erroneous deprivation of that interest coupled with the probable value of alternate procedural safeguards. *Mathews*, 424 U.S. at 335. Mr. Mejia Ramirez will continue to be deprived of this interest if the current procedure—*en masse* detentions for the sake of detentions—is followed. Where, as here, thousands of individuals are being detained across the country "[w]ithout an individual assessment, the risk of erroneous deprivation is high." *Pedro A.D.L.O.O. v. Bondi*, No. 26-CV-01959, 2026 WL 948970, at *3 (D. Minn. Apr. 8, 2026). Here, Mr. Mejia Ramirez's detention is the direct result of insufficient safeguards and lack of procedure. *See, e.g.*, *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1188 (D. Minn. 2025) (noting that lack of consideration of "individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals' private rights"); *Selvin Adonay E.M.*, 2025 WL 3157839, at *9 (finding the second factor weighed in a petitioner's favor when the government took the position that detention was mandatory without individualized review).

103. The third *Mathews* factor concerns the government's interest, including any potential burden from the alternate procedure. *Mathews*, 424 U.S. at 335. The government has no legitimate interest in detaining people arbitrarily and then waiting to see if the person they have detained will be able to pull together the legal resources to seek accountability in court. The government's interest in detaining a noncitizen is weak where the government

has not established that the noncitizen is unlikely to appear nor that the noncitizen poses a threat to the community. *Id.* Put simply, bond hearings are inexpensive proceedings and "the federal government has very little interest in incarcerating individuals en masse who pose little or no risk of flight or danger to the community." *Yonatan S. v. Blanche*, No. 26-CV-02949 (JMB-EMB) (D. Minn. June 26, 2026) Doc. 14 at n. 5. Considering alternative procedures, asking the government to conduct a particularized, fair, and meaningful inquiry as to the necessity of detention is reasonable to protect civilians' rights and preserve government resources, as opposed to a policy of detaining first irrespective of the detainee's particular circumstances and then forcing the person they have detained to summon legal resources to seek accountability in federal court. Immigration-related habeas corpus petitions have consumed a large part of the court and U.S. Attorney's Office's dockets. *See Jefferson Y.M. v. Blanche*, No. 26-CV-03038, 2026 WL 1848510, at *1 (D. Minn. June 26, 2026).

104. Here, Respondents made no individualized inquiry and had no rational basis to believe that detention is necessary to ensure Mr. Mejia Ramirez's appearance in immigration court. Mr. Mejia Ramirez has strong community ties. He is very close with his mother, sister, and extended family, and is an active member of his church. When Mr. Mejia Ramirez was arrested, he was in the process of being released from jail. The Court had already set conditions of Mr. Mejia Ramirez's release to guarantee his appearance at hearings in his matters there, undermining any argument that Mr. Mejia Ramirez would have absconded from immigration court hearings. Though a prior bond hearing was ordered, the Immigration Judge made no findings that Mr. Mejia Ramirez was a flight risk

or was dangerous, instead refusing to consider these questions by ruling he did not have authority to hear his case. Procedural Due Process requires the government justify its continued detention of Mr. Mejia Ramirez and give him receive the opportunity to respond at a fair hearing. So far, he has been denied that right, and this Court must rectify that error.

105. Mr. Mejia Ramirez poses no safety threat to the community and is not likely to abscond. Releasing Petitioner would in fact *save* the government the resources and expense of continued imprisonment. *See Black v. Decker*, 103 F.4th 133, 154-55 (2d Cir. 2024) (noting that not only the incarcerated individual, but society bears the direct and indirect costs of incarceration and evaluating the high financial costs per day of incarcerating immigrants). The third *Mathews* factor generally favors saving the government from expending "substantial resources on needless detention." *Idle H. v. Bondi*, No. 26-cv-315, 2026 WL 266462, at *7 (D. Minn. Feb. 2, 2026) (noting the "staggering" costs of immigration detention); *see also Rodriguez Vega v. Arnott*, No. 6:26-cv-3097-MDH, 2026 WL 482906, at *6 (W.D. Mo. Feb. 20, 2026) ("[L]imiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from [unnecessarily] expending substantial resources.") (citation omitted). Unnecessary detention also "imposes substantial societal costs," such as "reduced economic contributions and tax payments by detained immigrants," as well as the separation of individuals from their families and communities. *Rodriguez Vega*, 2026 WL 482906, at *6 (citation omitted). In any event, detention with *no* process is wholly unnecessary to allow Respondents to detain those who truly pose a legitimate risk of flight or danger. *Ochoa v. Vergara*, No. 1:26-cv-266, 2026 WL 482211,

at *3 (W.D. Tex. Feb. 20, 2026). Releasing Mr. Mejia Ramirez and requiring the government to provide a pre-deprivation hearing before detaining him stands to save the government money and effort wasted on erroneous detention.

106. Therefore, the placement of Mr. Mejia Ramirez in detention pending the resolution of ongoing immigration proceedings without reason violates Mr. Mejia Ramirez's constitutional rights to due process guaranteed in the Fifth Amendment.

The Proper Remedy is Release

107. The record here does not establish that Petitioner's detention was based on facts that might indicate Petitioner should be in custody and deprived of his liberty. Due Process requires that Petitioner be able to continue engaging in his substantive civil immigration proceedings while released from custody rather than from a jail cell.

108. As a court in the Western District of Texas persuasively explained, "bond hearings are no substitute for the requirement that ICE engage in a deliberative process prior to, or contemporaneous with, the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause." *Jose L.R.O.*, No. 5:26-CA-00850, Doc. No. 11 at 26. And when the Government's obvious goal is to interfere with a noncitizen's liberty interests in a manner that the Constitution prohibits, it would be a grave error to let the Government proceed even one step further with unlawful detention. As persuasively stated in the District of Vermont, when a habeas petition establishes that immigration detention violates the Fifth Amendment, "[a] habeas remedy that allows unconstitutional government conduct to achieve its aim is not an effective one." *Patin v. Trump*, 824 F. Supp. 3d 484, 493 (D. Vt. 2026) (ordering immediate release for Due Process violation).

109. In the context of preventative civil detention, the Supreme Court has permitted narrow categorical rationales for such detention in only limited circumstances when applicable exclusively to "small segments" of people, and even then, only when subject to "strong" and "strict" procedural safeguards. *Zadvydas*, 533 U.S. at 690-91; *see also, e.g., Victor S. v. Noem*, No. 25-CV-00403, 2026 WL 596133, at *10 (W.D. Tex. March 2, 2026) (collecting cases); and *Rincon v. Hyde*, 810 F.Supp.3d 101, 114 (D. Mass. 2025) (categorical presumptions do not hold "where the only rationale for mandatory detention appears to be Respondents' asserted authority to withhold generally available due-process protections based on Petitioner's immigration status."). It stands to reason that "[i]f the Constitution imposes limits on detention after a final order of removal," as *Zadvydas* held, "it necessarily imposes at least comparable limits, and requires meaningful procedural safeguards, before one is entered." *Haiguang Z. v. Rokosky*, No. 26-CV-01689, 2026 WL 800203, at *8 (D.N.J. Mar. 23, 2026).

110. The Government's recent policy of mass detentions under 8 U.S.C. § 1225(b)(2) is not being applied to a narrow class of persons for a special nonpunitive purpose in a way that provides a "special justification" that outweighs the individual's constitutionally protected interest in avoiding physical restraint. Section 1225(b)(2) is merely a catchall provision. *Jennings*, 583 U.S. at 287. There is nothing to suggest that detainees subject to § 1225(b)(2) share a categorical characteristic that supersedes their individual interests in physical freedom sufficient to satisfy Due Process by proxy. *See Victor S.*, 2026 WL 596133, at *7–10; *see also Rincon*, 810 F. Supp. 3d at 113. Civil detention is punitive if it "become[s] a 'mechanism for retribution or general deterrence.'"

Kansas v. Crane, 534 U.S. 407, 412 (2002) (*quoting Kansas v. Hendricks*, 521 U.S. 346, 372 (1997) (Kennedy, J., concurring)). Because detention is being applied for general deterrence or retribution, rather than narrowly for a special nonpunitive purpose, any application of § 1225(b)(2) to Petitioner is unconstitutional.

111. Immediate release is the appropriate remedy where "a new [bond] hearing would either be unnecessary, futile, or an inadequate remedy", and "would effectively allow the Government to transform an unlawful detention into a lawful one through *post-hoc* justifications." *Haiguang Z.*, 2026 WL 800203, at *10–11. Here, a bond hearing would be futile or inadequate. Immediate release is therefore the appropriate remedy. *See Stepan H.*, 2026 WL 1103450, at *4; *Briceno Solano v. Mason*, 818 F. Supp. 3d 802, 835-36 (S.D. W. Va. 2026) (ordering release where "a bond hearing would be futile").

112. Immediate release is particularly appropriate in view of Respondents' oft-stated position following *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that administrative immigration courts have no jurisdiction to conduct bond hearings for noncitizens detained under 8 U.S.C. § 1225(b)(2). Ordering a bond hearing in that context would require an administrative immigration judge to do that which he or she believes he or she lacks authority to do as an "inferior officer" of the executive branch. *Jackler v. Dept. of Justice*, 2026 MSPB 3, 2 (2026); *United States v. Arthrex, Inc.*, 594 U.S. 1, ___, 141 S.Ct. 1970, 1984 (2021) (dicta); *see also* 8 U.S.C. § 1101(b)(4). Indeed, the Government regularly asserts that immigration judges lack authority to conduct bond hearings. *E.g., Ignacio R.M. v. Blanche*, No. 26-CV-03182, Doc. No. 6 at p. 9 (D. Minn. July 8, 2026) ("Even if this Court were to order a bond hearing to occur before an immigration judge,

the immigration judge would not be able to hear the merits under binding precedent."). As explained by another district court in this circuit, petitioners in such circumstances have "no forum, administrative or judicial, through which [they] may seek release based on [their] circumstances. This is not minimal process. It is zero process. Respondents' position, that no such process is required, cannot be reconciled with the Fifth Amendment." *Stepan H. v. Arnott*, No. 6:26-CV-03220, 2026 WL 1103450, at *4 (W.D. Mo. April 23, 2026). And, when a bond hearing is ordered, Respondents have made only an "illusory" and "hypothetical" reference to release on bond. *David J.C.P. v. Blanche*, No. 26-CV-02181, slip op. at 2-3 (D. Minn. May 14, 2026) Doc. no. 19 (IJ determined she lacked jurisdiction to grant bond following court order for bond hearing, and IJ's "alternative finding . . . setting a hypothetical bond does not suffice" and is "ultimately immaterial in light of the immigration judge's decision that she lacked jurisdiction. Petitioner has no option to pay that bond and be released. The bond is illusory."). And release has been ordered in this district where a bond hearing was inadequate because it failed to provide constitutionally adequate process with a "meaningful opportunity to test the justification for continued detention . . . ." *Juan C.M.C. v. Blanche*, No. 26-CV-02402, Doc. 34, slip op. at 2 (D. Minn. Aug. 13, 2026).

113. Accordingly, Petitioner requests release as a remedy.

In the Alternative, the Proper Remedy is a Bond Hearing

114. In the alternative, Petitioner respectfully requests this Court order the Immigration Judge to conduct a bond hearing, and a status conference to ensure compliance with such an Order.

COUNT FIVE
Fifth Amendment Procedural Due Process
Respondents are Depriving Petitioner of a Protected Liberty Interest Without Due Process

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

Applicable Law

116. The Board of Immigration Appeals ("BIA") has recognized an important implicit limitation on DHS's authority. The BIA has held that "where a previous bond determination has been made by an immigration judge, no change should be made by a District Director absent a change of circumstance." *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (B.I.A. 1981).

117. In other courts, the Government has made representations that, in practice, it requires "a showing of changed circumstances both where the prior bond determination was made by an immigration judge and where the previous release decision was made by a DHS officer." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). The Government has further stated that "DHS generally only re-arrests an alien pursuant to § 1226(b) after a material change in circumstances." *Id.* (citation omitted).

118. In the criminal context, the Supreme Court has repeatedly recognized that re-detention after some form of conditional release requires a pre-deprivation hearing. *See, e.g.*, *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest

requiring pre-deprivation process); *Gagnon v. Scaparelli*, 411 U.S. 778, 781–82 (1973) (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process). *See also, e.g.*, *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) ("[A] person who is in fact free of physical confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due process before he is re-incarcerated.") (first citing *Young*, 520 U.S. at 152, then citing *Gagnon*, 411 U.S. at 782, and then citing *Morrissey*, 408 U.S. at 482).

119. Similarly, and following this Supreme Court guidance, numerous courts have concluded that these principles apply with at least equal force to people released from civil immigration detention because they too have a protected liberty interest in their ongoing freedom from confinement. *See Abdirashid H.M. v. Noem*, No. 25-4779 (JRT/EMB), 2026 WL 127698, at *4 (D. Minn. Jan 9, 2026) ("The Court joins several district courts around the country in recognizing the self-evident idea that an individual who has been released from custody to live a productive life in the community obtains a protected interest in their 'continued liberty.'"); *Singh v. Mullin*, No. C26-56-LTS-MAR, 2026 WL 1021846, at *4 (N.D. Iowa Apr. 15, 2026) ("[W]hen the Government decides to release an individual … it creates an implicit promise ... that their liberty 'will be revoked only if they fail to live up to the conditions of release.") (internal citations omitted); *Yrysbaev v. Arnott*, No 6:26-cv-3047-MDH, 2026 WL 395897, at *3 (W.D. Mo. Feb. 12, 2026) ("When the government grants a [noncitizen] parole into the country, it creates a liberty interest intimately tied to freedom from imprisonment.").

120. And the fact that the release "decision-making process involves discretion does not prevent an individual from having a protectable liberty interest." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (citing *Young v. Harper*, 520 U.S. 143, 150 (1997)); *see also Singh v. Warden of Golden State Annex Det. Facility*, No. 1:26-CV-1284 DJC CSK, 2026 WL 731053, at *4 (E.D. Cal. Mar. 16, 2026), *report and recommendation adopted sub nom. Singh v. Warden of the Golden State Annex Det. Facility*, No. 1:26-CV-1284 DJC CSK, 2026 WL 802319 (E.D. Cal. Mar. 23, 2026) ("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.") (citing *Young*, 520 U.S. at 147–49).

121. Importantly, the Eighth Circuit's decision in *Banyee v. Garland*, 115 F.4th 928 (8th Cir. 2024), does not change that analysis. In that case, the court considered the narrow question of whether the length—over "a year in a county jail"—of an individual's mandatory detention under 8 U.S.C. § 1226(c) violated due process. *Banyee*, 115 F.4th at 931; see also *Singh v. Mullin*, No. C26-56-LTS-MAR, 2026 WL 1021846 (N.D. Iowa Apr. 15, 2026) ("*Banyee* simply reaffirmed that the span of a removal proceeding did not change the due process dimension of the [noncitizen]'s detention.") (emphasis added). In response to this question, the Eighth Circuit merely held that "[d]ue process imposes no time limit on detention pending deportation[.]" *Banyee*, 115 F.4th at 930. *Banyee* was expressly focused on detention duration, specifically for an individual subject to mandatory detention under 1226(c) based on a criminal conviction. Accordingly, it is inapposite to the issue of whether re-detention of someone previously released is lawful.

See, e.g., *Mark O.*, No. 26-cv-02448, Doc. 7 at 7 (holding that *Banyee*, *Demore*, and *Thuraissigiam* "are inapposite" to Petitioner's procedural due process claim); *Manuel G. v. Blanche*, No. 26-cv-2385, 2026 WL 1256358, at *4 (D. Minn. May 7, 2026) ("Respondents' purported basis for [Petitioner's] detention is § 1225(b)(2)(A), not § 1226(c), which distinguishes this case from *Banyee* and *Demore*.").

122. Based on the protected liberty interests an individual has in their prior release, numerous courts have therefore concluded that it is a violation of procedural due process to re-detain an individual without notice, evidentiary findings, or an opportunity to be heard. *See Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) ("An essential principle of due process is that a deprivation of life, liberty, or property be *preceded* by notice and opportunity for hearing appropriate to the nature of the case.") (internal quotation marks and citation omitted) (emphasis added); *see also Feisal O. v. Noem*, No. 26-CV-81 (JMB/EMB), 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) ("[T]he redetention of a person previously ordered released under section 1226—without Respondents first formally revoking that order of release or following any procedures prior to making a decision that conflicts with an order of release—violates due process."); *Singh v. Warden of Golden State Annex Det. Facility*, No. 1:26-CV-1284 DJC CSK, 2026 WL 731053, at *4 (E.D. Cal. Mar. 16, 2026), *report and recommendation adopted sub nom. Singh v. Warden of the Golden State Annex Det. Facility*, No. 1:26-CV-1284 DJC CSK, 2026 WL 802319 (E.D. Cal. Mar. 23, 2026) ("Petitioner has a liberty interest in not being incarcerated after prior release without pre-custodial hearing or notice."); *Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629, at *2 (S.D. Cal.

Sept. 26, 2025) ("Respondent violated the Fifth Amendment's Due Process Clause by revoking her parole and subjecting her to detention without notice, evidentiary findings, or an opportunity to be heard."); *see also Hurd*, 864 F.3d at 683 (holding that re-detention after pre-parole conditional supervision requires pre-deprivation hearing) (citing *Young*, 520 U.S. at 152); *Gagnon*, 411 U.S. at 782 (holding the same, in context of probation); *Morrissey*, 408 U.S. 471 (holding the same, in context of parole).

123. The due process claim based on this alternative and additional liberty interest is evaluated according to the *Mathews* factors laid out in ¶ 94.

Respondents' Detention of Mr. Mejia Ramirez Without Pre-Deprivation Process Violates his Procedural Due Process Rights

124. In 2002, Mr. Mejia Ramirez was granted a V-3 visa. Though that visa expired in 2004, under the *Mathews* factors, Mr. Mejia Ramirez was entitled to pre-deprivation process before being detained in immigration custody.

125. The first *Mathews* factor weighs in favor of Mr. Mejia Ramirez. Mr. Mejia Ramirez has a liberty interest following the issuance of the V-3 visa. That liberty interest cannot be revoked without due process of law. "[O]nce the government opts to provide a liberty interest, it cannot arbitrarily revoke that interest without due process of law." *Muse v. Mullin*, No. 26-cv-4024, 2026 WL 1008532, at *4 (N.D. Iowa Apr. 14, 2026); *Abbas v. Schneider*, No. 4:26-CV-00132, 2026 WL 1079292, at *7 (S.D. Iowa Apr. 17, 2026) (finding "[t]he first *Mathews* factor … weighs heavily in Petitioner's favor" where the government re-detained him "after previously having allowed him to live and work in the community"). As such, courts in this district and across the Eighth Circuit have

repeatedly found that noncitizens released by DHS on parole or on their own recognizance have a substantial private interest in being out of custody. *See, e.g.*, *Orlando R.V.V. v. Blanche*, No. 0:26-cv-01903, Doc. 11, at 13-23 (D. Minn. Apr. 28, 2026) (finding a protected liberty interest for someone paroled into the United States, even after that parole had expired); *Osman J.M.A. v. Blanche*, No. CV 26-2123 (DWF/DJF), 2026 WL 1005056, at *3 (D. Minn. Apr. 14, 2026) (same for release on recognizance); *Aleksei v. Warden*, No. 5:26-CV-05030-RAL, 2026 WL 1133615, at *1 (D.S.D. Apr. 27, 2026) (same for individual previously granted humanitarian parole); *Sandhu v. Mullin*, No. 7:26CV5009, 2026 WL 1146643, at *2 (D. Neb. Apr. 28, 2026) (same for release on recognizance); *Abbas v. Schneider*, No. 4:26-CV-00132, 2026 WL 1079292, at *2 (S.D. Iowa Apr. 17, 2026) (same).

126. This liberty interest stands regardless of whether Mr. Mejia Ramirez's detention under 8 U.S.C. § 1225(b)(2) is mandatory. *See Hurd*, 864 F.3d at 692–93 ("The Due Process Clause may itself confer a procedurally protected liberty interest on someone living openly in society for years after what, unbeknownst to him, was his premature release from prison."); *DeWitt*, 6 F.3d at 34–35; Johnson, 682 F.2d at 873 (noting that due process supports the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the release was not his fault and he had appropriately adjusted to society, so it would be "inconsistent with fundamental principles of liberty and justice" to return him to prison) (cleaned up)).

127. The second *Mathews* factor weighs in favor of Mr. Mejia Ramirez. The issuance of the V-3 visa is analogous to a bond determination or release from detention, both of which inhere findings that the individual in question is not a flight risk and not dangerous. Under *Matter of Sugay*, Mr. Mejia Ramirez was entitled to pre-deprivation process where the Government had the burden of showing a change in circumstances. *But cf. Paredes Padilla v. Galovich*, No. 25-CV-865-JDP, 2025 WL 3640960, at *3 (W.D. Wis. Dec. 16, 2025) (holding that *Sugay* does not apply to circumstances where release was the product of an erroneous interpretation of law). The lack of any mechanism to determine whether NAME's detention serves a legitimate statutory purpose *before* detention heightens the risk of erroneous deprivation of liberty.

128. The third *Mathews* factor weighs in favor of Mr. Mejia Ramirez for the reasons discussed in ¶ 103–05.

Remedy

129. The government's infringement on Mr. Mejia Ramirez's liberty interest triggers a right to contest that infringement, for example, through a hearing before the right is deprived. See Bd. of Regents of State Colleges v. Roth, 408 U.S. 564, 569–70 (1972). The essence of procedural due process is that a person risking a serious loss must have "an opportunity to be heard . . . at a meaningful time and in a meaningful manner." Yrysbaev, 2026 WL 395897, at *3 (citation omitted). Mr. Mejia Ramirez was not given that opportunity, and no post-deprivation process can rectify that wrong.

130. Respondents violated procedural due process by re-detaining Mr. Mejia Ramirez without adequate procedural protections before deprivation of his liberty. *See,*

e.g., *Feisal O.*, 2026 WL 92857, at *3 (concluding that the redetention of a person previously ordered released without any pre-redetention process violated the Due Process Clause); *Selvin Adonay E.M.*, 2025 WL 3157839, at *8–10 (similar); *Abdirashid H.M.*, 2026 WL 127698, at *4–5 (similar). Therefore, this Court should order Mr. Mejia Ramirez's release without any restraints on her/his/their liberty and prohibit any re-detention absent pre-deprivation process. *Feisal O.*, 2026 WL 92857, at *3 (ordering release on that basis); *see also Mahad S. v. Noem*, 2026 WL 177860, at *3; *Ochoa v. Vergara*, 2026 WL 482211, at *3 (collecting cases finding mandatory detention violated procedural due process and ordering release as the appropriate remedy).

131. Mr. Mejia Ramirez was entitled to pre-deprivation due process, and the Government denied him that right. His continued detention is a continuing harm flowing from that wrong. Accordingly, the proper remedy is release.

COUNT SIX
Fifth Amendment Substantive Due Process

132. Mr. Mejia Ramirez repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

Applicable Law

133. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). And "[f]reedom 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.

134. Because "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception," the government may imprison people as a preventive measure only within strict limits. *Foucha v. Louisiana*, 504 U.S. 71, 83 (1992) (quoting *United States v. Salerno*, 481 U.S. 739, 755 (1987)).

135. Immigration detention is civil detention and must "bear a reasonable relation to the purpose for which the individual was committed" so that it remains "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690 (citation modified); *see also Schall v. Martin*, 467 U.S. 253, 264–69 (1984) (stating that detention must be a proportional—not excessive—response to a legitimate state objective); *see also Santillan Quiroz*, No. 26-6019, Doc. 91-1, at 44 (noting that immigration detention requires a "strong special justification") (citing *Zadvydas*, 533 U.S. at 690).

136. Courts have identified only two legitimate purposes for immigration detention: mitigating flight risk pending removal and preventing danger to the community. *See Zadvydas,* 533 U.S. at 690–91.

137. To satisfy substantive due process under the Fifth Amendment, a noncitizen's detention must be tied to flight risk or a danger to the community. *Zadvydas*, 533 U.S. at 690.

Mr. Mejia Ramirez's Detention is Not Tied to Flight Risk or Dangerousness

138. Mr. Mejia Ramirez's detention is not tied to flight risk nor danger to the community. Upon information and belief, there has been no adjudication nor finding that Mr. Mejia Ramirez is a flight risk or a danger to the community. *See* Ex. C.

139. Since Mr. Mejia Ramirez first came to the United States, Mr. Mejia Ramirez has built his entire life here. *See Osorio-Martinez v. Att'y Gen. United States of Am.*, 893 F.3d 153, 173–75 (3d Cir. 2018). He has spent most of his life here, his close and extended family is here, he has a fixed address, and he has deep roots in his church and his community. Separating him from his family and his community causes immense challenges, as he is a pillar in his household. These facts weigh against his continued detention.

Remedy

140. Because there has been no finding that the Government is detaining Mr. Mejia Ramirez to serve legitimate interests in protecting against danger or flight risk, his detention violates substantive due process under the Fifth Amendment, and this Court should order his immediate release.

COUNT SEVEN
Violation of the Immigration and Nationality Act
8 U.S.C. § 1226(a)

141. Mr. Mejia Ramirez repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

142. In the first instance, Petitioner maintains that the Government's prior representations foreclose it from now invoking 8 U.S.C. § 1225(b)(2)(A) as grounds to

detain Mr. Mejia Ramirez without a bond hearing. Upon information and belief, the I-200 Warrant is addressed to "[a]ny immigration officer authorized pursuant to sections 236 [8 U.S.C. § 1226] and 287 [8 U.S.C. § 1357] of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations[.]" *See* Ex. A. "Because Respondents represented to Petitioner that his arrest was based on § 1226(a), the Court will hold Respondent to those representations." *Enrique F.G. v. Blanche*, No. 26-cv-03457-JRT-ECW, Doc. No. 8, slip op. at *6 (D. Minn. Aug. 13, 2026) (citing *Hector J.A.S. v. Shea*, Civ. No. 26-2242, 2026 WL 1243500, at *2 (D. Minn. May 6, 2026)). This Court may not accept the Government's invocation of 8 U.S.C. § 1225, because "courts may not accept counsel's post hoc rationalizations for agency action, and that an agency's action must be upheld, if at all, on the basis articulated by the agency itself." *Souleimane C. v. Blanche*, No. 26-CV-2215 (LMP/JFD), 2026 WL 1180075, at *3 (D. Minn. Apr. 30, 2026) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 50 (1983)) (citing *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 20 (2020)). Accordingly, this Court should "reject[] the Government's assertion, 'adopted post hoc and raised for the first time in this litigation,' that it arrested and detained [Petitioner] pursuant to Section 1225(b)(2)." *Andrés Felipe C. C. v. Blanche*, No. 26-CV-3220 (LMP/SGE), 2026 WL 2137334, at *4 (D. Minn. July 24, 2026) (quoting *Lopez Benitez v. Francis*, 795 F.Supp.3d 475, 486 (S.D.N.Y. 2025)) (first citing *Jose J.O.E. v. Bondi*, 797 F.Supp.3d 957, 969–70 (D. Minn. 2025), and then citing *Lopez-Campos v. Raycraft*, 797 F.Supp.3d 771, 782–83 (E.D. Mich. 2025)).

143. If this Court is willing to entertain the Government's argument that Mr. Mejia Ramirez is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), it should nonetheless reject the Government's position on its merits.

144. In *Avila v. Bondi*, the Eighth Circuit held that a noncitizen who entered the country without inspection is "an applicant for admission . . . also presently seeking admission . . . regardless of whether he takes any further affirmative steps to gain admittance," and therefore subject to detention under this statute. 170 F.4th at 1134 (quoting *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026)) (internal quotation marks omitted).

145. But Mr. Mejia Ramirez's circumstances are different from *Avila*. The petitioner in *Avila* admitted he "lived in the United States for years but was never lawfully admitted to the country[.]" *Avila v. Bondi*, No. CV 25-3741 (JRT/SGE), 2025 WL 2976539, at *5 (D. Minn. Oct. 21, 2025), *rev'd and remanded*, 170 F.4th 1128 (8th Cir. 2026). Mr. Mejia Ramirez *had been admitted* to the United States when he was granted a nonimmigrant V-3 visa. Therefore, he is not an applicant for admission under the statutory definition. *Cf.* 8 U.S.C. § 1225(a)(1) (defining "applicant for admission" as "[a]n alien present in the United States who *has not been admitted* or who arrives in the United States[.]") (emphasis).

146. The implementing regulation of the V-3 visa, 8 C.F.R. § 214.15, bolsters this interpretation. Under 8 C.F.R. § 214.15(a), "certain eligible spouses and children of lawful permanent residents may apply for a V nonimmigrant visa at a consular office abroad and be *admitted* to the United States in V-1[], V-2[], or V-3[] nonimmigrant status[.]"

(emphasis added). 8 C.F.R. § 214.15(b) applies the same process to eligible persons inside the United States: "[e]ligible aliens already in the United States may apply to the Service to obtain V nonimmigrant status for the *same purpose*. Aliens in the United States in V nonimmigrant status are entitled to reside in the United States as V nonimmigrants and obtain employment authorization." (emphasis added). The use of the language "such individual" in 8 C.F.R. § 214.15(b), which applied to Mr. Mejia Ramirez's situation, incorporates by reference the process and language laid out in 8 C.F.R. § 214.15(a). Importantly, it incorporates the language that a person who receives a V-3 visa is "admitted to the United States in . . . V-3[] nonimmigrant status[.]" *See* 8 C.F.R. § 214.15(b).

147. Moreover, the implementing regulation of the V-3 visa contains additional language showing that a V-3 visa constitutes an admission. In 8 C.F.R. § 214.15(f), a person requesting a V visa "must be admissible to the United States, except that, *in determining the alien's admissibility in V nonimmigrant status*, sections 212(a)(6)(A), (a)(7), and (a)(9)(B) of the Act do not apply." (emphasis added). This language shows that the decision to issue a V-3 visa to an eligible individual is a decision to admit that individual, because issuing a V-3 visa constitutes an admission.

148. Courts have implicitly recognized that issuance of a visa constitutes an admission. In *Dylan M. v. Blanche*, a Court in the District of Minnesota ordered release of Petitioner, who had been previously "admitted into the United States in 2016," on "a valid visa." No. 0:26-cv-02802-JMB-LIB, Doc. No. 12, at *2. *See also Am. Acad. of Religion v. Napolitano*, 573 F.3d 115, 137 (2d Cir. 2009) ("[A] visa concerns admission into this country.").

149. *Sanchez v. Mayorkas* is inapposite. 593 U.S. 409 (2021). In *Sanchez*, the Court held that an applicant for Lawful Permanent Resident (LPR) status who entered the country illegally was not eligible because his Temporary Protective Status (TPS) did not constitute an admission. *Id.* at 411. *Sanchez* interpreted the statute pertaining to nonimmigrant adjustment of status to permanent residence, 8 U.S.C. § 1255. As the Supreme Court read it, that statute "does not constructively 'admit' a TPS recipient—that is, 'consider[ ]' him as having entered the country 'after inspection and authorization.'" *Sanchez*, 593 U.S. at 416 (first citing 8 U.S.C. § 1254a(f)(4), and then citing 8 U.S.C. § 1101(a)(13)(A)). This holding applies to this statute only, and this Court should not extend it beyond its limited context.

150. Though the *Sanchez* Court found that a grant of nonimmigrant status is not *per se* an admission, the two examples it points to as support for this conclusion are distinguishable from a V-3 visa.

151. First, the Court points to "'alien crewmen'—foreign nationals who serve on board a vessel or aircraft." *Id.* at 417 (citing 8 U.S.C. § 1101(a)(10)). But, as the Court notes, the immigration scheme expressly states that an "alien crewman shall not be considered to have been admitted." *Id.* (citing 8 U.S.C. § 1101(a)(13)(B)). A V-3 visa does not fall into this first category, because the relevant statutory definition does not contain any similar language categorically denying admission. *See* 8 U.S.C. § 1101 (a)(15)(K)(iii).

152. Second, the Court points to U-visas "for foreign nationals who have been the victim of a serious crime in the United States and can assist with the investigation." *Id.* The statutory definition of U-visa eligibility also does not contain any similar language

categorically denying admission. *See* 8 U.S.C. § 1101(a)(15)(U). But another provision provides that "[t]he Secretary of Homeland Security shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant" candidate for this visa, and the Attorney General has discretion to grant this visa anyway. 8 U.S.C. § 1182(d). Unlike a U-visa, the implementing regulations of a V-visa create no such discretion. The recipient of a V-visa "*must be admissible to the United States*[.]" 8 C.F.R. § 214.15(f) (emphasis added). Admissibility is not a necessary condition for a U-visa, but it is a necessary condition for a V-visa. This is because the grant of nonimmigrant V-visa status is an admission, unlike the grant of nonimmigrant U-visa status. The regulations exempt some categorical bars to admissibility, but unlike a U-visa, this language is nondiscretionary and does not require finding that candidates for a V-visa are inadmissible. *Contrast* 8 U.S.C. § 1182(d), *with* 8 U.S.C. § 1182(a)(6)(A) *and* 8 U.S.C. § 1182 (a)(7) *and* 8 U.S.C. § 1182 (a)(9)(B). Instead, the regulation states these provisions "do not apply[,]" 8 C.F.R. § 214.15(f), indicating that applying these provisions to a V-3 visa candidate is not applying the law, rather, it is misapplying it.

153. The conclusion reached by Immigration Judge Hansen is entitled to no persuasive weight. It is "emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. 137, 177 (1803). "It is not the executive department's province and duty to say what the law is. The role of the judiciary is to continue to demand compliance with the law even in the face of outright defiance by the executive." *Maldonado Bautista et al. v. Santacruz Jr. et al.*, 820 F. Supp. 3d 1016, 1030 (C.D. Cal. 2026), *stayed pending appeal* (9th Cir. Mar. 31, 2026).

154. Accordingly, Mr. Mejia Ramirez is subject to detention only under 8 U.S.C. § 1226(a) and not 8 U.S.C. § 1225(b)(2)(A).

COUNT EIGHT
Violation of the Immigration and Nationality Act
(Argument Presented for Preservation Purposes ONLY)

155. Mr. Mejia Ramirez repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

156. If this Court finds *Avila* applies to Mr. Mejia Ramirez's circumstances, Petitioner preserves the argument that he is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) for appeal or in the event that *Avila* is vacated or abrogated by the Supreme Court.

157. Mr. Mejia Ramirez should not be subject to mandatory detention under § 1225(b)(2). Mr. Mejia Ramirez acknowledges that this position is foreclosed in this court by *Avila v. Bondi,* 170 F.4th 1128 (8th Cir. 2026).

158. Courts across the United States have overwhelmingly concluded that noncitizens like Mr. Mejia Ramirez who entered the United States without inspection and are detained by ICE for removal proceedings while they are residing in the United States are not detained under § 1225(b)(2)(A). *See, e.g.*, *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *13-14 (S.D.N.Y. Nov. 26, 2025) (tallying more than 350 cases reaching the same conclusion, and only 12 going the other way). The majority of Circuit courts to consider the issue weigh against the Eighth Circuit's position. *Contrast Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026), *with Barbosa da Cunha v. Freden*, 175 F.4th 61 (2d Cir. 2026) *and Hernandez Alvarez v. Warden*, 175 F.4th 1258 (11th Cir. 2026)

and Lopez-Campos v. Raycraft, 175 F.4th 713 (6th Cir. 2026) *and Santillan Quiroz v. Mullin*, 180 F.4th 1226, 1232 (10th Cir. 2026) *and Cirrus Rojas v. Olson*, No. 25-3127, 2026 WL 2198315 (7th Cir. July 30, 2026) *and Rodriguez Vazquez v. Bostock*, No. 25-6842 (9th Cir. July 30, 2026) *and Guerrero Orellana v. Moniz et al.*, No. 25-2152 (1st Cir Aug. 13, 2026) *and Buele Morocho v. Warden Philadelphia FDC*, No. 26-1150, No. 26-1454, 2026 WL 2546223, at *5–6 (3rd Cir. Aug. 28, 2026). Should the holdings of these Circuits become controlling law, Mr. Mejia Ramirez's current detention is unlawful from its inception in violation of the Immigration and Nationality Act ("INA") and his due process rights.

159. Accordingly, mandatory detention of Mr. Mejia Ramirez under 8 U.S.C. § 1225(b)(2)(A) violates both the INA and Mr. Mejia Ramirez's procedural due process rights. As this renders his detention unlawful from its inception, he should be released.

REQUEST FOR ORDER TO SHOW CAUSE

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

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

Court's order require Respondents to specifically provide (1) a statement concerning immigration court jurisdiction over Petitioner, including jurisdiction to consider bond; and (2) a statement concerning whether Petitioner is, or may be, a class member of any pending or certified immigration class action suit. Additionally, Petitioner asks the Court to order Respondents to release Petitioner without conditions if they choose to release him instead of responding.

162. Petitioner further respectfully requests that an Order to Show Cause direct Respondents, should they offer a warrant in this case, to provide sufficient details to establish the validity of the proffered warrant, such as: (1) the name, title, training, and qualifications of the officer who issued the warrant; (2) the time and place at which the warrant was issued; (3) the evidence the issuing officer relied upon in making his determination that an arrest was warranted in this case, including any existing Notice to Appear; (4) the name, title, training and qualifications of the agent who served the warrant upon Petitioner; (5) the time, place, and manner by which the warrant was served upon Petitioner; and (6) whether the warrant was created specifically in response to or in anticipation of this habeas corpus petition.

PRAYER FOR RELIEF

WHEREFORE, Mr. Mejia Ramirez prays that this Court grant the following relief;

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner out of the District of Minnesota pending the duration of these proceedings, or transport Petitioner back to Minnesota if moved out of state;

3. Order Respondents to show cause as to why Petitioner should not be released immediately, without conditions;

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

5. Enjoin Respondents from implementing any condition of release, including the "Alternatives to Detention" program involving ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile application;

6. Declare that Petitioner's arrest and detention exceeded Respondents' authority;

7. In the alternative, if immediate release is not ordered, order Respondents to afford Petitioner a bond hearing within seven days, with at least 48 hours advance notice, in which Respondents bear the burden of proof to demonstrate that Petitioner is a flight risk or a danger to the community that justifies his continued detention;

8. Retain jurisdiction over this matter to decide any future motion for an award of reasonable attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, Local Rule 54.3(a), and on any other basis justified under law; and

9. Grant any other and further relief that this Court may deem just and proper.

Date: 9/4/2026

Respectfully submitted,



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Verification Pursuant to 28 U.S.C. § 2242

I am Petitioner's attorney and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, which knowledge comes from my conversations with my client, conversations with my client's family, a review of relevant documents, email conversations with my client's immigration attorney, and when preparing this filing, a review of Respondents' publicly available websites, and my own experience working on similar petitions for habeas corpus relief by wrongfully detained immigrants.

Date: 9/4/2026

Respectfully submitted,

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