



U.S. Department of Justice

United States Attorney
District of Minnesota

600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Telephone: (612) 664-5600
Fax: (612) 664-5787

January 27, 2026

VIA ECF FILING

The Honorable Jerry W. Blackwell
United States District Judge
United States District Court
316 North Robert Street
St. Paul, MN 55101
blackwell_chambers@mnd.uscourts.gov

RE: **Ronnie Chicaita v. Pamela Bondi, et al.,**
26-cv-00423 (JWB/JFD)

Dear Judge Blackwell:

Respondents respectfully submit this letter in response to the Court's Order to Show Cause issued on January 26, 2026, ECF No. 8 ("Order"), to explain why they should not be held in contempt for failing to provide confirmation of Petitioner's release as previously ordered. The Court's January 21, 2026, order, *see* Dkt. No. 6 ("Release Order") was transmitted to Immigration and Customs Enforcement ("ICE") shortly after it was issued, and ICE acknowledged receipt that same evening. Petitioner was released the morning of January 23, 2026, at the Bishop Henry Whipple Federal Building, however, ICE did not confirm or communicate release to undersigned counsel until January 27, 2026, due to a "system/database error" where information was apparently not updating within its systems. Respondents made good-faith efforts to comply with the Order and there was no purpose to evade it. Release did in fact occur in Minnesota and the lack of communication to the Court is now cured, thus Respondents respectfully submit that contempt is not warranted.

BACKGROUND

Respondents in this matter are represented by the U.S. Attorney's Office, and more broadly the Department of Justice, as mandated by law. Like others in the Civil Division within the District of Minnesota in recent weeks, the undersigned Assistant U.S. Attorney assigned to this case has consistently worked every evening and weekend, attempting to keep up with obligations and filings in the avalanche of immigration habeas cases resulting from Operation Metro Surge in Minnesota. All those assigned to this task within the U.S. Attorney's Office have worked diligently to comply with each court order in these

January 27, 2026
Page 2

important cases, including those issued after normal working hours or requiring responses and other filings on weekend days and holidays, sometimes at specific set times of the day.

In this case, undersigned counsel filed a response to the Petition on January 21, 2026, and the Court entered its Release Order at 7:03 p.m. the same day, ordering (in relevant portion) for Petitioner to be released immediately in Minnesota and for Respondents to confirm the date, time, and location of Petitioner's release within 48 hours of the date of the Release Order. *See* Release Order at 7.

Undersigned counsel transmitted the Release Order to ICE personnel a few minutes later, at 7:15 p.m. on January 21, 2026, and received confirmation of receipt thirteen minutes after that, when ICE personnel noted that Petitioner was still detained in El Paso, Texas but was to be returned on the next available flight to Minnesota for release. Undersigned counsel immediately sought additional details but did not receive a response that evening and turned to other cases, including time-sensitive filings and communications with agency personnel lasting until roughly midnight that evening.

Thereafter, undersigned followed up at least three additional times with ICE regarding the status of release, but as late as Monday, January 26, 2025, at 3:59 p.m., ICE would not confirm release to undersigned counsel. It noted at the time that records in EARM seemed out-of-date, and that they had directly followed up with Enforcement and Removal Operations about that. Accordingly, though the Release Order required respondents to "confirm the time, date, and location of Petitioner's release within 48 hours from [January 21, 2026, at 7:03 p.m.]" undersigned counsel was not in a position to be able to communicate that information on Respondents' behalf as ordered.

The morning of January 27, 2025, ICE confirmed Petitioner's release to undersigned counsel via email, noting he was transferred back to Minnesota the evening on January 22, 2026, provided a phone call around 8:00 am on January 23, 2026, and released from the Whipple building shortly thereafter that same morning. When asked to explain the delay in confirming release and providing details about it, ICE personnel noted "it appears that there was a system/database error where the release date/time was not updating."

Undersigned counsel now conveys release information sought in the Release Order, *see* Dkt. No. 6, alongside Respondents' response to the Court's Order. *See* Dkt. No. 8.

DISCUSSION

Construing the federal contempt statute, 18 U.S.C. § 401, the Eighth Circuit has explained, "There are two types of civil contempt: coercive and compensatory." *Coleman*

January 27, 2026
Page 3

v. Espy, 986 F.2d 1184, 1190 (8th Cir. 1993), *reh'g and reh'g on banc denied* (8th Cir. April 5, 1993) (citing *Klett v. Pim*, 965 F.2d 587, 590 (8th Cir. 1992); *United Mine Workers of Am.*, 330 U.S. 258, 202-04 (1947)). The circuit court further explained:

With coercive contempt penalties, the court issues sanctions such as fines or incarceration to force the offending part to comply with the court's order....

With compensatory contempt, the court attempts to compensate the plaintiff for the damage that the offending party has caused by its contempt.

Coleman, 986 F.2d at 1190.

Sovereign immunity bars a compensatory contempt sanction against the federal government (for example, compensation for an injury the petitioner suffered due to the violation). *Colby*, 986 F.2d at 1192. Any sanctions here would therefore be coercive in nature to force the government to comply with the Court's order. But the government has now complied with the Court's order by releasing Petitioner and communicating the details of that release to the Court – there is no reason to order contempt sanctions to achieve a result that has already occurred. The “paradigmatic ... civil contempt sanction” is a conditional penalty that may be “purge[d]” through compliance with the original order. *International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 828 (1994); *Shillitani v. U.S.*, 384 U.S. 264, 368 (1966).

Nor is there any indication that the government disregarded the Court's order. Rather, as explained above, the Order was timely communicated to ICE and its delay seemingly resulted¹ from a system error impacting the availability of information the Court sought. As such, there is no “disobedience” within the meaning of the contempt statute. For these reasons, Respondents respectfully request that no finding of contempt be entered.

Sincerely,

DANIEL N. ROSEN
United States Attorney

s/ Liles H. Repp

BY: LILES H. REPP

¹ Undersigned counsel notes that the information provided here regarding ICE's actions and explanations is based on ICE's representations made to him, not his personal knowledge. He has no access to non-public DHS systems and is necessarily reliant on agency personnel's representations when providing updates to the Court in these cases.

January 27, 2026

Page 4

Assistant U.S. Attorney
Attorney ID Number 0400692
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
Phone: (612) 664-5600
Email: liles.repp@usdoj.gov