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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jose Alfredo Anaya,

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of  
Homeland Security; Todd M. Lyons, Acting  
Director of Immigration and Customs  
Enforcement, Immigration and Customs  
Enforcement; David Easterwood, Field Office  
Director of Enforcement and Removal  
Operations, St. Paul Field Office, Immigration  
and Customs Enforcement; Pamela Bondi, U.S.  
Attorney General; Executive Office for  
Immigration Review; Warden, ERO El Paso  
Camp East ICE Detention Center, El Paso,  
Texas,

Respondents.

Case No.

**VERIFIED PETITION  
FOR WRIT OF  
HABEAS CORPUS**

Expedited Handling Requested

## INTRODUCTION

1. Petitioner Jose Alfredo Anaya brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Camp East ICE Detention Center, El Paso, Texas. Mr. Anaya was detained on January 13, 2026 in the State of Minnesota and immediately transferred to El Paso, Texas, where he remains. DHS has refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 25, 2025, the district court certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

4. The Department of Homeland Security (DHS) has held the Petitioner in detention without bond.

5. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue

to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

6. Immigration judges have been denying bond, informing class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that IJs are bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

7. Petitioner’s arrest appears to be part of “Operation Metro Surge,” which utilizes hundreds of actors who are masked, armed, traveling in unmarked vehicles, and frequently refusing to identify themselves, disregarding the constitutionality of their actions. *See, e.g.,* Compl., *Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

8. Detainees are frequently being quickly transferred from one facility to another facility in another state where attorneys are unable to locate their clients and/or finding IJs at the Ft. Snelling court declining jurisdiction once detainees have been transferred. This increases the fear and uncertainty for detainees. Detainees are often transferred to Louisiana, Texas, and most recently, New Mexico. The Petitioner is an example of someone detained in Minnesota and transferred to Texas.

9. Petitioner Jose Alfredo Anaya is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained. He was apprehended by immigration authorities on January 13, 2026 in Minnesota on his way to work;

- b. entered the United States without inspection in December of 2000 in Texas and was not apprehended upon arrival, and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231; and
- d. has no criminal history apart from minor traffic violations;
- e. has family connections and gainful employment in the U.S.;
- f. has a pending I-918 and I-192, pending as of 2019;
- g. is neither a flight risk nor a danger to the public.

10. Petitioner additionally seeks enforcement of his rights pursuant to the Fifth Amendment's Due Process Clause, which forbids the government from depriving "any person...of...liberty...without due process of law. U.S. CONST. amend.V. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects." *Zadvydas v. David*, 533 U.S. 678, 690 (2001). Petitioner is in the physical custody of Respondents at the Freeborn County Jail. He is unlawfully detained because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) claim that the Court lacks authority to consider Petitioner's Motion for bond.

11. Petitioner is entitled to due process of law pursuant to the Fifth Amendment's Due Process Clause and as such has a protected liberty interest to be free from deprivation of liberty without due process. *Id.* Petitioner is neither a danger to the public nor is he a flight risk. To continue to detain him is a deprivation of his liberty without due process.

12. Regardless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have continued Petitioner's unlawful detention.

The Immigration Judge must apply the U.S. Supreme Court's balancing test in *Mathews v. Eldridge*, stating that "the fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Acosta v. Noem*, No. EP-25-CV-00741-DB, quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). "...the specific dictates of due process generally requires consideration of three distinct factors..." 1) "the private interest ...affected by the official action"; 2) "the [g]overnment's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedure requirement would entail"; and 3) "the risk of an erroneous deprivation of such interest through the procedures used and the probable value, if any, of additional or substitute procedural safeguards." *Mathews*, at 335.

13. After apprehending Petitioner on January 13, 2026, the DHS detained the Petitioner and did not set a bond. He remains in detention pending his bond hearing in front of the IJ in El Paso, Texas , originally scheduled for January 20, 2026, and continued with a date to be determined.

14. The Court should expeditiously grant this petition.

### JURISDICTION

15. Petitioner is in the physical custody of Respondents. Petitioner was detained In the State of Minnesota, and Minnesota may assume jurisdiction. Petitioner was transferred to the at the El Paso Camp East ICE Detention Center in El Paso, Texas.

16. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States

Constitution (the Suspension Clause). Petitioner was detained in Minnesota and has lived in Minnesota for many years.

17. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### VENUE

18. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Eighth District, the judicial district in which Petitioner currently is detained.

19. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eighth District;

20. Venue is properly in the United States District Court in the State of Minnesota as the Petitioner has lived in Minnesota for many years. He works in Minnesota, has substantial contacts in Minnesota, and was arrested by ICE in Minnesota.

### REQUIREMENTS OF 28 U.S.C. § 2243

21. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

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) (emphasis added). “The application for the

writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### **PARTIES**

23. Petitioner Jose Alfredo Anaya is a citizen of Mexico who has been in immigration detention since January 13, 2026. After Petitioner was arrested and detained in Minnesota, he was transferred to El Paso, Texas. Mr. Anaya has been living in the State of Minnesota for many years. ICE did not set bond, and Petitioner requested review of his custody by an IJ. Mr. Anaya was scheduled for a bond hearing on January 20, 2026, at the El Paso Immigration Court, which was continued due to IJ illness. A new hearing has not yet been scheduled.

24. Respondent David Easterwood is the Director of the St. Paul Field Office of ICE’s Enforcement and Removal Operations division. As such, Director David Easterwood was Petitioner’s immediate custodian at the time of transfer and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

25. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

26. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

27. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

28. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

29. Respondent Warden, El Paso East ICE Detention Facility is employed by the Department of Homeland Security and presumably has immediate physical custody of Petitioner. He or she is sued in his or her official capacity.

### **CLAIM FOR RELIEF**

#### **COUNT I**

#### **Violation of the INA:**

#### **Request for Relief Pursuant to *Maldonado Bautista***

30. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

31. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

32. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

33. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

34. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

35. By denying bond for Petitioner and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

## COUNT TWO

### **Violation of the Fifth Amendment of the United States Constitution: Request for Relief Pursuant to the Fifth Amendment Due Process Clause**

36. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

37. The factors outlined above in *Mathews* weigh heavily in the favor of the Petitioner.

38. First, Petitioner has a significant private interest at stake. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.").

Petitioner is wrongfully detained which is a direct attack on Petitioner's liberty interests.

39. Second, Petitioner will continue to be deprived of this interest if Petitioner continues to be detained without a legal basis and there is no rational basis for his continued detention. *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F.

Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at \*7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No. 0:25-cv-3946-NEB, 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025).

40. Lastly, the Government has no legitimate interest in continuing Petitioner’s detention. Petitioner poses no safety threats to the community. Petitioner has been here since 2021 with no criminal history. Petitioner is not a flight risk as he has connections in the community and gainful employment. Releasing Petitioner would additionally save government the resources and expense of continued imprisonment.

41. The Petitioner’s continued detention pending the resolution of ongoing immigration proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

### COUNT THREE

#### **Violation of the Administrative Procedure Act, 5 U.S.C. § 706**

#### **Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act**

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

43. 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).

44. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

45. Respondents through its recent administrative decision failed to articulate any reasonable explanations for new interpretation of the Act. This decision represents a change in the agencies' policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

### **REMEDY**

46. An available remedy for Respondents' unlawful conduct as outlined in this complaint is for Petitioner to be returned to Minnesota at DHS expense and to be subsequently released.

47. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

48. A noncitizen seeking only to challenge the legality of their detention, not the substance of their removal proceedings in immigration court, may properly ask a federal court to find jurisdiction over such a request pursuant to 28 U.S.C. § 2241. *See, e.g., Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1154–55 (D. Minn. 2025).

49. When a habeas petitioner's detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

### **REQUEST FOR ORDER TO SHOW CAUSE**

50. 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.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter as Minnesota has jurisdiction. Petitioner was living in Minnesota and arrested in Minnesota;
- b. Order Respondents to set a new bond hearing;
- c. Ordering Respondents to present Petitioner for his bond hearing;
- d. Order Respondents to return Petitioner to the District of Minnesota immediately at their expense;
- e. Enjoin Respondents from transferring Petitioner out of the District of Minnesota again pending the duration of these proceedings;
- f. Issue an Order requiring Respondents to show cause as to why Petitioner should not be released;
- g. Alternatively, issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- h. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- i. Grant any other and further relief that this Court deems just and proper.

DATED this 20th of January, 2026.

Respectfully submitted,

KHANH NGUYEN LAW OFFICE

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*Attorneys for Petitioner*

VERIFICATION

I, Khanh Ngoc Nguyen, being duly sworn upon oath hereby state:  
I represent the Petitioner in these habeas corpus proceedings. Petitioner, Jose Alfredo Anaya is currently detained at the El Paso ICE Detention Facility, and he is not able to appear in our office to sign the Verification. I have reviewed the record of removal proceedings, and I have discussed the matter with Petitioner's family by phone. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

//ss//Khanh Nguyen  
Khanh Ngoc Nguyen  
Attorney for Petitioner