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2
3 UNITED STATES DISTRICT COURT
4 FOR THE DISTRICT OF MINNESOTA

5 Abner Ezequiel Rosa Ramos

6
7 Petitioner,

8 v.

9 David Easterwood, Field Office
10 Director of Enforcement and Removal
11 Operations, St. Paul Field Office,
12 Immigration and Customs
13 Enforcement; Kristi Noem, in her
14 official capacity as Secretary of the
15 U.S. Department of Homeland
16 Security; Todd Lyons, in his official
17 capacity as acting director of U.S.
18 Immigration and Customs
19 Enforcement; Pam Bondi, in her
20 official capacity as Attorney General
21 of the United States

22
23 Respondents.
24

Case No. 26-482

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1
2 1. Petitioner, Abner Ezequiel Rosa Ramos, is in physical custody of
3 Respondents in Minnesota. He is now unlawfully detained despite having
4 been released from ORR custody as an unaccompanied child, granted Special
5 Immigrant Juvenile Status, and awarded deferred action by USCIS.
6 Respondents' continued detention of Petitioner violates the INA, the TVPRA,
7 and the Fifth Amendment.
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9 2. Petitioner entered the United States in July of 2022 with as an
10 unaccompanied alien child (UAC). The government issued a Notice to Appear
11 (NTA) that charged Petitioner with being "an alien present in the United
12 States without being admitted or paroled" in violation of INA § 212(a)(6)(A)(i)
13 (a.k.a. 8 U.S.C. § 1182(a)(6)(A)(i)). Petitioner was detained and released
14 under DHS's authority requiring the processing of unaccompanied minors to
15 be handled by the Office of Refugee Resettlement under the William
16 Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. PL
17 110-457 (2008) (TVPRA).
18

19 3. USCIS later approved Petitioner for Special Immigrant Juvenile
20 Status (SIJS) on August 24, 2024. The SIJS approval notice granted
21 Petitioner deferred action for four years, meaning Petitioner's deferred action
22 does not expire until August of 2028.
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1 4. Petitioner is in removal proceedings before EOIR pursuant to 8
2 U.S.C. § 1229a.

3 5. On or around January 20, 2026, Petitioner was arrested and
4 taken into Immigration and Customs Enforcement (“ICE”) custody.

5 6. Petitioner’s detention is illegal *ab initio* because the Petitioner
6 has deferred action and has committed no crimes that would subject him to
7 mandatory detention.
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9 7. Petitioner is not subject to a final order of removal.

10 8. DHS has denied similarly situated non-citizens release from
11 immigration custody, consistent with a new DHS policy formalized by the
12 BIA decision *Matter of Yajure Hurtado*, under which all ICE employees are to
13 consider anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)—i.e., those
14 currently present in the United States without being admitted or paroled—to
15 be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore
16 subject to mandatory detention. This decision means it would be futile to
17 pursue a hearing before an IJ to seek reinstatement of the prior order of
18 bond.
19

20 9. Petitioner’s detention on this basis would violate the plain
21 language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does
22 not apply to individuals like Petitioner who previously entered and are now
23 residing in the United States. Instead, such individuals are subject to a
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1 different statute, 8 U.S.C. § 1226(a), that allows for release on conditional
2 parole or bond. That statute expressly applies to people who, like Petitioner,
3 are charged as inadmissible for having entered the United States without
4 inspection.

5
6 10. Respondents' new legal interpretation is plainly contrary to the
7 statutory framework and contrary to decades of agency practice applying §
8 1226(a) to people like Petitioner.

9 11. Accordingly, Petitioner seeks a writ of habeas corpus requiring
10 that he be released immediately.

11 12 13 JURISDICTION

14
15 12. Petitioner is in the physical custody of Respondents. Petitioner is
16 detained at the Fort Snelling Immigration Court in Fort Snelling, Minnesota.

17 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas
18 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2
19 of the United States Constitution (the Suspension Clause).

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

15. 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 District of Minnesota, the judicial district in which Petitioner currently is detained.

16. 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 District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243 TO SHOW CAUSE

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

18. 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

1 receives prompt action from him within the four corners of the application.”

2 *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3
4 **PARTIES**

5 19. Petitioner Abner Ezequiel Rosa Ramos is a citizen of Honduras
6 who has resided in the United States since 2022. Petitioner has been in
7 immigration detention since January 20, 2026.

8 20. Respondent David Easterwood is the Director of the MSP Field
9 Office of ICE’s Enforcement and Removal Operations division. As such, David
10 Easterwood is Petitioner’s immediate custodian and is responsible for
11 Petitioner’s detention and removal. He is named in his official capacity.

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

17 22. Respondent Todd Lyons is the acting director of U.S.
18 Immigration and Customs Enforcement (ICE). He is responsible for
19 overseeing the federal agency responsible for Petitioner’s detention. Mr.
20 Lyons has custodial authority over Petitioner and is sued in his official
21 capacity.
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1 23. Respondent Pam Bondi is the Attorney General of the United
2 States and the senior official of the U.S. Department of Justice. She has the
3 authority to adjudicate removal cases and to oversee the Executive Office for
4 Immigration Review (EOIR), which administers the immigration courts and
5 the Board of Immigration Appeals (BIA). Ms. Bondi has custodial authority
6 over Petitioner and is sued in her official capacity.
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8 9 LEGAL FRAMEWORK

10 Discretionary Detention and Release on Bond

11 24. “It is well established that the Fifth Amendment entitles
12 [noncitizens] to due process of law in deportation proceedings.” *Demore v.*
13 *Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306
14 (1993)). “Freedom from imprisonment—from government custody, detention,
15 or other forms of physical restraint—lies at the heart of the liberty that [the
16 Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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18 25. Due Process requires that there be “adequate procedural
19 protections” to ensure that the government’s asserted justification for a
20 noncitizen’s physical confinement “outweighs the ‘individual’s
21 constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690
22 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration
23 context, the Supreme Court only recognizes two purposes for civil detention:
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1 preventing flight and mitigating the risks of danger to the community.
2 *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only
3 be detained based on these two justifications if they are otherwise statutorily
4 eligible for bond. *Zadvydas*, 533 U.S. at 690.

5 26. “The fundamental requirement of due process is the opportunity
6 be heard at a meaningful time and in a meaningful manner.” *Mathews v.*
7 *Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is
8 due, this Court should consider (1) the private interest affected by the
9 government action; (2) the risk that current procedures will cause an
10 erroneous deprivation of that private interest, and the extent to which that
11 risk could be reduced by additional safeguards; and (3) the government's
12 interest in maintaining the current procedures, including the governmental
13 function involved and the fiscal and administrative burdens that the
14 substitute procedural requirement would entail. *Id.* at 335.

15 27. The INA prescribes three basic forms of detention for the vast
16 majority of noncitizens in removal proceedings.

17 28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in
18 standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals
19 in § 1226(a) detention are generally entitled to a bond hearing at the outset of
20 their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who
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1 have been arrested, charged with, or convicted of certain crimes are subject to
2 mandatory detention, *see* 8 U.S.C. § 1226(c).

3 29. Even if proceedings are dismissed and the noncitizen is
4 apprehended while in the United States, the government cannot shift the
5 noncitizen from discretionary detention under 8 U.S.C. § 1226 to mandatory
6 detention under 8 U.S.C. § 1225(b). *Mayamu K. v. Bondi*, Civ. No. 25-3035
7 (JWB/LIB)2025 WL 3641819, *3 (D.Minn. Oct. 20, 2025); *Khalid B.Q. v.*
8 *Noem*, Civ. No. 25-4584 (JWB/DJF);

9
10 30. Pursuant to 8 C.F.R. § 236.1(d), after an initial custody
11 determination by DHS, a non-citizen subject to 8 U.S.C. §1226 may request
12 release on bond before an IJ. The IJ is authorized to determine whether the
13 non-citizen should be released from custody, and if so, to determine the
14 amount of bond.

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16 31. Second, the INA provides for mandatory detention of noncitizens
17 subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
18 arrivals seeking admission referred to under § 1225(b)(2).

19 32. Last, the INA also provides for detention of noncitizens who have
20 been ordered removed, including individuals in withholding-only proceedings,
21 *see* 8 U.S.C. § 1231(a)–(b).

22 33. This case concerns the detention provisions at §§ 1226(a) and
23 1225(b)(2).
24

1 34. The detention provisions at § 1226(a) and § 1225(b)(2) were
2 enacted as part of the Illegal Immigration Reform and Immigrant
3 Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03,
4 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was
5 most recently amended earlier this year by the Laken Riley Act, Pub. L.
6 No.119-1, 139 Stat. 3 (2025).

8 35. Following the enactment of the IIRIRA, EOIR drafted new
9 regulations explaining that, in general, people who entered the country
10 without inspection were not considered detained under § 1225 and that they
11 were instead detained under § 1226(a). *See* Inspection and Expedited
12 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
13 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

15 36. Thus, in the decades that followed, most people who entered
16 without inspection and were placed in standard removal proceedings received
17 bond hearings, unless their criminal history rendered them ineligible. That
18 practice was consistent with many more decades of prior practice, in which
19 noncitizens who were not deemed “arriving” were entitled to a custody
20 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);
21 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a)
22 simply “restates” the detention authority previously found at § 1252(a)).
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1 37. On July 8, 2025, ICE, “in coordination with” DOJ, announced a
2 new policy that rejected well-established understanding of the statutory
3 framework and reversed decades of practice.

4 38. The new policy, entitled “Interim Guidance Regarding Detention
5 Authority for Applicants for Admission,” claims that all persons who entered
6 the United States without inspection shall now be deemed “applicants for
7 admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory
8 detention provision under § 1225(b)(2)(A). The policy applies regardless of
9 when a person is apprehended and affects those who have resided in the
10 United States for months, years, and even decades.

11 39. On September 5, 2025, the Board of Immigration Appeals (BIA)
12 adopted this same position in the case of *Matter of Yajure Hurtado*, 29 I&N
13 Dec. 216 (BIA 2025). That decision holds that all noncitizens who entered the
14 United States without admission or parole are considered applicants for
15 admission and are ineligible for immigration judge bond hearings.

16 40. Under the Supreme Court’s recent decision in *Loper Bright v.*
17 *Raimondo*, this Court should independently interpret the statute and give
18 the BIA’s expansive interpretation of § 1225(b)(2) no weight, as it conflicts
19 with the statute, regulations, and precedent. 603 U.S. 369 (2024).

20 41. ICE and EOIR have adopted this position even though federal
21 courts have rejected this exact conclusion. For example, after IJs in the
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1 Tacoma, Washington, immigration court stopped providing bond hearings for
 2 persons who entered the United States without inspection and who have
 3 since resided here, the U.S. District Court in the Western District of
 4 Washington found that such a reading of the INA is likely unlawful and that
 5 § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon
 6 arrival to the United States. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239
 7 (W.D. Wash. 2025); *see also* *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025
 8 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on
 9 same conclusion).

11 42. “The idea that a different detention scheme would apply to non-
 12 citizens ‘already in the country,’ as compared to those ‘seeking admission into
 13 the country,’ is consonant with the core logic of our immigration system.”
 14 *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24,
 15 2025) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)).

17 43. DHS’s and DOJ’s interpretation defies the INA. As the *Rodriguez*
 18 *Vazquez* court explained, the plain text of the statutory provisions
 19 demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

20 44. Section 1226(a) applies by default to all persons “pending a
 21 decision on whether the [noncitizen] is to be removed from the United
 22 States.” These removal hearings are held under § 1229a, to “decid[e] the
 23 inadmissibility or deportability of a[] [noncitizen].”
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1 45. The text of § 1226 also explicitly applies to people charged as
2 being inadmissible, including those who entered without inspection. *See* 8
3 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes
4 clear that, by default, such people are afforded a bond hearing under
5 subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress
6 creates "specific exceptions" to a statute's applicability, it "proves" that
7 absent those exceptions, the statute generally applies. *Rodriguez v. Bostock*,
8 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove*
9 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

11 46. Section 1226 therefore leaves no doubt that it applies to people
12 who face charges of being inadmissible to the United States, including those
13 who are present without admission or parole.

14 47. By contrast, § 1225(b) applies to people arriving at U.S. ports of
15 entry or who recently entered the United States. The statute's entire
16 framework is premised on inspections at the border of people who are
17 "seeking admission" to the United States. 8 U.S.C.

18 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this
19 mandatory detention scheme applies "at the Nation's borders and ports of
20 entry, where the Government must determine whether a[] [noncitizen]
21 seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S.
22 281, 287 (2018).
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1 48. Accordingly, the mandatory detention provision of § 1225(b)(2)
2 does not apply to people like Petitioner, who have already entered and were
3 residing in the United States at the time they were apprehended.

4 **Special Immigrant Juvenile Status and Deferred Action**

5 49. SIJS is available for noncitizens who were neglected, abandoned,
6 or abused by one or both parents. 8 CFR § 204.11. Petitioners must be
7 unmarried and under the age of twenty-one at the time of filing. 8 CFR §
8 204.11(b). Eligibility for SIJS requires a juvenile court to rule on the custody
9 or guardianship of the applicant and find that it would not be in the best
10 interest of the petitioner to return to his country of nationality. 8 CFR §
11 204.11(c).
12

13 50. After a juvenile court order has been issued, the petitioner is
14 eligible to seek SIJS from USCIS. Courts have indicated that SIJS designees
15 are entitled to due process rights and property interests with respect to their
16 status. *Osorio-Martinez v. Attorney Gen. United States of Am.*, 893 F.3d 153,
17 171-174 (3d Cir. 2018) (“Congress also afforded these aliens a host of
18 procedural rights designed to sustain their relationship to the United States
19 and to ensure they would not be stripped of SIJ protections without due
20 process.”); *J.L. v. Cissna*, 374 F.Supp.3d 855, 868-869(N.D. Cal. 2019); *Bansci*
21 *v. Nielsen*, 321 F.Supp.3d 729 (W.D. Tex. 2018).
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1 51. A grant of SIJS allows the Petitioner to apply for lawful
2 permanent residency once his priority date becomes current. 8 U.S.C.
3 1255(h).

4 52. Congress removed numerous barriers to adjustment of status for
5 SIJS beneficiaries through amendments to the SIJS provisions. SIJS
6 designees are “deemed . . . to have been paroled into the United States” for
7 the purposes of adjustment of status. 8 U.S.C. § 1255(h)(1). Further,
8 Congress exempted SIJS youth from many common inadmissibility grounds
9 and created a generous waiver of many of the non-exempted inadmissibility
10 grounds. 8 U.S.C. § 1255(h)(2). Congress explicitly provided that certain
11 grounds for removal “shall not apply to a special immigrant described in
12 section 1101(a)(27)(J) of this title [the SIJS statute] based upon
13 circumstances that existed before the date the [noncitizen] was provided such
14 special immigrant status.” 8 U.S.C. § 1227(c).
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17 53. Petitioner, like many other recipients, of SIJS was granted
18 deferred action.

19 54. Deferred action is “a form of enforcement discretion not to pursue
20 the removal of certain aliens for a limited period in the interest of ordering
21 enforcement priorities in light of limitations on available resources, taking
22 into account humanitarian considerations and administrative convenience.” 8
23 C.F.R. § 236.21(c)(1).
24

55. Deferred action allows noncitizens to motion for discretionary termination of removal proceedings. 8 CFR § 1003.18(d)(1)(ii)(C).

56. A grant of deferred action prevents removal orders from being executed for the duration of the deferred action. *Nevarez Jurado v. Freden*, No. 25-CV-943-LJV, 2025 WL 3687264, at *8–9 (W.D.N.Y. Dec. 19, 2025) (“First, this Court concludes, as an ever-growing number of district courts across the country have concluded, that an unrevoked grant of deferred action prevents removal.”); *Espinoza Cruz v. English*, No. 3:25-CV-919-CCB-SJF, 2025 WL 3676992, at *4 (N.D. Ind. Dec. 18, 2025); *Espinoza-Sorto v. Agudelo*, No. 1:25-cv-23201-GAYLES, 2025 WL 3012786, at *5 (S.D. Fla. Oct. 28, 2025).

Unaccompanied Alien Children

57. The government must treat UACs in accordance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, PL 110-457 (2008) (TVPRA).

58. UACs must be placed in removal proceedings under INA § 240, 8 U.S.C. § 1229a. 8 U.S.C. § 1232(a)(5)(D)(i); *see also Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1153 (D. Minn. 2025).

59. Pursuant to a settlement agreement, USCIS maintains initial jurisdiction over asylum applications submitted by unaccompanied alien children. *J.O.P. v. DHS*, No. 8:19-CV-01944-SAG, Document 199-2 (D. Md.).

FACTS

60. Petitioner has resided in the United States for nearly four years, and lived in St. Paul, Minnesota, prior to his detention.

61. The Petitioner is now detained.

62. Petitioner's criminal history involves no offenses subjecting him to mandatory detention.

63. Petitioner is currently in removal proceedings before the Fort Snelling Immigration Court pursuant to 8 U.S.C. § 1229a.

64. Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

65. Any attempt to secure a bond order from an IJ or appeal to the BIA, while available, would likely be futile for his release. The recent BIA decision in *Yajure Hurtado* would subject the Petitioner to detention without discretionary bond, likely in contravention of federal law. Moreover, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General were defendants, DOJ affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). See Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC

1 (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

2
3 **CLAIMS FOR RELIEF**

4 **COUNT I**

5 **Violation of 8 U.S.C. § 1226(a)**

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7 66. Petitioner incorporates by reference the allegations of fact set
8 forth in the preceding paragraphs.

9
10 67. Petitioner may be detained, if at all, pursuant to 8 U.S.C. §
11 1226(a).

12 68. “Petitioner’s classification as an unaccompanied minor and
13 subsequent release under the TVPRA thus indicates he is not an applicant
14 for admission confined to the conditions that classification carries.” *F.S.S.M.*
15 *v. Wofford*, No. 25-01518, 2025 WL 3526671 (E.D. Cal. Dec. 9, 2025).

16 69. Under § 1226(a) and its associated regulations, Petitioner is
17 entitled to a bond hearing. 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

18
19 70. Petitioner has committed no crimes that would place in a
20 category for noncitizens who are subject to mandatory detention.

21 71. Petitioner’s arrest and continuing detention are therefore
22 unlawful.

23 **COUNT II**

Violation of Due Process

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

73. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

74. Petitioner has a fundamental interest in liberty and being free from official restraint.

75. The government’s detention of Petitioner is unjustified. The government’s arbitrary subjection of Petitioner to arbitrary detention, after releasing him to his family, arresting him in the interior of the U.S., and after DHS has granted him SIJS status, violates his right to Due Process pursuant to the Fifth Amendment.

76. Respondents’ continued immigration detention of the Petitioner is untethered from a “reasonable relationship” to any legitimate nonpunitive purpose. *Zadvydas*, 533 U.S. at 690.

PRAYER FOR RELIEF

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

- 2 a. Assume jurisdiction over this matter;
- 3 b. Issue a writ of habeas corpus requiring that Respondents release
4 Petitioner immediately;
- 5 c. If Petitioner is not immediately released, order that EOIR has
6 jurisdiction to determine a bond;
- 7 d. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243,
8 directing Respondents to show cause why the petition for writ of
9 habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241
10 should not be granted within three days;
- 11 e. Order that Respondents be enjoined and restrained from
12 arresting, detaining, or removing Petitioner absent compliance
13 with constitutional protections and the TVPRA, including notice
14 and a pre-deprivation hearing before a neutral decisionmaker
15 where placement in the least restrictive setting available is
16 considered after taking into account Petitioner's danger to the
17 community and risk of flight. 8 U.S.C. § 1232(c)(2)(B).
- 18 f. Award Petitioner attorney's fees and costs under the Equal
19 Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412,
20 and on any other basis justified under law;
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1 g. Grant any other and further relief that this Court deems just and
2 proper.

3 DATED this 20th day of January 2026.

4
5 /s/Gloria Contreras Edin
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