

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Brayan M.,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S.
Department of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs
Enforcement, and,

David Easterwood, Acting Director,
St. Paul Field Office Immigration and
Customs Enforcement.

Respondents.

Civ. No. 26-cv-496 (MJD/DTS)

**OBJECTION TO
REPORT AND
RECOMMENDATION**

Petitioner, by and through the undersigned attorney, respectfully notes the following objection to the Report and Recommendation, ECF 7.

To the extent that the Report and Recommendation requests that Mr. M be provided a bond hearing as opposed to requiring his immediate release, Petitioner respectfully notes that allowing Respondents to invoke § 1226(a) as an alternate basis for detaining Petitioner, until a hearing may be held, would first require Respondents to have provided a warrant. *See* ECF 1, 13-14 (citing *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025); *Ahmed M. v. Bondi et al.*, 2026 WL 25627, *3 (D. Minn. Jan. 5,

2026); and *Chogllo Chafla v. Scott*, --- F. Supp. 3d ---, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)). No such warrant appears here in the facts of this case, which means that release, not a bond hearing, is the appropriate remedy.

Respectfully submitted,

Date: Feb. 4, 2026

/s/ Kira A. Kelley

Kira A. Kelley, Esq.
P.O. Box 7040
Minneapolis, MN 55407
MN Bar ID: 402932
kira@climatedefenseproject.org
(802) 683-4086

Attorney for Petitioner