

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Elvis Joel Tipan Echeverria

C.R.T.V.

Petitioners,

v.

Pamela Bondi, Attorney General,

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

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

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

Respondents.

Case No. 26-cv-561

MOTION TO SHOW CAUSE

Expedited Handling Requested

1. Petitioners, Mr. Elvis Joel Tipan Echeverria and infant C.R.T.V., were taken without a warrant by U.S. Immigration and Customs Enforcement (“ICE”) on January 22, 2026 during a warrantless traffic stop. *See* Verified Petition for Writ of Habeas Corpus (“Habeas Pet.”), Dkt. No. 1.

2. The undersigned counsel attempted to call the Bishop Henry Whipple Federal Building, (“Whipple”) at 1 Federal Drive in St. Paul, Minnesota, where

Petitioners were believed to be held. The undersigned counsel's calls were met with a busy tone; it is believed that the phone line was disconnected. *Id.*

3. ICE arrested Petitioners with no notice or opportunity to be heard and no identifiable lawful reason, in violation of law. If past actions in related cases is any indication (*see, e.g., Sanchez v. Bondi*, 26-cv-00216 Dkt. 14 (D. Minn. 2026 Jan. 15, 2026)) ICE may be on the verge of transporting Petitioners outside of the jurisdiction of Minnesota and will not return them promptly even when ordered to do so by an Article III federal judge. *See, e.g., Estefany S. v. Bondi*, 26-cv-216 (JWB/DTS) (Petitioner transferred in violation of an order of this Court); *C.C. v. Bondi*, 26-cv- 244 (JWB/DTS); Dkt. 10 (noting Respondents' failure to comply with court order to confirm release of Petitioner from custody in Minnesota); *Oscar O.T. v. Bondi*, 0:26-cv-167 (JWB/JFD) Dkt. 15 (Petitioner was ordered to be returned to Minnesota and released from custody as of January 15, 2026, but is not scheduled to return to Minnesota until January 24).

4. In this action, Petitioners accordingly challenge this detention as violative of the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act ("INA") and its implementing regulations, and the Administrative Procedures Act. *See generally* Habeas Pet., Dkt. No. 1. In this petition, Petitioners respectfully request that this Court order Respondents to immediately release Petitioners from custody. Petitioners further seek injunctive relief against removal outside of the District of Minnesota or the United States without the process required by the U.S. Constitution, the INA and implementing regulations, and the FARRA and its implementing regulations. *Id.*

5. In the instant motion, Petitioners now respectfully move the Court for expeditious resolution of his habeas petition to ensure that Respondents do not continue violating his constitutional, statutory, and regulatory rights.

6. *First*, pursuant to 28 U.S.C. § 2243, Petitioners request that the Court immediately issue an Order to Show Cause directing Respondents to file a return by a date certain of the Court's order, showing cause, if any, why the writ of habeas corpus should not be granted. Petitioners respectfully request that the time for Respondent's return required by this Court not exceed three days.

7. Expeditious resolution is consistent with the purpose of habeas petitions. Habeas "is a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute. The federal habeas corpus statute provides that "[a] court, justice or judge entertaining 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.

8. Furthermore, expeditious consideration is particularly appropriate here because many federal opinions in this District have already addressed the legality of Respondents' similar actions in other cases, finding that Respondents had or likely violated constitutional due process guarantees as well as statutory and regulatory requirements. *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). This case presents similar considerations and is thus one that the Court can address on an expedited basis.

9. *Second*, consistent with this Court’s past practice in prior cases, Petitioners respectfully request that this Court enter an immediate order preventing Petitioner Tipan Echeverria’s removal or transfer from the United States and the District of Minnesota and to release infant C.R.T.V. while the petition is considered, to preserve this Court’s jurisdiction over their habeas claims. *See, e.g., Carmona-Lorenzo v. Trump et al.*, 25-cv-03172-JFB-RCC, Dkt. 3 (D. Neb. Aug. 19, 2025); *Lorenzo Perez v. Kramer, et al.*, No. 25-cv-03179-JFB-RCC, Dkt. 13 (D. Neb. Aug. 27, 2025); *Duenas Arce v. Trump, et al.*, No. 25-cv-00520-SMB-RCC, Dkt. 3 (D. Neb. Aug. 27, 2025). This Court has found on previous occasions, in these cases, that the four Dataphase factors weigh in Petitioner’s favor based on the allegations in the Petition. *See Dataphase Sys., Inc. v. C.L. Sys., Inc.*, 640 F.2d 109 (8th Cir. 1981) (stating the four factors weighed are the likelihood of success on the merits, the threat of irreparable harm, the balance of harms, and the public interest).

10. Injunctive relief to release the infant pending the resolution of these proceedings is proper because no legitimate government or public purpose can be served by incarcerating an infant on the basis of an alleged non-criminal violation of the Immigration and Nationality Act, and the baby is in imminent danger of being lost in a

system that is overwhelmed and has a demonstrated habit of losing track even of adults who are old enough to advocate for themselves and to use a telephone, at least when that opportunity is afforded to them. The baby is currently being detained in the Whipple, a facility where detainees are routinely being starved and held for days in a facility that is not set up for overnight detention. *See, e.g., Oscar O.T. v. Bondi*, 0:26-cv-167 (JWB/JFD) Dkt. 20 (affidavit of Mayra Chasi-Chiluisa, describing being detained at the Whipple from Saturday until Monday evening without food, and while a court order was in place for her release that Respondents were not complying with).

Respectfully submitted,

Date: January 22, 2026

/s/ Kira A Kelley
 KIRA A. KELLEY
 Climate Defense Project
 MN Bar No. 0402932
 P.O. Box 7040
 Minneapolis, MN 55407
 (802) 683-4086
 kira@climatedefenseproject.org

Attorney for Petitioners

CERTIFICATE OF COMPLIANCE

I certify that this motion contains 1035 words in compliance with the Local Rules. I further certify that no generative artificial intelligence program was used in drafting this document.

Jan. 22, 2026

/s/ Kira A Kelley
 KIRA A. KELLEY