

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

Elvis Joel T.E. and C.R.T.V.,

Petitioners,

v.

Pamela Bondi, Attorney General, U.S.
Department of Justice,

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.

Case No. 26-cv-561 (KMM/JFD)

**MOTION TO SHOW CAUSE AND
MEMORANDUM IN SUPPORT AS
TO WHY RESPONDENTS SHOULD
NOT BE PROHIBITED FROM
COMPLETING INTER-STATE
TRANSFERS OF INDIVIDUALS
DETAINED IN MINNESOTA**

Petitioners Elvis Joel T.E. and two-year-old C.R.T.V., by and through undersigned counsel, respectfully submit this Motion to Show Cause and Memorandum in Support as to Why Respondents Should Not Be Prohibited From Completing Inter-State Transfers of Individuals Detained in Minnesota.

The undersigned has filed a similar motion before the Honorable Jerry W. Blackwell in Case No. 26-cv-167 (JWB/JFD), which remains pending at Docket No. 16. The undersigned incorporates by reference all arguments made in that motion and supporting

documents attached hereto as Exhibits B-F. In addition to the arguments raised therein, the undersigned brings this motion before this Court because the facts of this case likewise demonstrate Respondents' intent to move Petitioners as quickly as possible out of this District—and outside this Court's jurisdiction—in order to evade relief that this Court has the authority to grant.

The timeline of this case is a quintessential example of Respondents' deliberate practice of moving individuals out of Minnesota as quickly as possible to evade this Court's lawful jurisdiction. Respondents detained Petitioners on January 22, 2026, at approximately 1:10 p.m. By approximately 5:37 p.m., Petitioners' counsel had filed an emergency habeas petition. *See* Ex. A (Kira Kelley Aff.) ¶ 3. At 6:10 p.m., counsel filed a motion seeking an order prohibiting Respondents from transferring Petitioners outside of Minnesota and seeking the immediate release of C.R.T.V, a two-year-old child. *Id.* ¶ 4. At approximately 6:30 p.m., Petitioners' counsel called and left Respondents' counsel a voicemail requesting immediate escalation of the case and emphasizing the urgent need to release the child to her mother. *Id.* ¶ 8. At approximately 7:00 p.m., Petitioners' counsel emailed ICE attorneys regarding this matter and again emphasized the urgency. *Id.* ¶ 10.

At approximately 8:10 p.m., the Court issued an Order to Show Cause and prohibited Respondents from transferring the Petitioners outside of the District of Minnesota. (ECF No. 4.) Respondents' counsel stated they were attempting to contact the appropriate officials to notify them of the Court's order. Kelley Aff. ¶ 14.

At approximately 9:04 p.m., the Court entered a second order, requiring respondents to release C.R.T.V. into the custody of Attorney Kelley. (ECF No. 7). Nevertheless, at 8:57

p.m., Respondents’ counsel stated that Respondents had placed Petitioners on a commercial flight to Texas at 8:30 p.m.; and therefore, would be unable to comply with the Court’s order to release C.R.T.V. by 9:30 p.m. on January 22, 2026. Ex. A, Kelley Aff.

¶ 15. In other words, Respondents placed Petitioners on a flight to Texas within approximately eight hours of their unlawful detention. At 9:06 p.m., Respondents’ counsel indicated that Respondents would agree to return C.R.T.V. to Minnesota on January 23, 2026, and that Respondents “won’t raise any challenge to the Court’s jurisdiction because it’s clear the Petition was filed before [the Petitioners] left Minnesota.” *Id.* ¶ 16.

As described in the attached Declaration of Kira Kelley (Exhibit A), Respondents’ counsel’s statements reflect Respondents’ position that this Court lacks jurisdiction over habeas petitions if Respondents succeed in transferring petitioners out of Minnesota before a habeas petition is filed. Here, Respondents’ counsel expressly stated that jurisdiction would not be challenged *because* the petition was filed before Petitioners left Minnesota. By implication, had Petitioners filed even a few hours later, Respondents would have challenged this Court’s jurisdiction.

This statement, together with the course of events in this case, makes two facts clear. First, Respondents continue to contest this Court’s jurisdiction in habeas matters when they are able to transfer petitioners out of state before a petition can be filed. Second, knowing that jurisdiction can be contested once petitioners are removed from Minnesota, Respondents are intentionally transferring detainees—including the unlawfully detained Petitioners in this case—within mere hours of detention. Indeed, Respondents’ urgency to

evade this Court's jurisdiction was so pronounced that they rushed to place Petitioners on a *commercial* flight to Texas. *Id.* ¶ 15.

The use of a commercial flight is particularly notable. In many other cases, Respondents have transferred Minnesota residents via chartered flights filled with ICE agents and individuals unlawfully detained in Minnesota. *See id.* ¶ 18 and *Oscar O.T. v. Bondi*, 26-cv-167(JWB/JFD) Dkt. 20, ¶ 4 and Dkt. 18, ¶ 25. The deviation from that practice here further underscores Respondents' haste and bad faith.

Although Respondents concede jurisdiction in this case because the emergency habeas petition was filed before Respondents were placed on a plane to Texas, the Court should nevertheless hold Respondents accountable for the bad faith motivating these transfers. As detailed further in the motion pending before Judge Blackwell, Respondents routinely transfer individuals out of Minnesota within hours of detention, sometimes during the pendency of their habeas petitions, and even after courts have granted habeas petitions and ordered immediate release—as occurred here. DHS and ICE are intentionally obfuscating court orders and acting in evident bad faith, as demonstrated by the attached exhibits.

Respondents' may claim that administrative convenience or lack of bed space, rather than bad faith, motivates the immediate transfer of unlawfully detained Minnesotans out of state. The record belies that assertion. If Respondents truly had a humanitarian interest in ensuring that C.R.T.V. had a bed to sleep on last night, they would have allowed the two year old to remain at home with her mother instead of taking her into custody. *Id.* ¶ 19. Respondents should be aware that courts across this country have continuously held

that the statutory basis Respondents are relying on to detain huge swaths of the population are without merit. *See, e.g., Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025). Therefore, Respondents cannot continue to detain individuals using this erroneous justification, while also claiming that they have insufficient space to house individuals they have unlawfully detained in the first instance.

The only effective remedy is for the Court to exercise its inherent authority to order Respondents to immediately cease inter-state transfers of individuals detained in Minnesota.

Respondents' counsel has acknowledged that they are immediately transferring individuals detained in Minnesota across state lines in an effort to evade this Court's authority. Accordingly, Petitioners respectfully request that this Court promptly hold a hearing on an order to show cause and grant the requested relief immediately.

WHEREFORE, Petitioners respectfully request that this Honorable Court:

1. Enjoin transfers of individuals detained in Minnesota for perceived violations of the Immigration Nationality Act to facilities outside of the jurisdiction of the District of Minnesota;
2. Hold a hearing on the issues raised in this Motion; and
3. Grant any other relief as is deemed equitable and just.

Dated: January 23, 2026

Respectfully submitted,

/s/Kira Kelley

Kira Kelley (MN #402932)

Climate Defense Project

P.O. Box 7040

Minneapolis, MN 55407

(802) 683-4086

kira@climatedefenseproject.org

Irina Vaynerman (MN #0396759)

Chelsea Walcker (MN#0396792)

Groundwork Legal

1650 West End Blvd., Suite 100

St. Louis Park, MN 55416

(612) 208-9349

irina@groundworklegal.org

chelsea@groundworklegal.org

Attorneys for Petitioners