

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

Elvis Joel Tipan Echeverria, and

C.R.T.V., a minor child.

Petitioner,

v.

DAVID EASTERWOOD, in his official capacity as Field Office Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement;

TODD M. LYONS, in his official capacity as Director of Immigration and Customs Enforcement;

KRISTI NOEM, In her official capacity as Secretary of Homeland Security;

U.S. DEPARTMENT OF HOMELAND SECURITY; and

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

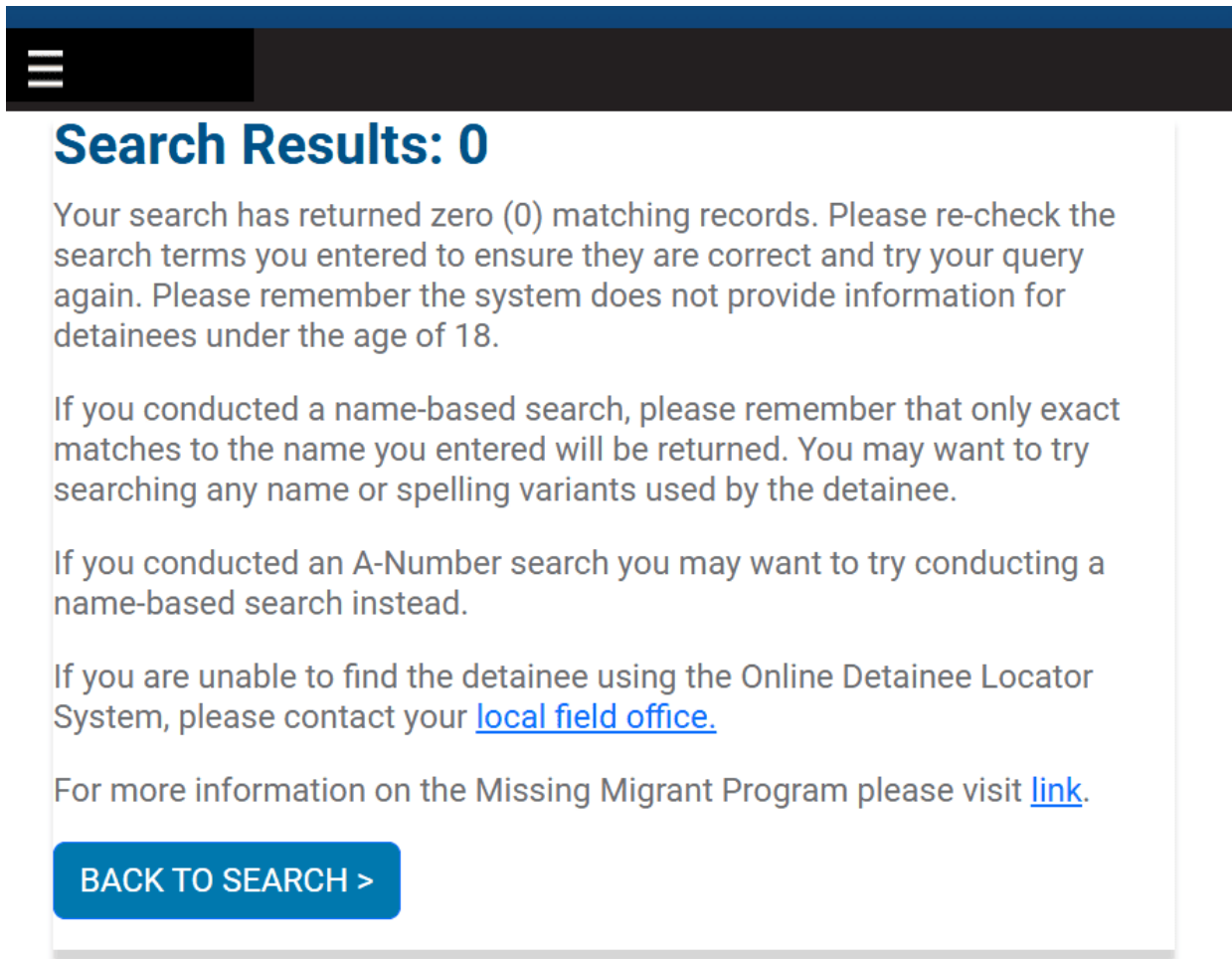
Case No. 26-cv-561

**AFFIDAVIT OF
KIRA KELLEY**

I, Kira Kelley, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney licensed to practice in Minnesota's state and federal courts, as well as in the nationwide executive immigration courts ("EOIR"), among other jurisdictions.
2. I was contacted in the early afternoon of January 22, 2026, by several friends and neighbors who were requesting my presence on behalf of a mother in my neighborhood whose husband and two-year-old child had just been taken into immigration custody.

3. I literally ran down the street to my neighbor's house, and sat with the remaining family members to learn from them what happened. I filed a habeas corpus petition for the detained adult Elvis Joel and his two year old daughter C.R.T.V. as fast as I possibly could, approximately four hours after the detention had taken place, at 5:37 p.m.
4. Immediately after filing a petition for habeas corpus, I drafted and filed a Motion to Show Cause and request for injunctive relief. This motion, filed at 6:10 p.m., requested that the Court enjoin the transfer of Mr. Elvis Joel outside of the District of Minnesota, and order the release of the two year old for the duration of the proceedings.
5. Throughout the afternoon I attempted to locate Mr. Elvis Joel on the ICE Detainee Locator using the A number he provided to his wife during a brief phone call from detention, but was met with the following error screen:



The screenshot shows a web interface with a dark blue header containing a white hamburger menu icon. Below the header, the main content area has a light gray background. At the top of this area, the text "Search Results: 0" is displayed in a large, bold, blue font. Below this, there is a paragraph of text in a smaller, gray font: "Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18." This is followed by two more paragraphs of gray text: "If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee." and "If you conducted an A-Number search you may want to try conducting a name-based search instead." Below these, another paragraph of gray text states: "If you are unable to find the detainee using the Online Detainee Locator System, please contact your [local field office](#)." The final paragraph of gray text says: "For more information on the Missing Migrant Program please visit [link](#)." At the bottom of the content area, there is a blue button with the text "BACK TO SEARCH >" in white.

Search Results: 0

Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18.

If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee.

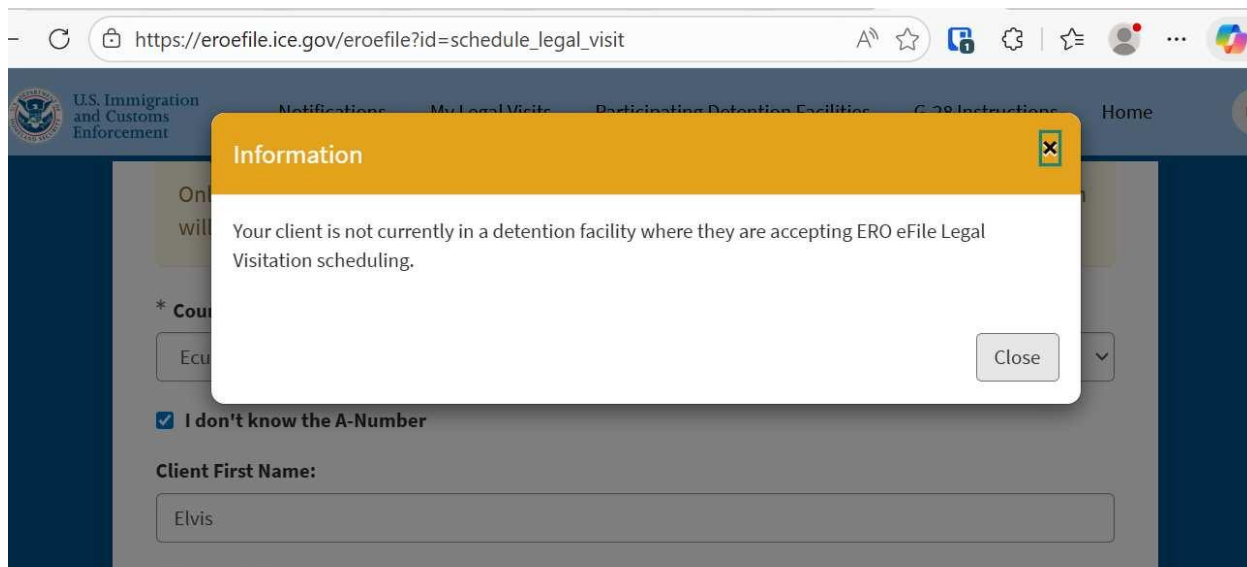
If you conducted an A-Number search you may want to try conducting a name-based search instead.

If you are unable to find the detainee using the Online Detainee Locator System, please contact your [local field office](#).

For more information on the Missing Migrant Program please visit [link](#).

[BACK TO SEARCH >](#)

6. I attempted to contact the St. Paul field office using the phone number provided on their website, but the call would not go through, the phone line appeared to be disconnected.
7. I attempted to file a G-28 to set up a legal consult with him on ERO's website, as instructed by ICE, and was met with this error message:



8. At approximately 6:30 p.m. I attempted to place a phone call to the attorney for the United States, but she did not answer. I left a voicemail saying that I was calling about an emergency having to do with an infant who was taken into immigration custody. She also declined to speak to my co counsel at this time.
9. My infant client's mother and I signed a notarized temporary Delegation of Parental Authority form together, granting me custodial and guardianship rights of my infant client so that I would be legally authorized to retrieve my client from custody, should the opportunity be afforded.
10. At 7:04 p.m., I emailed a copy of my G-28 appearances for both clients to the Department of Justice attorneys who represent Immigrations Customs Enforcement and the St. Paul Field Office, where I understood my clients to be currently detained—in an adult detention facility. Exhibit A. I informed ICE attorneys about this matter, flagged the immediate urgency of this case, and provided my personal cell phone number to expedite communications.
11. I procured a carseat, and drove to the Bishop Henry Whipple building ("the Whipple") with two colleagues.

12. At 8:11 p.m., the Court granted an injunction and ordered that my clients not be removed from the State of Minnesota.
13. At 8:15, attorneys from the Department of Justice replied to my email where I requested an immediate phone regarding my infant client, redirecting my email to other attorneys in their office. Exhibit A.
14. At 8:30, Respondents' counsel informed the parties that she was now attempting to contact the attorneys who represent ICE.
15. At 8:57, the Respondents' counsel informed me that ICE had placed Mr. Elvis Joel and C.R.T.V. on a commercial airline flight to Texas at 8:30 p.m.
16. At 9:06 pm, Respondents' counsel indicated that Respondents would agree to fly C.R.T.V. back 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." (emphasis added).
17. The next day, another Assistant United States Attorney called me about a different noncitizen client of mine who I represent in a similar habeas corpus proceeding. This attorney acknowledged that my client was moved out of the District of Minnesota in violation of an order of this court, and attributed the problem in part to the fact that ICE's attorneys are not responsive to emails they are receiving about these court orders.
18. This attorney also represented to me that, while he was not certain, to his knowledge ICE did not use commercial flights to transfer detained noncitizens.
19. I spoke with the mother and spouse of my detained clients to ascertain the facts of her loved ones' detentions, and learned the following:
 - a. Elvis Joel and C.R.T.V. were detained sometime around 1:00 p.m. on January 22, 2026. They were driving back from the store together.
 - b. ICE entered the back yard and driveway area of my clients' home in their vehicles, without a warrant. They exited their vehicles, and one agent broke the glass on the window of Mr. Elvis Joel's vehicle—*while his infant daughter was also inside*.
 - c. C.R.T.V.'s mother was standing at first outside the door to the home, about fifteen paces away from her husband. She and her husband were calling out to each other. He was attempting to bring C.R.T.V. to her.

- d. ICE agents who had exited their vehicles approached C.R.T.V.'s mother, and upon seeing them she stepped back inside the house.
 - e. ICE agents would not allow Mr. Elvis Joel to bring his daughter to her mother or the other family members waiting terrified inside the home.
 - f. The baby and Mr. Elvis Joel were placed inside the back of an ICE vehicle, which needless to say did not have a carseat.
20. I have not been able to contact Mr. Elvis Joel or his baby since they have been taken into custody, despite numerous phone calls, emails, and attempt to submit visitation requests online.

I declare under penalty of perjury that this declaration is true and correct to the best of my knowledge.

Executed on January 23, 2026, in Hennepin County Minnesota.

A handwritten signature in blue ink, appearing to read 'Kira Kelley', is written over a horizontal line.

Kira Kelley



Kira Kelley <kira@climatedefenseproject.org>

URGENT - INFANT IN DANGER - G 28s on file

Sheqem, Tara (USAMN) <Tara.Sheqem@usdoj.gov>

Thu, Jan 22, 2026 at 8:15 PM

To: Kira Kelley <kira@climatedefenseproject.org>, "St Paul.Outreach" <StPaul.Outreach@ice.dhs.gov>, Sarah M <Sarah.M.Hogfoss@ice.dhs.gov>, "Kyllonen, Andrea (USAMN)" <Andrea.Kyllonen@usdoj.gov>, "Merle, Catherine (USAMN)" <Catherine.Merle@usdoj.gov>, "Barr, Abigail (USAMN)" <Abigail.Barr@usdoj.gov>, "Page, Justin (USAMN)" <Justin.Page2@usdoj.gov>

Replying all to CC handling AUSA Justin Page.

Thank you,

Tara Sheqem | Paralegal Specialist

U.S. Attorney's Office | District of Minnesota

300 South 4th Street | Minneapolis, MN 55415

T: 612.664.5777 | Email: Tara.Sheqem@usdoj.gov

From: Kira Kelley <kira@climatedefenseproject.org>

Sent: Thursday, January 22, 2026 7:04 PM

To: St Paul.Outreach <StPaul.Outreach@ice.dhs.gov>; Sarah M <Sarah.M.Hogfoss@ice.dhs.gov>; Sheqem, Tara (USAMN) <Tara.Sheqem@usdoj.gov>; Kyllonen, Andrea (USAMN) <Andrea.Kyllonen@usdoj.gov>; Merle, Catherine (USAMN) <Catherine.Merle@usdoj.gov>; Barr, Abigail (USAMN) <Abigail.Barr@usdoj.gov>

Subject: [EXTERNAL] URGENT - INFANT IN DANGER - G 28s on file

Hello,

Please find the attached G-28s on file for my clients, one of whom is a two-year-old infant in your custody, and call me as soon as possible, this is an emergency. My direct line is [REDACTED].

Thank you,

Kira

Kira Kelley (they/she)
Staff Attorney
Climate Defense Project
climatedefenseproject.org