

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

Elvis Joel T.E. and C.R.T.V., *a minor
child by and through her parent and
guardian Elvis Joel T.E.*,

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)

**PETITIONER’S MOTION TO
WITHDRAW UNOPPOSED MOTION
TO VOLUNTARILY DISMISS
HABEAS PETITION WITHOUT
PREJUDICE**

Petitioner Elvis Joel T.E., by his undersigned counsel, respectfully moves this Court to withdraw his previously filed Unopposed Motion to Voluntarily Dismiss Habeas Petition Without Prejudice (Doc. No. 21). This request is made prior to any ruling by this Court and is in the interest of ensuring that Mr. T.E.’s claims are fully and fairly adjudicated on the merits. Respondents take no position on this motion.

On January 26, 2026, Mr. T.E. filed a motion to dismiss his pending petition for writ of habeas corpus. At the time, he had been enduring prolonged detention under exceptionally difficult conditions and a period of acute emotional distress and uncertainty while living in constant fear. Following further consultation with counsel and careful reflection on the consequences of dismissal, Mr. T.E. has determined that he wishes to proceed with his habeas petition. His prior motion was not the product of delay, but rather the understandable reaction of a detained individual facing prolonged detention under harsh circumstances.

Withdrawal of the motion to dismiss is appropriate and well within this Court's discretion. This Court has not ruled on the prior motion, nor has it adjudicated the merits of the petition. There is no showing of bad faith and granting withdrawal will not prejudice Respondents, as the case will simply proceed in its ordinary course, and Respondents will retain their ability to respond to the petition.

For these reasons, Mr. T.E. respectfully requests that the Court grant his motion to withdraw his Unopposed Motion to Voluntarily Dismiss Habeas Petition Without Prejudice and enter a scheduling order for further briefing on the petition.

Dated: February 19, 2026

Respectfully submitted,

/s/ Chelsea Walcker
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Attorneys for Petitioners

CERTIFICATE OF COMPLIANCE

I, Chelsea Walcker, certify that Petitioner's Motion to Withdraw conforms to the requirements of LR 7.1. This motion and memorandum was prepared in 13-point font using Microsoft Word, whose word count function has been applied specifically to count all text aside from the case caption and signature block, and includes headings, footnotes, and quotations. The total count is XXX words.

Dated: February 18, 2026

/s/ Chelsea Walcker
Chelsea Walcker

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MEET AND CONFER STATEMENT

Undersigned counsel, Chelsea Walcker, contacted the U.S. Attorney's Office on February 18, 2026, regarding this matter and was directed to Assistant United States Attorney Justin Page. The undersigned conferred with AUSA Page concerning Petitioner's motion to withdraw. AUSA Page advised that replacement counsel for former AUSA Ana Voss, the previous attorney of record for Respondents, had not yet been determined and that he was therefore unable to state Respondents' position on the motion at that time.

On February 19, 2026, AUSA Page informed the undersigned that he would serve as replacement counsel in this matter and that Respondents take no position on the Motion to Withdraw.

Dated: February 19, 2026

Respectfully submitted,

/s/ Chelsea Walcker

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**[PROPOSED] ORDER GRANTING
PETITIONER’S MOTION TO
WITHDRAW UNOPPOSED MOTION
TO VOLUNTARILY DISMISS
HABEAS PETITION WITHOUT
PREJUDICE**

Upon consideration of Petitioner Elvis Joel T.E.’s Motion to Withdraw Unopposed Motion to Voluntarily Dismiss Habeas Petition Without Prejudice, it is hereby ORDERED THAT:

1. The Motion to Withdraw is GRANTED.
2. Petitioner’s Unopposed Motion to Voluntarily Dismiss Habeas Petition Without Prejudice (Doc. No. 21) is hereby withdrawn.

IT IS SO ORDERED.

Hon. Katherine M. Menendez
United States District Judge