

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

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

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 REPLY IN
SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner, Elvis Joel Tipan Echeverria, (“Mr. Tipan Echeverria”), by and through undersigned counsel, respectfully submits this Reply in support of his Petition for a Writ of Habeas Corpus. Respondents erroneously claim that Mr. Tipan Echeverria is subject to mandatory detention under 8 U.S.C. § 1231. Respondents’ claim is based on an unsubstantiated allegation that Mr. Tipan Echeverria is subject to an expedited final order of removal for noncompliance with the terms of the Family Expedited Removal Management Program (FERM). In fact, there is no evidence to demonstrate that a final

order of removal was the basis for Respondents detaining Mr. Tipan Echeverria, nor has the government shown that a final removal order exists.

Respondents claim, without support, that Respondents apprehended Mr. Tipan Echeverria for allegedly not appearing for a credible fear interview. (Doc. No. 19 (“Defs.’ Resp. Br.”) at 3.) In fact, there is no evidence demonstrating that Respondents had any knowledge of Mr. Tipan Echeverria’s identity when Respondents apprehended Mr. Tipan Echeverria with his two-year old daughter—after breaking their car window and injuring the child. Deportation Officer William J. Robinson’s declaration is notably silent on this point. There is no evidence demonstrating that the ICE agents knew the identity of the individual they were arresting. While Respondents assert that, as they have in other cases, they believe this case is “*different* from the ‘typical’ § 1225/§ 1226 habeas petitions being filed in this Court,” *Delien W. v. Bondi*, Case No. 26-CV-1064 (PJS/EMB), Doc. No. 4, at 1 (D. Minn. Feb. 8, 2026) (emphasis in original); *cf.* Doc. No. 19 at 1 (noting that “[t]his is not [a] typical 1225/1226 case”), this is precisely such a “typical” case and should be treated consistently with the majority of similar petitions filed in this Court.

I. Respondents Present no Evidence of an Expedited Order of Removal

Respondents’ claim that Mr. Tipan Echeverria had an expedited order of removal is unsubstantiated. Without a final removal order, mandatory detention under 8 U.S.C. § 1231 does not apply. While Deportation Officer Robinson alleges that an expedited removal order exists, it is unclear if it exists, and if it does exist, when it was allegedly issued. As Respondents note, this Court has jurisdiction to review whether an expedited removal order exists. (Doc. No. 19 at 5 (citing 8 U.S.C. § 1252(e)(2))).

Respondents could have included a declaration by the detaining officer confirming exactly when the expedited order for removal was issued, or simply attaching a copy of the alleged order itself, but they did not do so. Instead, Deportation Officer Robinson only stated that “Immigration databases show [Petitioner] has an Expedited Removal Order.” (Doc. No. 20 at 12). Notably, however, Respondents did not have this Order in their possession at the time that they detained Petitioner—or even at the time that they filed a response to Petitioner’s petition for habeas corpus. *Id.* (“ICE is currently working on getting a true and correct copy [of the final removal order].”)

Given the prevalence of Respondents offering retroactive alleged justifications for detention, the lack of record evidence here is notable. *See, e.g., Alberto C.M.*, 2026 WL 184530, at *2 (detention found to be invalid where Respondents offered an I-200 warrant, but it was issued after non-citizen’s arrest); *Victor O. v. Bondi*, No. 26-CV-1122 (ECT/LIB), Doc. Nos. 1, 5 (detention found invalid where Respondents proffered a warrant that was dated February 7, 2026, when the petitioner’s detention occurred the day before, on February 6, 2026).

Nor would such a removal order retroactively justify an otherwise unlawful detention if Respondents were to have pressured Mr. Tipan Echeverria into signing a self-deportation agreement after he was already taken into custody.

II. Petitioner’s Detention Violated Due Process

Respondents detained Mr. Tipan Echeverria and his two-year old daughter without knowing their identities, and without being in possession of (1) a final removal order, which is required to detain someone under 8 U.S.C. § 1231, or (2) a warrant, which is

required to detain someone under 8 U.S.C. § 1226(a). Even if an expedited removal order existed before Respondents detained Mr. Tipan Echeverria, Mr. Tipan Echeverria should still be released because he had no knowledge of the alleged removal order at the time of his detention and Respondents arrested him without an administrative warrant. *See Alberto C.M. v. Noem*, No. 26-cv-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (granting a habeas petition because petitioner’s arrest warrant “was not issued until after his arrest and initial detention”).

Here, Respondents did not have the required administrative warrant for Petitioner’s arrest. Courts consistently hold that an administrative warrant is a prerequisite to discretionary detention pursuant to 8 U.S.C. § 1226(a), and the proper remedy is outright release rather than a bond hearing. *See Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025); *Ahmed M. v. Bondi et al.*, 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026). Respondents could have included a warrant and a declaration or affidavit by the detaining officer confirming whether a warrant was issued and served before Mr. Tipan Echeverria was detained but they did not do so. Instead, Respondents claim that “USBP targeted Petitioner due to being a FERM absconder,” without any citation or proof that they had a warrant for his arrest or that they even knew who Petitioner was when they arrested him.¹ (Doc. No. 19 at 3).

¹ The declaration also contains minimal details about the actual notification process or Mr. Tipan Echeverria’s understanding of his obligations. Without evidence of proper notice and comprehension of program requirements, the characterization of Mr. Tipan Echeverria as having deliberately “absconded” is premature and prejudicial.

As this Court has previously noted, “[w]here the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.” *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025), Doc. No. 9 (Order on Petition), at 6 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). Rather, “[r]elease is an available and appropriate remedy” for “detention that lacks a lawful predicate.” *Victor O. v. Bondi*, 2026 WL 392428, at *3 (D. Minn. Feb. 11, 2026).

For the reasons detailed above, Mr. Tipan Echeverria’s detention is unlawful and he should be released.

III. Any Alleged Agreement to Self-Deport is Invalid

Finally, any alleged agreement to self-deport that Mr. Tipan Echeverria may have signed while in custody is not a valid basis for his continued detention. While the Court has already permitted Mr. Tipan Echeverria to continue to pursue his habeas petition (Doc. No. 25), if Respondents assert that any supposed self- deportation agreement provides a basis for his ongoing detention, the undersigned counsel respectfully request the right to conduct limited discovery and/or hold an evidentiary hearing where witnesses may be called to testify as to the extent that a signature on any such form was knowing, properly informed, and voluntary. *See, e.g., Dada v. Mukasey*, 554 U.S. 1, 21 (2008) (finding that a noncitizen “must be permitted to withdraw, unilaterally, a voluntary departure request before expiration of the departure period”); *Reyes-Vasquez v. Ashcroft*, 395 F.3d 903, 909 (8th Cir. 2005) (finding voluntary departure to be invalid where “the record is insufficient

to support a finding that Reyes-Vasquez knowingly agreed to administrative voluntary departure . . . and was made aware that he would otherwise face removal proceedings”).

CONCLUSION

For the foregoing reasons, Mr. Tipan Echeverria respectfully requests that the Court order his immediate release and enjoin Respondents from re-detaining Mr. Tipan Echeverria under the same or similar statutory theories.

Dated: February 26, 2026

Respectfully submitted,

/s/ Irina Vaynerman

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