

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

Joel Andres R.M.,

Petitioner,

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-605

MOTION TO SHOW CAUSE

Expedited Handling Requested

Petitioner Joel Andres R. M. was taken without a warrant by U.S. Immigration and Customs Enforcement (“ICE”) while he was at work on January 23, 2026. *See* Verified Petition for Writ of Habeas Corpus (“Habeas Pet.”), Dkt. No. 1. He has a pending affirmative claim for asylum that was timely filed, and is working under proper authorization from the government. *Id.*

ICE arrested Petitioner 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) and) ICE may be on the verge of transporting Petitioner outside of the jurisdiction of Minnesota.

In this action, Petitioner accordingly challenges 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, Petitioner respectfully requests that this Court order Respondents to immediately release Petitioner from custody. Petitioner further seeks 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.*

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

First, pursuant to 28 U.S.C. § 2243, Petitioner requests 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. Petitioner respectfully requests that the time for Respondent’s return required by this Court not exceed three days.

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.

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.

Second, consistent with this Court’s past practice in prior cases, Petitioner respectfully requests that this Court enter an immediate order preventing his removal or transfer from the United States and the District of Minnesota 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).

Respectfully submitted,

Date: January 23, 2025

/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 Petitioner

CERTIFICATE OF COMPLIANCE

I certify that this motion contains 650 words in compliance with the Local Rules. I further certify that no generative artificial intelligence program was used in drafting this document.

Jan. 20, 2026

/s/ Kira A Kelley
KIRA A. KELLEY