UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SAMUEL ENRIQUE SANCHEZ ALAMILLA 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. ________ **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Samuel Enrique Sanchez Alamilla, by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release him from ICE detention, or in the alternative to enjoin Petitioner's transfer to a facility outside of Minnesota and to provide a bond hearing pending the completion of any immigration proceedings.

2. Petitioner is 50 years old, a national of Mexico, and is a T nonimmigrant in valid status. Petitioner's arrest is part of the U.S. Department of Homeland Security's recent nationwide strategy of detaining thousands of noncitizens without warrants while they are going about their daily lives. Through this practice, the U.S. Department of Homeland Security has

sought to leverage detention as a means of circumventing substantive and procedural safeguards and pressuring noncitizens into removal. In Petitioner's case, Immigration and Customs Enforcement officers approached him as he was leaving his apartment building for work and immediately detained him, despite Petitioner being in lawful immigration status and there being no lawful basis for his detention.

PARTIES

3. Petitioner is a Mexican national who resides in Minneapolis, MN, and is currently detained at Bishop Henry Whipple Building in Fort Snelling, Minnesota. Petitioner was subjected to labor trafficking, which formed the basis for his approval of T nonimmigrant status. He is in the custody, and under the direct control, of Respondents and their agents and has no scheduled release date.

4. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director of the Fort Snelling Field Office for Immigration and Customs Enforcement within the U.S. Department of Homeland Security. In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Petitioner. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

5. Respondent Todd Lyons is being sued in his official capacity as the Acting Director of Immigration and Customs Enforcement. As the Senior Official Performing the Duties of the Director of Immigration and Customs Enforcement, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in the District of Minnesota; is legally responsible for pursuing any effort

to remove Petitioner; and as such is a custodian of Petitioner. His address is Immigration and Customs Enforcement, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, D.C. 20536-5900.

6. Respondent Kristi Noem is being sued in her official capacity as the Secretary of Homeland Security in the U.S. Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to section 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a); routinely transacts business in the District of Minnesota; is legally responsible for pursuing any effort to detain and remove Petitioner; and as such is a custodian of Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, D.C. 20528-0485.

7. Respondent U.S. Department of Homeland Security ("DHS") is an executive department of the United States Government headquartered in Washington, D.C. DHS is the parent agency of Immigration and Customs Enforcement.

8. Respondent Immigration and Customs Enforcement ("ICE") is a component agency of DHS and is responsible for enforcing federal immigration law, including the detention and removal of immigrants.

JURISDICTION & VENUE

9. The Court has subject matter jurisdiction pursuant to Article I, § 9, cl. 2 of the U.S. Constitution ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

10. The Court also has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus) and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

11. Federal question jurisdiction exists because Petitioner seeks to challenge this custody as a violation of the Constitution.

12. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security ("DHS"). *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

13. Venue is proper in the District of Minnesota under 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Petitioner has been detained at 1 Federal Drive, Fort Snelling, Minnesota in the District of Minnesota by ICE and was under the custody and control of ICE officials in the District of Minnesota at the time of the filing of this petition.

THE ALL WRITS ACT AND THE REQUIREMENTS OF 28 U.S.C. § 2243

14. The All Writs Act provides that all courts established by Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. 28 U.S.C. § 1651

15. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

FACTUAL SUMMARY

16. Petitioner is a resident of Minneapolis, Minnesota, and a citizen of Mexico. Petitioner is 50 years old and has lived in the United States since September 2004.

17. Petitioner suffered from labor trafficking, reported the trafficking to law enforcement, and was granted T nonimmigrant status on June 30, 2021. A month later, on July 29, 2021, his removal proceedings were dismissed in recognition of his lawful status. As of the filing of this petition, DHS has not reinitiated removal proceedings with service of a notice to appear, warrant of arrest, or otherwise.

18. Petitioner has maintained lawful T nonimmigrant status since it was granted. On March 28, 2025, Petitioner filed for adjustment of status to lawful permanent residency based on his T nonimmigrant status, prior to the date of expiration of his status on June 29, 2025, which automatically extended the validity of his status while his adjustment of status application is pending.

19. Petitioner is authorized to work incident to his T nonimmigrant status. Petitioner works full time to support his wife and send money to his children. Petitioner pays taxes to the government of the United States and Minnesota.

20. Petitioner lives with his wife in Minneapolis, Minnesota. He is the parent of three adult children.

21. Petitioner was convicted of a DUI in 2014, and since then, has had no criminal history other than traffic violations.

22. On Saturday, January 24, 2026, around 8:30 AM, Petitioner was leaving his home to go to work when he was approached by ICE agents waiting outside his apartment building.

Petitioner was immediately detained. An hour or two later, Petitioner was able to call his wife to inform her that he was detained.

23. This arrest was part of an operation in Hennepin County and Ramsey County called "Operation Metro Surge." This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody, regardless of the constitutionality of their actions. *See, e.g.*, Compl., *Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. Dec. 17, 2025).

24. The undersigned used ICE's online detainee locator system to attempt to track whether Petitioner had been transferred. At the time of this filing, ICE's online system shows no results with a search using Petitioner's alien number and country of birth. *See* https://locator.ice.gov/odls/#/results.

25. Petitioner poses no risk to society and has strong connections to his community in Hennepin County.

26. Petitioner respectfully seeks the opportunity to return to his home in Minneapolis, Minnesota, and to continue following the legal processes set up by Congress and DHS for immigrants to seek permanent status in this country.

27. Pending the adjudication of his Petition, Petitioner further seeks an order restraining the Respondents from transferring him to another detention facility, so that his case may remain within the jurisdiction of this Court.

LEGAL BACKGROUND

Statutory Bases for Immigration Detention

28. There are three statutory schemes whereby the Government may subject noncitizens to civil, immigration detention.

29. Pursuant to 8 U.S.C. § 1231, a noncitizen, who is subject to a final order of removal, may be detained to effectuate their removal from the United States.

30. Under the "expedited removal" scheme found at 8 U.S.C. § 1225, et. seq., a truncated process with limited due process protections intended to apply to certain persons apprehended at the border, noncitizens are subject to mandatory rather than discretionary detention.

31. Pursuant to 8 U.S.C. § 1226, a noncitizen may be detained, during the pendency of a removal proceeding. These grounds are either discretionary (§ 1226(a)) or mandatory (§ 1226(c)), for specific criminal grounds not applicable to the within matter.

32. The aforesaid bases of detention must be read in light of the U.S. Constitution, as it establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community. *See id.* at 690.

Inapplicability of Bases for Immigration Detention to Petitioner

33. None of the three statutory schemes apply in this case, making Petitioner's detention unlawful.

34. As Petitioner has never been issued a removal order, 8 U.S.C. § 1231, authorizing detention of noncitizens subject to a final order of removal to effectuate their removal from the United States, does not apply.

35. Expedited removal is a protocol whereby immigration officers from U.S. Customs and Border Protection, a division of DHS, may order the summary deportation of certain persons seeking admission into the United States. 8 U.S.C. § 1225, *et. seq*. These provisions do not apply to Petitioner, as has already been lawfully admitted and remains in lawful status, and thus he is not subject to the grounds of inadmissibility. 8 U.S.C. § 1225.

36. 8 U.S.C. § 1226(a) allows the Attorney General to arrest and detain noncitizens pending a determination on their removability. The only possible statutory authority for a T nonimmigrant admitted to the United States who lacks any criminal history making him removable and whose prior removal process was dismissed is 8 U.S.C. 1226(a). That statute allows DHS to detain a noncitizen "[o]n a warrant issued by the Attorney General… pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. 1226(a). But this statute only applies to those whom DHS places into removal proceedings under 8 U.S.C. 1229(a) pursuant to a charge that the noncitizen has triggered a ground of removal. For an admitted noncitizen such as a T nonimmigrant, DHS may only commence removal proceedings, and thus justify 1226(a) detention, if they are alleged to have triggered one or more grounds of deportability under 8 U.S.C. § 1227.

37. There are no removal proceedings pending against Petitioner, as his proceedings were dismissed on July 29, 2021, following his grant of T nonimmigrant status. DHS has not reinstituted removal proceedings by filing charges with the immigration court. Petitioner's T nonimmigrant status remains valid as its validity was automatically extended by filing

an application for adjustment of status while he awaits a decision on his application. 8 USC § 1184(o)(7)(c). And the Petitioner has no criminal history that would subject him to any ground of removal. Because there have been no meaningful changes in Petitioner's status or his removability since his admission into T nonimmigrant status and DHS has not reinitiated removal proceedings, his detention cannot be justified by 1226(a).

38. Detention and the invasion of noncitizen liberty may not be at the whim of the Respondents or merely part of the process of deciding adjustment of status applications when no grounds for removal are at play.

The Trafficking Victims Protection Act T Nonimmigrant Status ("T-visa") Program

39. The Trafficking Victims Protection Act T Nonimmigrant Status ("T-visa") is a form of immigration relief for noncitizens who are victims of human trafficking in the United States which provides a pathway to lawful permanent residency.

40. The Trafficking Victims Protection Act ("TVPA") defines severe forms of trafficking in persons as "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." 22 U.S.C. § 7102(11)(B).

41. Congress passed the TVPA in part because "providing battered immigrant[s] . . . with protection against deportation" allows them to seek help without "fearing that the abuser will retaliate by withdrawing . . . access to an immigration benefit under the abuser's control[.]" Victims of Trafficking and Violence Protection Act of 2000, Pub L. No. 106-386 § 1502(a)(2).

42. Applicants for T nonimmigrant status must demonstrate that they (a) have been a victim of a severe form of human trafficking, (b) have maintained physical presence in the United States since the human trafficking incident occurred, (c) have complied with reasonable law enforcement requests for assistance, (d) would suffer extreme hardship involving unusual and severe harm upon removal, and (e) provide no reason for suspicion that they have committed human trafficking. 8 C.F.R. § 214.202.

43. DHS grants T nonimmigrant status for a period of 4 years and authorizes T nonimmigrants to apply for adjustment of status to lawful permanent residency after 3 years of holding T nonimmigrant status or as soon as the investigation or prosecution of the trafficking is complete. 8 USC § 1255(l)(1)(A). Applicants must show they have been continuously physically present in the United States during that time. *Id.* Additionally, applicants must demonstrate they have either a) complied with any reasonable request for assistance in the investigation or prosecution of the trafficking, b) were unable to cooperate because of trauma, c) were under 18 years old when the trafficking occurred, or d) would suffer extreme hardship upon removal from the United States. 8 USC § 1255(l)(1)(C). And applicants must also demonstrate that they are admissible or have been granted a waiver, have been a person of good moral character since being granted T nonimmigrant status, and merit a favorable exercise of discretion. 8 USC §§ 1255(l)(1)(B); 1255(l)(2).

44. T nonimmigrants who have timely applied for adjustment of status to permanent residency are automatically granted an extension of their T nonimmigrant status while they await a decision on their adjustment application. 8 USC § 1184(o)(7)(c).

45. An applicant for adjustment of status based on T nonimmigrant status must be physically present in the United States to qualify, and their presence must be continuous. A T

nonimmigrant interrupts their continuous physical presence if they depart the United States for a single period in excess of 90 days, or for any period exceeding 180 days, unless the absence was necessary to assist in the investigation or prosecution of the trafficking or an official involved certifies the absence was justified. 8 USC § 1255(l)(3). Therefore, an executed order of removal from the United States would render a noncitizen survivor of human trafficking who had been granted T nonimmigrant status ineligible to apply for permanent residency because they are no longer present in the United States.

Abrupt Policy Reversal with Respect to Protecting Survivors of Crime & Trafficking

46. DHS policy has, for decades, consistently implemented Congress's intent to encourage noncitizen victims of domestic violence, severe trafficking, and other serious crimes to report crime and cooperate with law enforcement without fear of immigration consequences.

47. In 2007, ICE issued a memo summarizing and providing "practice considerations" for ICE attorneys after the Violence Against Women Act ("VAWA") of 2005 was enacted.[1]

48. In 2011, ICE issued additional guidance establishing "agency policy regarding the exercise of prosecutorial discretion" in "the handling of cases involving T and U visas," with the express purpose to "minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice." John Morton, ICE Policy Statement 10076.1, Prose*cutorial Discretion: Certain Victims, Witnesses, and Plaintiffs* (Jun. 17, 2011) ("2011 Policy" or "Morton Memo") at 1, available at https://www.ice.gov/doclib/foia/prosecutorial-discretion/certain-victims-witnesses-plaintiffs.pdf. In guiding this discretion, the 2011 Policy reminds agents that, through the TVPA, "its subsequent

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[1] Memorandum from William Howard, Principal Legal Advisor, to All OPLA Chief Counsel, *VAWA 2005 Amendments to Immigration and Nationality Act and 8 U.S.C. § 1367* (Feb. 1, 2007), available at https://www.ice.gov/doclib/foia/policy/memoVAWA_2005_INA_Amendments_02.01.2007.pdf (last visited Dec. 19, 2025).

reauthorization" in the TVPRA, "and the Violence Against Women Act," Congress created "protections for the victims of crime," including "victims of domestic violence, victims of certain other crimes" delineated in the U visa statute, "and victims of human trafficking." *Id.*

49. Accordingly, the 2011 Policy reiterates that it is generally against ICE policy "to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime," unless there are "special circumstances or aggravating factors" or other "serious adverse factors" that warrant an exception to the general rule. *Id.* at 1–2.

50. During the Biden Administration in 2021, ICE issued Directive 11005.3, encouraging a "Victim-Centered" enforcement approach and superseding the 2019 Directive. ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Dec. 2, 2021) ("2021 Directive"), available at https://www.ice.gov/doclib/foia/policy/11005.3_UsingVictimCenteredApproachNoncitizenVictims.pdf. The 2021 Directive highlights that "Congress created victim-based immigration benefits to encourage noncitizen victims to seek assistance and report crimes committed against them despite their undocumented status," and clarifies that "[w]hen victims have access to humanitarian protections, regardless of their immigration status, and can feel safe in coming forward, it strengthens the ability of local, state, and federal law enforcement agencies, including ICE, to detect, investigate, and prosecute crimes." *Id.* Consequently, the 2021 Directive aims to "minimize[] any chilling effect that civil immigration enforcement actions may have on the willingness and ability of noncitizen crime victims to contact law enforcement, participate in investigations and prosecutions, pursue justice, and seek benefits" and to "bolster[] faith in the entire criminal justice and civil immigration systems." *Id.*

51. The 2021 Directive continued ICE's longstanding policy to "refrain from taking civil enforcement action against" individuals known to be victims of crimes unless there are "exceptional circumstances" such as national security concerns or a "risk of death, violence, or physical harm to any person." *Id.* at 1–2. The 2021 Directive also reinstated a policy of requesting expedited adjudications for people in ICE custody. *Id.* at 9. "The fact that someone is a victim of crime and . . . may be eligible for victim-based benefits" is to be considered a "positive discretionary factor." *Id.*

52. Shortly after the change in administration, ICE Acting Director Caleb Vitello issued new guidance ("2025 Guidance"). The minimal 2025 Guidance explicitly "reinstated and superseded" the 2021 Policy and 2011 Policy, and replaced them with requirements that, when conducting civil immigration enforcement actions against applicants for Survivor-based Benefits, ICE officers:

> (1) need only "coordinate and deconflict" with law enforcement agencies "to ensure criminal investigative and other enforcement actions will not be compromised";
> (2) "should consult with" local ICE attorneys "only to ensure any such action is consistent with applicable legal limitations";
> (3) need not consider the fact that a noncitizen "is a victim of a crime" as "a positive discretionary factor"; and
> (4) "will no longer routinely request expedited adjudications from USCIS," but may do so only when "it is in *ICE*'s best interests."
>
> 2025 Guidance at 2–3.

53. The 2025 Guidance thus reverses course from decades of agency practice under which immigration agencies generally refrain from enforcement against survivors of serious crime, unless warranted by adverse factors. The 2025 Guidance instead requires enforcement against survivors of crime to the maximum extent that ICE attorneys deem legal, with the only exception being when enforcement will interfere with active law enforcement investigations.

54. The unprecedented result from the abrupt policy change is that noncitizen victims of crime and severe human trafficking who have cooperated with law enforcement, applied for the benefits Congress afforded them for doing so, and are simply awaiting adjudication of their applications, including even those with valid grants of deferred action or who are prima facie eligible for relief, are now routinely detained or deported.

55. The 2025 Guidance attempts to justify this abrupt change in a single sentence, identifying the sole rationale as language from an Executive Order issued on the first day of President Trump's second term, which called for "the 'total and efficient enforcement of [immigration] laws' against all inadmissible and removable" people. *Id.* at 2. The 2025 Guidance does not reference any of the factual findings or purposes of Congress's enactments or prior immigration policies, much less make any its own.

56. In this case, ICE's actions are even more egregious because Petitioner *has already been granted* protection under the TVPA in the form of T nonimmigrant status. ICE's complete failure to verify whether the individuals it detains are in lawful status flies in the face of the immigration laws as well as decades of policy specifically geared toward protecting survivors of serious crime and human trafficking.

CLAIMS FOR RELIEF

FIRST CLAIM

Violation of Fifth Amendment Right to Due Process

57. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

58. The U.S. Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

59. The Government's detention of Petitioner is unjustified. The Government has not demonstrated that Petitioner—who has limited criminal history, has close ties in the community, and has an adjustment of status to permanent residency application pending based on his valid T nonimmigrant status—needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community).

60. Petitioner is neither a danger nor a flight risk and his detention is arbitrary on its face. There is no credible argument that Petitioner cannot be safely released back to his community. He has faithfully complied with every condition of his T nonimmigrant status for years without incident and timely filed for adjustment of status to lawful permanent residency. No change in circumstances exists to warrant his detention while in lawful status and without any charges of removability against him.

61. Petitioner has also been denied due process in that he has not been able to communicate with his attorney. Undersigned attempted to meet with Petitioner where he is detained at the Bishop Henry Whipple Federal Building and was denied entry into the grounds. Calls to the ICE detainee hotline at Fort Snelling and emails to the ICE Fort Snelling email went unanswered.

62. Petitioner's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution and therefore her continued detention is unlawful.

SECOND CLAIM

Violation of the Administrative Procedure Act and the *Accardi* Doctrine

63. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

64. The Administrative Procedure Act ("APA") provides that a court "shall . . . hold unlawful and set aside agency action . . . found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). When the government has promulgated "[r]egulations with the force and effect of law," those regulations "supplement the bare bones" of federal statutes, such that the agencies are bound to follow their own "existing valid regulations." *United States ex rel. Accardi Shaugnessy*, 347 U.S. 260, 265–66, 268 (1954). The *Accardi* doctrine also obligates agencies to comply with procedures it outlines in its internal manuals. *See Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (finding that an agency is obligated to comply with procedural rules outlined in its internal manual).

65. Respondents' course of enforcement action against Petitioner, including detaining him, contravenes the humanitarian protections he is entitled to pursue with no justification whatsoever.

66. Respondents' action is therefore arbitrary and capricious.

67. Petitioner has no adequate remedy at law.

THIRD CLAIM

Release on Bail Pending Adjudication

68. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

69. Although Petitioner argues that outright release is the appropriate remedy in this action, in the alternative, the Court should grant bail pending adjudication.

70. This Court has the "inherent authority" to grant bail to habeas petitioners like Mr. Sanchez Alamilla. *See Mapp v. Reno*, 241 F.3d 221, 230–31 (2d Cir. 2001) (holding that federal courts have inherent authority to set bail pending the adjudication of a habeas petition when the petition has raised substantial claims and extraordinary circumstances "make the grant of bail

necessary to make the habeas remedy effective"). In considering a petitioner's fitness for bail, courts assess (1) "whether the petition raises substantial claims" and (2) "whether extraordinary circumstances exist that make the grant of bail necessary to make the remedy effective." *Elkimya v. Dep't of Homeland Sec.*, 484 F.3d 151, 154 (2d Cir. 2007).

71. This Petition raises numerous substantial constitutional and statutory claims challenging Petitioner's arbitrary and capricious detention. As for the second factor, extraordinary circumstances exist here that make Petitioner's release necessary to make the remedy effective. Petitioner has been fully compliant with all the terms of his nonimmigrant status and timely filed for adjustment of status, granting him an automatic extension of the validity of his status past its expiration date. 8 USC § 1184(o)(7)(c). Nothing in his circumstances have changed to warrant his detention—he remains in lawful status, has no criminal history after his admission into T nonimmigrant status, and DHS has not reinitiated removal proceedings since they were dismissed in 2021.

72. Petitioner has established substantial claims, and he has also demonstrated extraordinary circumstances thereby making him eligible for bail.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Declare that Respondents' actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment, the Administrative Procedures Act, the *Accardi* Doctrine, and implementing regulations;
3) Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner, under the same conditions as existed prior to his detention;
4) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner immediately unless they provide a bond hearing under 8 U.S.C. § 1226(a)

within five days, at which hearing Respondents will bear the burden of justifying Petitioner's continued detention by clear and convincing evidence of dangerousness or flight risk;

5) Issue an Order prohibiting Respondents from seeking a stay of any order granting bond by the Immigration Judge, including by filing a form EOIR-43 (Notice of Service Intent to Appeal Custody Redetermination) or a motion for emergency stay;
6) Issue an Emergency Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States or transporting Petitioner out of this jurisdiction during the pendency of this petition;
7) Issue an Order stating that if Petitioner has already been removed from Minnesota, Respondents are required to immediately return Petitioner to Minnesota. *See* Order, Case No. 26-CV-0211 (PSJ/SGE), ECF No. 4 (D. Minn.) (filed Jan. 15, 2026) (Chief Judge Patrick J. Schiltz stating "[i]f petitioner has already been removed from Minnesota, respondents are ORDERED to immediately return petitioner to Minnesota.")
8) Issue an Order to Show Cause ordering Respondents to explain why this Petition should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 USC § 2243;
9) Issue an Order prohibiting Respondents from re-detaining Petitioner without a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence;
10) Require Respondents to permit Petitioner to contact his attorneys and vice versa throughout these proceedings;
11) Require Respondents to disclose the location of Petitioner to his attorneys at all times during these proceedings;
12) Award reasonable attorneys' fees and costs for this action; and
13) Grant any other and further relief that this Court deems just and proper.

Dated: January 24, 2026

Respectfully submitted,

By: /s/ *Camila Pacheco-Fores*
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Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys at Mid-Minnesota Legal Aid. I am submitting this verification on behalf of Petitioner because his current detention makes him unable to submit one on his own behalf. Upon information and belief, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 24, 2026

By: *<u>/s/Camila Pacheco-Fores</u>*
Camila Pacheco-Fores, ID No. 0402597