

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Pedro Pablo Duque Chaluiza,

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,

Marisa Flores, Director, El Paso Field
Office Immigration and Customs
Enforcement,

Major General Curtis Taylor,
Commanding General, ERO El Paso Camp
East Montana Detention Center, U.S.
Army Fort Bliss, and

David Easterwood, Field Office Director,
St. Paul Field Office, U.S. Immigration and
Customs Enforcement,

Respondents.

Case No. _____

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Pedro Pablo Duque Chaluiza ("Mr. Duque Chaluiza"), 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 Mr. Duque Chaluiza in the geographic area of the District, from ICE detention, or in the alternative to require his transfer to a facility in the District of Minnesota and to provide Petitioner with a bond hearing to permit release pending the completion of any immigration proceedings, and a declaration that Petitioner is a *Maldonado Bautista* Class Member.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. Federal question jurisdiction exists because Mr. Duque Chaluiza seeks to challenge this custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. 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"). *Denmore 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).

5. Venue is proper in this Court because Mr. Duque Chaluiza was apprehended within the State of Minnesota, conferring jurisdiction upon this Court. Slip Op. 2, Sue H., No. 26-cv-416 (D. Minn. Jan. 20, 2026). Respondents' subsequent decision to remove Mr. Duque Chaluzia from Minnesota to frustrate his efforts to exercise his due process rights and obtain habeas relief does not divest this Court of jurisdiction. *Id.*

PARTIES

6. Petitioner is a citizen of Ecuador and a resident of Minneapolis, Minnesota, who is currently being held at the ERO El Paso Camp East Montana

detention facility in El Paso, Texas. Petitioner is under the direct control of the respondents and has no scheduled release date.

7. Here, the Petitioner is unable to prepare, sign, or file this petition because is being held in ICE custody without reliable access to legal materials or translation services, and he faces pending removal. These conditions make meaningful access to the courts impossible absent next-friend intervention.

8. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. Duque Chaluiza.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the ICE field offices, and is legally responsible for pursuing Mr. Duque Chaluiza's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Duque Chaluiza.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent Marisa Flores is being sued in her official capacity as the Field Office Director for the El Paso Field Office for ICE within DHS. In that capacity, Field Office Director Marisa Flores has supervisory authority over the ICE agents who have custody of Mr. Duque Chaluiza. The address for the El Paso Field Office is 1541 Montana Ave, Suite E, El Paso, Texas, 79936.

12. Respondent Major General Curtis Taylor is being sued in his official capacity as the Commanding General responsible for the ERO El Paso Camp East Montana Detention Center within the U.S. Army Fort Bliss. Because Petitioner is detained in the ERO El Paso Camp East Montana Detention Center, Major General Taylor has immediate day-to-day control over Petitioner.

13. Respondent David Easterwood is the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Petitioner. The address for the St. Paul Field Office at Fort Snelling is 1 Federal Drive, Fort Snelling, Minnesota 55111.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

14. Petitioner is a resident of Minneapolis and a citizen of Ecuador, and has lived in the United States since March of 2024.

15. Mr. Duque Chaluiza entered the United States near the border on March 7, 2024, and was detained by Immigration. On March 11, 2024, Mr. Duque Chaluiza was released by an Order for Release on Recognizance. At the time of his release, Mr. Duque Chaluiza was ordered to return for an appearance with an immigration judge on May 18, 2028. Mr. Duque Chaluiza has a pending asylum application and does not have a final order of removal.

16. Mr. Duque Chaluiza is twenty-five years old and resides in Minnesota with his 19-year-old brother. He has helped provide stability for his younger brother, with whom he sought asylum to the United States. Mr. Duque Chaluiza is a devout Catholic and regularly attends church in North Minneapolis. He has absolutely no criminal record, has never been arrested, nor incurred so much as a traffic ticket while he has resided in Minnesota for nearly two years. Mr. Duque Chaluiza has a reputation for good moral character within his community of Minneapolis. He frequently helps out loved ones with whatever they need including home projects, painting, and clearing

snow in the winter. Mr. Duque Chaluiza also helps loved ones with child care, including pick up and drop off from school.

17. Respondent ICE arrested Mr. Duque Chaluiza on January 26, 2026. Mr. Duque Chaluiza was arrested outside the Southside Community Dental/Vision Clinic in Minneapolis. Mr. Duque Chaluiza had an appointment to extract a tooth due to extreme pain in his mouth. Southside Community Health Services (Southside) is a 501 c (3) nonprofit, federally qualified health center (FQHC) providing access to primary care to anyone in need in South Minneapolis. Mr. Duque Chaluiza had no choice but to seek these emergency dental services. ICE agents were surveilling this community dental/vision clinic, which services a high percentage of Latino immigration clients and vulnerable people. Mr. Duque Chaluiza remains detained while recovering from a serious tooth extraction with no aftercare or access to pain medication.

18. Subsequent to his arrest, Petitioner has been removed to ERO El Paso Camp East Montana detention facility in El Paso, Texas. This is one thousand three hundred and seventy-six miles away from his residence in Minneapolis, Minnesota. It also has separated him from his brother.

19. Detaining Mr. Duque Chaluiza is an expensive and pointless endeavor. Mr. Duque Chaluiza respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

20. Pending the adjudication of this Petition, Petitioner further seeks an order requiring Respondents to return him to Minnesota, not again detain him absent a change in circumstances, and prohibiting Respondents from transferring Petitioner to a location outside of Minnesota, so that the jurisdiction of this Court is not impeded, and so that Petitioner remains accessible to legal counsel and loved ones.

STANDARD OF LAW

21. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The “Great Writ” has been referred to by US Courts as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). A petitioner may seek a writ of habeas corpus

when their custody violates the US Constitution or a federal law. 28 U.S.C. § 22441(c)(3).

22. The Court should grant a petition for writ of habeas corpus or issue an order to show cause 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.*

23. Courts have jurisdiction to hear habeas petitions filed by noncitizens who have no final removal order, whose challenges to their arrest and detention are “independent of any future removal order.” *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *3 (W.D. Tex. Sept. 22, 2025). A petitioner is not required to exhaust administrative remedies prior to seeking habeas relief where, as here, the petitioner is not appealing a final order of removal. *Id.* at 6.

24. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

25. In July of 2025, Respondent DHS began ignoring the decades-long consensus of how 8 U.S.C. § 1225(b)(2) should be interpreted, which the Board of Immigration Appeals (“BIA”) articulated in a subsequent ruling. *In re: Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). Despite decades of precedent, Respondents suddenly claim that individuals who have been residing within the United States for nearly two years are somehow “seeking admission,” simply because they may have pending claims for asylum or other forms of status.

26. However, this Court and the majority around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those who have lived within the United States for nearly two years, and whose detention is discretionary and governed by 8 U.S.C. § 1226(a).

In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect. See *Lopez-Campos v. Raycraft*, — F. Supp. 3d —, — n.5, 2025 WL 2496379, at *8 n.5 (E.D. Mich. Aug. 29, 2025) (collecting twelve such decisions); see, e.g., *Jimenez v. FCI Berlin, Warden*, — F. Supp. 3d —, — & n.9, 2025 WL 2639390, at *10 & n.9 (D.N.H. Sept. 8, 2025). That includes courts in the Fifth Circuit. *Lopez Santos*, 2025 WL 2642278, at *5; *Kostak v. Trump*, No. 25-cv-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025).

Lopez-Arevelo, 2025 WL 2691828, at 8.

27. Here, Petitioner was apprehended within the United States, not at a border while seeking entry. Respondents wrongly assert 8 U.S.C. § 1225(b)(2) as a basis for detaining Mr. Duque Chaluiza without a hearing, when instead the default rule is that detention of noncitizens residing within the U.S. must be pursuant to 8 U.S.C. § 1226(a). Here the Respondents are not purporting to invoke § 1226(a) as the basis for Petitioner's detention. The rule that Respondents invoke, 8 U.S.C. § 1225(b)(2), does not support Petitioner's ongoing detention.

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Respondents are Confining Petitioner without A Valid Legal Basis or any Semblance of Due Process.

28. Petitioner realleges and incorporates by reference the allegations contained above.

29. Mr. Duque Chaluiza has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

30. Federal courts use the three-part test in *Matthews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424

U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

31. Here, all three factors favor the petitioner.

32. First, Mr. Duque Chaluiza has a significant private interest at stake. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."). Mr. Duque Chaluiza is wrongfully confined, a direct attack on his liberty interests. Mr. Duque Chaluiza was already detained upon arrival to the United States in March of 2024. Mr. Duque Chaluiza was subsequently released on recognizance while his application for his asylum case is pending.

Mr. Duque Chaluiza was given an immigration hearing for his case set for May 18, 2028. There has been no change in circumstance since his initial release.

33. Second, Mr. Duque Chaluiza will continue to be deprived of this interest if the current procedure (detaining Mr. Duque Chaluiza without a legal basis) is followed. There is no rational explanation for detaining Mr. Duque Chaluiza. Respondents' purported basis for detaining Petitioner under 8 U.S.C. 1225(b)(2) has been soundly rejected by this court. *See Roble v. Bondi*, No. 25-cv-3196, 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025) (granting habeas petition and ordering release of a detained immigrant on supervised release where Government failed to give adequate pre-detention notice and "utterly fail[ed] to demonstrate to the Court why changed circumstances render [immigrant's] removal significantly likely in the reasonably foreseeable future"); *Sarail A. v. Bondi*, No. 25-cv-2144, 2025 WL 2533673, at *4-5 (D. Minn. Sept. 3, 2025) (granting *habeas* petition and ordering release of detained immigrant who was previously released into supervision where government failed to give adequate notice of re-detention, and merely cited "'changed circumstances' without any explanation"); *Yee S. v. Bondi*, No. 25-cv-02782, 2025 WL 2879479, at *4 (D. Minn.

Oct. 9, 2025) (granting *habeas* petition of immigrant released into supervision where government failed to demonstrate a change in circumstances).

34. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Mr. Duque Chaluiza poses no safety threats to the community. Releasing Petitioner, or at a minimum holding a bond hearing, would in fact *save* the government the resources and expense of continued imprisonment.

35. Due process ensures the right and access to counsel. Here, that right has been depravedly violated. After his detention, Mr. Duque Chaluiza was housed in at least one Minnesota detention facility before being taken to the ERO El Paso East Montana, an immigration detention facility, in El Paso, Texas. This deprived Mr. Duque Chaluiza of his right to counsel and impeded Petitioner's counsel's ability to even locate Mr. Duque Chaluiza. In such circumstances, a court may allow a habeas petition to be filed "in some court other than the one in whose territory the custodian may be found." Indeed, the Supreme Court has recognized such a deviation is warranted in such circumstances:

[I]f there is an indication that the Government's purpose in removing a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where the Government was not forthcoming with respect to the identity of the custodian and the place

of detention. In cases of that sort, habeas jurisdiction would be in the district court from whose territory the petition had been removed.

Rumsfeld v. Padilla, 542 U.S. 426, 454 (2004)) (Kennedy, J., concurring); *see also Sue H. v. Donald Trump*, No. 26-cv-416 at 2 (D. Minn. Jan. 20, 2026); *see also Victor P. v. Kristi Noem, et al.*, No. 26-cv-430 (MJD/SGE) (D. Minn. Jan. 19, 2026) (“[H]abeas jurisdiction attached at the time of Petitioner’s apprehension in this District. That jurisdiction is not defeated by any subsequent decision by Respondents transfer Petitioner to another state. Habeas jurisdiction turns on custody and control, not on the Government’s unilateral post-seizure movement of the detainee. The position that jurisdiction lies exclusively in the district to which Respondents transfer a petitioner would permit the Government to determine the forum for judicial review through its own logistics. Federal courts may not be divested of jurisdiction in that manner.”). ICE’s act of relocating multiple times in very short order, is the exact scenario warranting a determination that this Court—the Court from whose territory Mr. Duque Chaluiza was removed—to have habeas jurisdiction allowing it to order his removal.

36. As Mr. Duque Chaluiza was apprehended in Minneapolis, Minnesota on the morning of January 26, 2026, and held there prior to being transferred to Texas, venue is proper in this district pursuant to *Sue H. v. Donald Trump*, No.

26-cv-00416 (D. Minn. Jan. 20, 2026), and *Victor P. v. Kristi Noem*, et al., No. 26-cv-430 (MJD/SGE) (D. Minn. Jan. 19, 2026); see also *Jose A. v. Kristi Noem*, No. 26-cv-480 (JMB/ECW) (finding that jurisdiction was proper in Minnesota despite petitioner being transferred to El Paso, Texas because the decision to detain and arrest petitioner was made in Minnesota, witnesses of petitioner's arrest are in Minnesota, and petitioner was for some time actually detained in Minnesota); *Rumsfeld*, 542 U.S. at 454.

37. The placement of Mr. Duque Chaluiza in detention in Texas pending the resolution of ongoing immigration proceedings violates Mr. Duque Chaluiza's constitutional rights to due process guaranteed in the Fifth Amendment.

38. Further, Petitioner is a member of the class governed by *B. Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-1873, Doc. No. 92, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), judgment entered sub nom. *Maldonado Bautista v. Noem*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

39. The *Maldonado Bautista* class includes:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1),

or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Id. at *32 (C.D. Cal. Dec. 18, 2025), judgment entered sub nom. Maldonado Bautista v. Noem, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). As a class member, Petitioner is subject to that court's declaratory relief and final judgment holding that class members are not subject to mandatory detention and are instead entitled to a bond hearing.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner's Ongoing Detention Pursuant to 8 U.S.C. § 1225(b)(2) is Unlawful because Petitioner is not Seeking Admission and therefore cannot be held under that Authority

40. Petitioner realleges and incorporates by reference each and every allegation contained above.

41. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner.

COUNT THREE

Violation of the Administrative Procedure Act

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

42. Mr. Duque Chaluiza re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

43. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

44. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

45. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

46. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

47. Respondents through its recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board's decision represents a change in the agencies' policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

48. The application of § 1225(b)(2) to Mr. Duque Chaluiza is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

REMEDY

49. An available remedy for Respondents' unlawful conduct as outlined in this complaint is for Petitioner to be released.

50. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Detention here serves no statutory purpose, there is no indication that Petitioner's detention was based on any facts that might indicate that Petitioner should be in custody for some reason.

51. Since Section 1225 does not apply to noncitizens who are in Petitioner's situation—who have been detained while residing within the United States for nearly two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize Petitioner's detention.

52. When a habeas petitioner's detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention").

53. Here, where detention is unlawfully based on 8 U.S.C. § 1225, which does not apply to Petitioner, release is an appropriate remedy.

REQUEST FOR ORDER TO SHOW CAUSE

54. Within three days, unless good cause for a delay is shown, "[a] court, justice or judge entering 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.

55. Petitioner, respectfully requests that the Court issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why a writ of habeas corpus should not be granted.

PRAYER FOR RELIEF

WHEREFORE, Mr. Duque Chaluiza prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Order Respondents to return Mr. Duque Chaluiza to this District within 48 hours and for the duration of these proceedings;
- (3) Declare that Mr. Duque Chaluiza Pacha's arrest and detention violates the Due Process Clause of the Fifth Amendment; the Fourth Amendment; and the Immigration and Naturalization Act and implementing regulations;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Duque Chaluiza, within this District, from custody without restraints on his liberty beyond those that existed prior to his unlawful re-detention;
- (5) Alternatively, issue a Writ of Habeas Corpus requiring Respondents to release Petitioner within this District immediately unless they provide a

- bond hearing under 8 U.S.C. § 1226(a) within three 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;
- (6) 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;
- (7) 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;
- (8) Order that Respondents cannot re-detain Mr. Duque Chaluiza without notice and a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence;
- (9) Grant bail pending the conclusion of the habeas review; *see, e.g., Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001);
- (10) Declaring Mr. Duque Chaluiza is a *Maldonado Bautista* Class Member;
- (11) Awarding Mr. Duque Chaluiza his costs and attorneys fees; and

(12) Grant such further relief as this Court deems just and proper.

Dated: January 29, 2026

CHESTNUT CAMBRONNE PA

By /s/ Emeric J. Dwyer
Emeric J. Dwyer, Esq. (#0389471)
100 Washington Avenue South
Suite 1700
Minneapolis, MN 55401
(612) 339-7300
edwyer@chestnutcambronne.com

ATTORNEYS FOR PLAINTIFFS

**Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am
Petitioner's next friend and acting on Petitioner's behalf. I spoke to someone with
personal knowledge of the factual assertions in this petition. I hereby verify that
the statements made in the attached Petition for Writ of Habeas Corpus,
including the statements regarding Petitioner's detention status, are true and
correct to the best of my knowledge.

Date: 1/30/2026 | 10:15 AM PST

DocuSigned by:

Laura Prah

F6C2141184654DC...

Laura Prah, Next Friend