

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minor Daymiro Cinto De Leon
a/k/a Mynor Maudillo De Leon
Cinto,

CASE NO. _____

Petitioner,

vs.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Kristi Noem, Secretary of the U.S.
Department of Homeland Security,
Samuel Olson, Director of St. Paul
Field Office, U.S. Immigration and
Customs Enforcement, and Pamela
Bondi, Attorney General of the
United States, in their official
capacities,

Respondents.

Comes now Petitioner, Minor Daymiro Cinto De Leon ("Cinto De Leon") and petitions this Court for a writ of habeas corpus. Upon information and belief after being abducted in this District, Petitioner was removed to ERO El Paso Camp East Montana in Texas.

INTRODUCTION

1. Petitioner brings this petition to seek enforcement of his rights as a member of the Bond Eligible Class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

2. Petitioner also brings this petition to assert his right to be free of arbitrary and unlawful detention without the opportunity to post bond pursuant to clearly articulated rulings of this Court in similar situations over the course of the past two months.

JURISDICTION

11. Petitioner is in the physical custody of Respondents. Petitioner was taken by unknown agents of Respondents in this District on January 30, 2026, and upon information and belief is currently detained at ERO El Paso Camp East Montana in Texas.
12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Minnesota if Petitioner is still detained here.
15. Venue is also proper in this Court as Petitioner has been surreptitiously removed from the District by Respondents. *Jonathan X.D.B v. Noem*, No. 26-588 (DWF/DJF) (D. Minn. January 28, 2026) at *2-*3; *Jose V. v. Easterwood*, No. 597 (DSD/LIB) (D. Minn. January 28, 2026), at *3

16. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *U.H.A.* and *Maldonado Bautista*.
18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner is a citizen of Guatemala who has been in immigration detention since January 30, 2026.
20. Petitioner entered the United States without inspection approximately four years ago near Nogales, Arizona.
21. Petitioner has no criminal history.
22. Petitioner’s A Number is .
23. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality

Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

24. Respondent Samuel Olson is the Director of the Saint Paul Field Office of ICE's Enforcement and Removal Operations division. As such, Samuel Olson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
25. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

FACTUAL ALLEGATIONS

26. On January 30, 2026, Petitioner was abducted in this District by unknown persons believed to be agents of ICE, Customs and Border Protection, or other agents of Respondents.
27. Upon information and belief, Respondents have surreptitiously removed Petitioner from this District in an attempt to thwart this Court's jurisdiction.
28. Although Petitioner qualifies to apply for bond under 8 U.S.C. § 1226(a), Respondents have not granted Petitioner a bond hearing.
29. Upon entry of Petitioner's A Number into the online ICE detainee locator, the name "Mynor Maudillo De Leon Cinto" is displayed.
30. Upon information and belief, an unknown person or persons may have used Petitioner's identity in Miami, FL.

31. Petitioner has no criminal history.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

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

33. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

34. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

35. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

36. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

37. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

38. The inapplicability of *Yajure Hurtado* to immigration detentions in this District has been the consistent position of every Judge in this District. “[T]his Court and nearly every federal court to consider the issue have rejected the reasoning of *Yajure Hurtado* and ordered the Government to provide bond hearings to noncitizens pursuant to Section 1226(a).” *Victor Hugo D. P. v. Olson*, Case No. 25-cv-4593 at *3-4 (LMP/DTS) (D. Minn. December 19, 2025). *See also Belsai D.S. v. Bondi*, --- F. Supp. 3d ---, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947,

at *5 (D. Minn. Oct. 1, 2025); *Eliseo A.A. v. Olson*, No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729, at *4–6 (D. Minn. Oct. 8, 2025); *Avila v. Bondi*, No. 25-cv-3741 (JRT/SGE), 2025 WL 2976539, at *4–5 (D. Minn. Oct. 21, 2025); *Andres R.E. v. Bondi*, No. 25 cv-3946 (NEB/DLM), 2025 WL 3146312, at *2 (D. Minn. Nov. 4, 2025); *Santos M.C. v. Olson*, No. 25-cv-4264 (PJS/DJF), 2025 WL 3281787, at *2 (D. Minn. Nov. 25, 2025); and *Roberto M.F. v. Olson*, No. 25-cv-4456 (LMP/ECW) (D. Minn. Dec. 9, 2025), ECF No. 15.

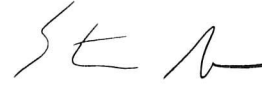
39. As recently as *this past week*, this Court has held persons in circumstances similar to Petitioner’s are entitled to habeas relief. *Jose V. v. Easterwood*, No. 26-597 (DSD/LIB) (D. Minn. January 28, 2026).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. If Petitioner has been surreptitiously moved out of the District, order his immediate return to this District;
- e. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

DATED: 31 January 2026



Steven T. Appelget
MN Atty. ID No. 236998
Appelget Law Office
1102 Grand Ave.
Saint Paul, MN 55105
(651) 504-4193
appelget@appelgetlaw.com