

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Miguel Angel Ramirez Cruz

Petitioner,

Case No. _____

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Department of
Homeland Security, in her official capacity;

Todd M. LYONS, Acting Director of
Immigration and Customs Enforcement;
Immigration and Customs Enforcement, in
his official capacity;

David EASTERWOOD, Field Office
Director of Enforcement and Removal
Operations, Minneapolis - St. Paul Field
Office, Immigration and Customs
Enforcement, in his official capacity;

Mary DE ANDA-YBARRA, Field Office
Director of Enforcement and Removal
Operations, El Paso Field Office,
Immigration and Customs Enforcement, in
her official capacity

Respondents.

I. INTRODUCTION

1. Petitioner, Miguel Angel Ramirez Cruz, is a non-citizen from Mexico. Petitioner entered the United States without inspection in 2018. Petitioner has a pending VAWA petition with United States Citizenship and Immigration Services (USCIS), a component of DHS.
2. Petitioner has lived in the United States for the last 7 years. He has no criminal history. Petitioner has a U.S. citizen wife and two U.S. citizen children, ages 4 and 18 months.
3. On or about Friday, January 23, 2026, Respondents detained Petitioner at his worksite in Cushing, Minnesota. Petitioner believes that he was randomly detained by Respondents based on his ethnicity as a hispanic male, and the fact that he was working a construction job. Respondents have a disturbing pattern of detaining any individual they encounter who appears to be non-white, including U.S. citizens, permanent residents, and legal immigrants like Petitioner.¹
4. Respondents did not provide Petitioner with any written custody determination, or explanation for his detention.
5. Petitioner was initially arrested and detained in Minnesota, and then likely transferred to El Paso East Montana detention center. Petitioner remains detained there. Petitioner's location does not show up in the ICE detainee locator.

¹<https://www.startribune.com/allegations-of-racial-profiling-of-us-citizens-on-the-rise-as-ice-surge-expands-in-minnesota/601564653>, <https://www.nbcnews.com/news/us-news/ice-approaching-people-minneapolis-demanding-proof-citizenship-rcna254247>, <https://sahanjournal.com/immigration/ice-racial-profiling-minnesota-citizens-detained/>, <https://www.cbsnews.com/minnesota/news/aclu-class-action-lawsuit-against-federal-government-ice-minneapolis-operation-metro-surge/>

6. Because Petitioner has been present in the United States since 2018, when he entered the United States without inspection, they cannot lawfully detain him under the mandatory detention provisions of 8 U.S.C. § 1225, as an “applicant for admission.”
7. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act. Section § 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
8. Respondents appear to justify Petitioner’s detention by invoking 8 U.S.C §1225 and the 2025 DHS “Interim Guidance Regarding Detention Authority for Applicants for Admission,” which treats non-citizens arrested in the United States and charged with inadmissibility as “applicants for admission” subject to mandatory detention.
9. Respondents’ new legal interpretation of § 1226(a) is plainly contrary to the statutory framework and contrary to decades of agency practice in applying 1226(a) to people like Petitioner. Courts across the country have rejected Petitioner’s interpretation, holding that § 1225 applies *only to* non-citizens who are actively seeking admission at a port of entry. *See eg., Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025)(concluding that detention of non-citizens arrested inside the United States is governed by § 1226(a) and that DHS cannot reclassify them as “applicants for admission” to avoid bond hearings).
10. Petitioner is a member of the class certified by the court in *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). The

court in *Maldonado Bautista* granted class certification and declared that all class members are eligible for bond hearings under 8 U.S.C. § 1226. *Id.* at *1.

11. Nevertheless, on January 16, 2026, the Executive Office for Immigration Review (EOIR) issued guidance advising all immigration judges to **defy the federal court's ruling in *Maldonado Bautista***.²
12. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released from detention, or in the alternative, an individualized bond hearing before the Executive Office for Immigration Review (EOIR) in Minnesota, pursuant to 8 C.F.R. §§ 1003.19, 1236.1.

II. PARTIES

13. Petitioner, Miguel Angel Ramirez Cruz, is a native and citizen of Mexico, who entered the United States without inspection, admission, or parole in 2018. Respondent has a pending VAWA petition with United States Citizenship and Immigration Services, a subcomponent of DHS.
14. Respondent Kristi Noem is the Secretary of Homeland Security. She is sued in her official capacity. In that capacity, Defendant Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Petitioner.
15. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (ICE). He is sued in his official capacity. As the head of ICE, he is responsible

² <https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista>

for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also the legal custodian of Petitioner.

16. Respondent, Mary De Anda Ybarra, is the ICE Field Office Director of the El Paso, Texas Field Office. As such, she is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is sued in her official capacity.

III. JURISDICTION AND VENUE

18. This court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal questions in this case arise under the Immigration and Naturalization Act, 8 U.S.C. § 1101-1524, and the United States Constitution.

19. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

20. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this district. Venue is proper because Petitioner was apprehended in Minneapolis, Minnesota on December 4, 2025, and, upon information and belief, held in Minnesota for 6 or more days. *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). "The immediate custodian rule is a venue rule and not a jurisdictional one. The application of the immediate custodian rule is not automatic, and venue

for a habeas petition allows for equitable concerns such as convenience and appropriateness of the district.” *Jose A. v. Noem*, No. 26-CV-480 (JMB/ECW), 2026 WL 172524, at *2 (D. Minn. Jan. 22, 2026) (internal quotations omitted). Other courts in this district have reached similar conclusions. *Luis N. v. Trump*, No. 26-cv-0171 Doc. 8 at *3 (MJD/SGE) (D. Minn. Jan. 16, 2026. “Although the district of a person's place of confinement is traditionally the most common venue for a person to file a habeas petition, the United States Supreme Court has made clear that the location of the individual at the time a habeas petition is filed is not some dowsing rod pointing to the only correct district.” *Carlos D. V. v. Noem*, 26-cv-521 Doc. 14 at *5 (JWB/LIB) (D. Minn. January 29, 2026).

The court can reach the custodian by service of process. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973). Here, as in *Jose A. v. Noem*, No. 26-CV-480 (JMB/ECW), 2026 WL 172524, the “equitable factors weigh in favor of this District as the appropriate venue to adjudicate [this] Petition.” *Id.* at *2. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner’s claims occurred in this district. 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.

IV. EXHAUSTION OF REMEDIES

21. No statutory requirement of administrative exhaustion applies to Petitioner’s challenge to the unlawfulness of her detention. Moreover, the judicially created “general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts” does not apply to Petitioner’s present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).

22. DHS has taken the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225. Further, in a published decision, the Board of Immigration Appeals recently held that “Immigration Judges lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission.” *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under the BIA’s interpretation, regardless of her prior release and placement in standard removal proceedings, Petitioner is ineligible for bond as a noncitizen who entered the United States without inspection. Accordingly, there are no administrative remedies that Petitioner could exhaust before seeking habeas relief.

23. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner’s constitutional claims. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); see also *Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional issues”).

V. FACTUAL BACKGROUND

24. Petitioner, Miguel Angel Ramirez Cruz, arrived in the United States sometime 2018. Petitioner entered the United States without inspection, admission, or parole.

25. Petitioner has a pending VAWA application with USCIS, a subcomponent of DHS.

26. On or about January 21, 2026, Petitioner was arrested without a warrant, for no apparent lawful reason by Respondents while at a jobsite in Cushing, Minnesota. Petitioner

believes that the only reason that he was detained is due to his appearance as a latino man, and the fact he was working a construction job. Respondents have a practice of detaining anyone who does not appear to be white, including U.S. citizens, permanent residents, and legal immigrants like Petitioner. *See supra* at footnote 1.

27. Petitioner was initially arrested in Minnesota. Petitioner does not show up in the ICE detainee locator. Undersigned counsel believes that Petitioner is detained at the East Montana Detention Center in El Paso, Texas.

VI. LEGAL BACKGROUND

28. As relevant here, the Immigration and Naturalization Act, 8 U.S.C. §1101-1524, describes two means of handling the custody and potential removal of noncitizens.

29. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard removal proceedings. See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). The text of § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the Rodriguez Vazquez court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. Apr. 24, 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

30. In addition, while on release, the noncitizen may apply for asylum or other relief in the United States. 8 U.S.C. § 1158. While a grant of asylum is discretionary, the right to apply

for asylum is not. The Refugee Act, codified in various sections of the INA, broadly affords a right to apply for asylum to any noncitizen, like Petitioner, “who is physically present in the United States or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1); Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

31. The INA guarantees to noncitizens in standard removal proceedings who apply for asylum and other relief valuable procedural rights that reduce the risk of an erroneous decision. These include the rights to legal counsel, 8 U.S.C. § 1229a(b)(4)(A) and § 1362; to present supporting evidence (both documentary and through lay and expert witness testimony) and to challenge through cross-examination adverse evidence during a full adversarial hearing before an immigration judge (IJ), 8 U.S.C. § 1148(b)(1)(B); to seek reconsideration or reopening of an adverse decision, 8 U.S.C. § 1229a(c)(6)-(7), to appeal an adverse decision of an IJ to the Board of Immigration Appeals based on the full evidentiary record, 8 U.S.C. § 1229a(c)(5), and to appeal an adverse decision of the Board to a federal circuit court of appeals, 8 U.S.C. § 1252(b).

32. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

33. The second relevant means of detention is governed by 8 U.S.C. § 1225, which provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2). Respondents treat noncitizens subject to mandatory detention under § 1225 as ineligible for bond

34. The mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens arriving at U.S. ports of entry who recently entered the United States. The statute’s

entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (emphasis added).

35. As to 8 U.S.C. § 1225(b)(1), this subsection provides for mandatory detention of noncitizens subject to expedited removal. Because expedited removal provides very few procedural protections, it applies narrowly to only those noncitizens who are inadmissible to the United States because they engaged in fraud or misrepresentation to procure admission or other immigration benefits, 8 U.S.C. § 1182(a)(6)(C), or who are applicants for admission without required documentation, 8 U.S.C. § 1182(a)(7). As relevant here, the government may not subject any other person to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3).

36. For noncitizens in expedited removal, the INA does not grant them the rights enshrined in standard removal proceedings. To begin, an immigration officer may order them removed “without further hearing or review,” 8 U.S.C. § 1225(b)(1)(A)(i), unless the noncitizen has expressed an intent to apply for asylum or a fear of persecution. But even then, the noncitizens’ rights are truncated. Although the immigration officer “shall refer the [noncitizen] for an interview by an asylum officer,” 8 U.S.C. § 1225(b)(1)(A)(i)-(ii), a “credible fear” interview differs from an asylum application. First, the INA does not, as it does during standard removal proceedings, guarantee the noncitizen with the rights to counsel, to present documents or witness testimony, or to cross-examine adverse evidence. See *id.* § 1225(b)(1)(B)(iv). Second if the asylum officer decides that the noncitizen does not have a credible fear of persecution, the

noncitizen may seek review before an IJ, but review is limited to the record of the interview. 8 U.S.C. § 1225(b)(1)(B)(iii)(III). Finally, if the IJ concurs with the asylum officer, the noncitizen is removed without any further review by the Board of Immigration Appeals or a federal court. Only if a noncitizen passes a credible fear interview may they apply for asylum and related relief in full removal proceedings. See 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

37. An expedited removal order comes with significant consequences beyond removal itself. Noncitizens who are issued expedited removal orders are subject to a five-year bar on admission to the United States unless they qualify for a discretionary waiver. 8 U.S.C. § 1182(a)(9)(A)(i); 8 C.F.R. § 212.2. Similarly, noncitizens issued expedited removal orders after having been found inadmissible based on misrepresentation are subject to a lifetime bar on admission to the United States unless they are granted a discretionary exception or waiver. 8 U.S.C. § 1182(a)(6)(C)

38. These two processes have governed removal proceedings for nearly three decades. The release provisions for noncitizens placed in standard removal proceedings under § 1226 and the mandatory detention provisions for noncitizens recently arriving in the United States under § 1225(b)(1) and (b)(2) were enacted in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104--208, Div. C, §§ 302--03, 110 Stat. 3009-546, 3009--582 to 3009--583, 3009--585.

39. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody

hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)); *Martinez v. Hyde*, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (“The idea that a different detention scheme would apply to non-citizens ‘already in the country,’ as compared to those ‘seeking admission into the country,’ is consonant with the core logic of our immigration system”) (citing *Jennings v. Rodriguez*, 583 U.S. at 289) (cleaned up)).

40. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an order (EO) setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) to prioritize civil immigration enforcement procedures including through the use of mass detention.

41. On January 21, 2025, Acting Deputy Secretary of DHS Benjamin Huffman issued for public inspection and effective immediately a designation expanding the scope of expedited removal to apply nationwide and to certain noncitizens who are unable to prove they have been in the country continuously for two years. On January 24, 2025, DHS published a Notice that expanded the application of expedited removal. Office of the Secretary, Dep’t of Homeland Security, Designating Aliens for Expedited Removal, 15 Fed. Reg. 8139 (“January 2025 Designation”). The designation was “effective on” January 21, 2025.

42. The January 2025 Designation expands the pool of noncitizens who can be subjected to the summary removal process substantially to include noncitizens who are apprehended anywhere in the United States and who have not been in the United States continuously for more than two years. *Id.* at 8140.

43. The January 2025 Designation does not state that it applies to noncitizens who were in the United States before its effective date.

44. On July 8, 2025, without congressional authorization, the Executive Branch announced a new policy entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The policy asserts that all undocumented noncitizens deemed “applicants for admission” are subject to mandatory detention under § 1225(b)(2)(A). The policy purports to apply even to those, like Petitioner, whom at the time of the policy shift, the government had already placed in standard removal proceedings, released from custody, and allowed to apply for asylum. The policy shift also violates the government’s own regulations. These regulations limit the government from seeking dismissal of full removal proceedings unless it can show that the “[c]ircumstances of the case have changed”. See 8 C.F.R. § 239.2(a)(7) (emphasis added). But the government’s new policy purports to allow it to seek dismissal based on changed circumstances independent of the noncitizen’s case.

45. Adopting this same position, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a published decision holding that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bonds. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

46. ICE and EOIR have adopted this policy even though numerous federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion). Accordingly, federal courts have roundly rejected Respondent's erroneous interpretation of the INA since ICE implemented its July 8, 2025 memo. See *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Portugues Sanchez v. Noem et al.*, 25-cv-02010 (ADA/ML) (W.D. Tex. January 20, 2026);

Santiago v. Noem, No. 3:25-cv-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025);

Lopez-Arevelo v. Ripa, --- F. Supp. 3d ----, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025);

Buenrostro-Mendez v. Bondi, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025).

47. Petitioner's detention under § 1225(b)(2) is likewise invalid. As numerous federal courts have now found, § 1225(b)(2) applies to noncitizens *seeking admission* into the United States. It does not apply to noncitizens, like Petitioner, who entered the United States without inspection and were later apprehended inside the United States. In short, Respondent's detention of Petitioner under 8 U.S.C. § 1225(b)(2) is patently unlawful, violates due process, and violates the Administrative Procedure Act. Petitioner is a member of the class certified in *Maldonado Bautista* No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

48. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

49. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

50. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat'l Ass'n of Home Builders v. Defs. Of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto.*

Ins. Co., 463 U.S. 29, 43 (1983)).

51. To avoid an abuse of discretion, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

52. By detaining Petitioner after Respondents granted him deferred action, Respondents have violated the APA.

COUNT II

Violation of the Immigration and Nationality Act

53. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

54. To the extent that Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225 his detention under that statute is unlawful. The mandatory detention provision at 8 U.S.C. § 1225 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 United States without inspection. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

55. The application of § 1225 to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT III

Violation of Due Process (Arbitrary Detention)

56. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

57. The Due Process Clause of the Fifth Amendment to the U.S. Constitution applies to all persons within the United States. Once a noncitizen enters this country, whether the presence is “lawful, unlawful, temporary, or permanent,” the Due Process Clause applies to the noncitizen. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

58. Petitioner has a fundamental interest in liberty and being free from official restraint.

Prayer for Relief

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

1. Assume jurisdiction over this matter;
2. Order Respondents to return Petitioner to Minnesota immediately;
3. Declare that Petitioner’s current detention without an individualized determination is unlawful;
4. Issue a writ of habeas corpus ordering Respondents to release Petitioner from custody in Minnesota, or, in the alternative, hold a prompt bond hearing in Minnesota to determine whether he should remain in custody;
5. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this court deems just and proper.

Dated: January 30, 2026

/s/ Evangeline Dhawan-Maloney

Evangeline Dhawan-Maloney

Attorney for Petitioner

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Verification by Petitioner's Legal Counsel

Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Attorney for the Petitioner. 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.

/s/ Evangeline Dhawan-Maloney
Evangeline Dhawan-Maloney, Esq.

Date: January 30, 2026