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**UNITED STATES DISTRICT COURT
 DISTRICT OF MINNESOTA**

JONDER VICENTE ABRIGO GUAMAN,

Petitioner,

v.

Rose Thompson, Warden of Karnes County,
 Immigration Processing Center;

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

Kristi Noem,
 Secretary of the U.S. Department of
 Homeland Security;

Pamela Bondi
 Attorney General of the United States,

in their official capacities,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
 HABEAS CORPUS**

**ORAL ARGUMENT
 REQUESTED**

INTRODUCTION

1. Petitioner Jonder Vicente Abrigo Guaman is a native and citizen of Ecuador who is currently in the custody of U.S. Immigration and Customs Enforcement (“ICE”). Petitioner was seized by ICE in Minnesota on or about January 15, 2026, following a vehicle stop initiated for the purpose of locating a different individual. (Ex. A; Ex. B; Ex. C). ICE detained Petitioner

despite lacking reasonable suspicion or probable cause particularized to him, relied on assumptions regarding his immigration status without individualized evidence, and disregarded his invocation of the right to remain silent. (Ex. A; Ex. B; Ex. C). ICE transferred Petitioner out of Minnesota to Texas El Paso, East Montana Detention Center at an unknown date without advance notice to Petitioner or counsel and did not promptly provide reliable location information following the transfer, impeding access to counsel and timely judicial review. (Ex. C). Respondent was subsequently moved to Karnes County Immigration Processing Center in Karnes County, Texas on January 29th. Petitioner is presently confined at the Karnes County Immigration Processing Center in Karnes County, Texas. (Ex. E). Petitioner's continued detention—stemming from an unlawful seizure and warrantless arrest and maintained without constitutionally adequate procedures or statutory authority—violates the Fourth and Fifth Amendments to the United States Constitution and exceeds ICE's authority under federal law. Accordingly, to vindicate Petitioner's constitutional and statutory rights, this Court should grant the instant Petition for a Writ of Habeas Corpus and order Petitioner's immediate release, or in the alternative order prompt individualized custody proceedings and other relief necessary to ensure meaningful review.

2. This Petition presents claims that ICE seized and detained Petitioner without reasonable suspicion or probable cause, relied on assumptions regarding Petitioner's immigration status and his exercise of the right to remain silent, exceeded its statutory authority under the Immigration and Nationality Act, and violated Petitioner's right to due process by transferring him out of Minnesota without notice and delaying reliable confirmation of his detention location, thereby impeding access to counsel and timely judicial review. (Ex. A; Ex. B; Ex. C; Ex. E). These actions render Petitioner's custody unlawful and subject to review and remedy through this Court's habeas jurisdiction.

3. Petitioner's claims are not limited to the length of detention. Rather, this Petition challenges the lawfulness of custody itself because the seizure and arrest were unconstitutional at inception and the Government has imposed civil detention without constitutionally adequate procedures to justify continued restraint. (Ex. A; Ex. B; Ex. C; Ex. D).

4. Even assuming *arguendo* that Respondents contend Petitioner is subject to "mandatory detention" under the Immigration and Nationality Act, procedural due process still requires, at minimum, an individualized hearing at which the Government bears the burden of justifying continued detention. As courts addressing DHS's recent interpretation of 8 U.S.C. § 1225(b) have held, the constitutional defect is the deprivation of liberty without an individualized process—not merely a disagreement over statutory interpretation.

5. Accordingly, Petitioner seeks immediate release because his custody stems from an unconstitutional seizure and *ultra vires* arrest; alternatively, Petitioner seeks an order requiring a prompt individualized custody hearing before an Immigration Judge at which the Government must justify continued detention by clear and convincing evidence.

6. Absent an order from this Court, Petitioner will remain unlawfully detained pursuant to an unconstitutional seizure and detention that lack any valid legal basis. Petitioner therefore asks this Court to find that his arrest, detention, and continued custody violate the Fourth and Fifth Amendments to the United States Constitution and federal statutory law, and to order Petitioner's immediate release from ICE custody, or, in the alternative, such other relief as the Court deems just and proper.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*

8. This Court has subject matter jurisdiction pursuant to 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 (the Suspension Clause). Petitioner is in custody under authority of the United States in violation of the Constitution and laws of the United States. To the extent any provision of the INA is construed to limit this Court's jurisdiction, such a construction would violate the Suspension Clause.

9. This Court has authority to 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., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper in the District of Minnesota pursuant to 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States, including the Field Office Director of U.S. Immigration and Customs Enforcement for the St. Paul Field Office, who performs official duties in this District.

11. Venue is independently proper in this District because a substantial part of the events and omissions giving rise to Petitioner's claims occurred in Minnesota. Petitioner was seized, arrested, and initially detained in Minnesota. (Ex. A; Ex. B; Ex. C). The decision to arrest and detain Petitioner was made by ICE officers operating under the authority of the St. Paul Field Office. The unconstitutional seizure and initial detention determination originated in this District. (Ex. A; Ex. B; Ex. C).

12. The St. Paul Field Office Director authorized, supervised, or ratified the arrest and detention of Petitioner in Minnesota and maintains authority over enforcement decisions arising from that arrest. The Field Office Director has authority to recommend/approve discretionary release or conditions of supervision and to request transfer to the District. Effective habeas relief can therefore be granted in this District.

13. Although Petitioner is presently confined in Texas, (Ex. E), the transfer occurred after the arrest decision was made in Minnesota and does not defeat venue where the challenged detention originated and where a custodian with authority over the detention decision is subject to service of process.

14. Petitioner's transfer out of Minnesota, without notice to counsel, should not operate to divest this Court of jurisdiction or permit Respondents to defeat review through unilateral relocation of the detainee after the unlawful seizure occurred. (Ex. C).

REQUIREMENTS OF 28 U.S.C. § 2243

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). This statutory mandate reflects Congress's intent that habeas review be swift and non-discretionary.

16. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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).

PARTIES

17. Petitioner Jonder Vicente Abrigo Guaman is a noncitizen who is currently in the custody of ICE. Petitioner was seized by ICE in Minnesota and subsequently transferred out of state. (Ex. A; Ex. B; Ex. C). Petitioner is presently confined at the Karnes County Immigration

Processing Center in Karnes County, Texas. (Ex. E). Petitioner remains in the custody of, and under the direct control of, Respondents and their agents.

18. Respondent Rose Thompson is the Warden or Facility Administrator of the Karnes County Immigration Processing Center in Karnes County, Texas, where Petitioner is presently confined. (Ex. E). In a core habeas challenge to present physical custody, the proper respondent is the petitioner's "immediate custodian," meaning the official with day-to-day control over the detainee. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). As the official exercising immediate physical custody over Petitioner pursuant to a contract with ICE, Respondent Thompson is a proper respondent in this action.

19. Respondent David Easterwood, in his official capacity as Field Office Director of the St. Paul Field Office of U.S. Immigration and Customs Enforcement, exercised supervisory and legal authority over the decision to arrest and detain Petitioner in Minnesota. The arrest, initial custody determination, and enforcement actions giving rise to this Petition were undertaken by officers operating under the authority of the St. Paul Field Office. Respondent Easterwood possesses authority to recommend, authorize, or effectuate release, parole, transfer, or conditions of supervision for individuals arrested within this District. As a legal custodian with authority to provide the relief requested, Respondent Easterwood is a proper respondent in this habeas action.

20. Respondent Kristi Noem, in her official capacity as Secretary of the U.S. Department of Homeland Security, oversees ICE and is responsible for the implementation and enforcement of the Immigration and Nationality Act. Respondent Noem exercises ultimate supervisory authority over the detention and transfer of noncitizens in ICE custody and is therefore a legal custodian of Petitioner for purposes of effective habeas relief.

21. Respondent Pamela Bondi, in her official capacity as Attorney General of the United States, oversees the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts. To the extent Petitioner seeks relief affecting the legality of custody pending removal proceedings, Respondent Bondi is a proper respondent as a federal official with supervisory authority over the adjudicatory framework connected to Petitioner's detention.

STATEMENT OF FACTS

22. Petitioner Jonder Vicente Abrigo Guaman is a 24-year-old citizen of Ecuador, born on [REDACTED] (Ex. F; Ex. G). He entered the United States on or about September 27, 2021, without inspection. Petitioner is single, has no children, and has no criminal history. As of the filing of this Petition, Petitioner has no known pending applications or proceedings before U.S. Citizenship and Immigration Services ("USCIS"). Petitioner has substantial ties to Minnesota, including residence and employment. (Ex. H; Ex. I). These ties further demonstrate that detention is unnecessary to ensure appearance and that less restrictive alternatives are available. Petitioner's next scheduled immigration court hearing is set for February 12, 2026 before Immigration Judge Crossan in Texas. (Ex. D).

23. On or about January 15, 2026, Petitioner was a passenger in a vehicle traveling in Minnesota when the vehicle was stopped by ICE officers. (Ex. A; Ex. B; Ex. C). The stop was initiated using license-plate information and was conducted for the purpose of locating a different individual, not Petitioner. (Ex. C). ICE officers did not present a warrant to Petitioner or the driver of the vehicle. (Ex. A; Ex. B; Ex. C).

24. ICE officers informed the driver, Jose Cervantes, that they were searching for an alleged aggravated felon and displayed an image of that individual on a mobile device. (Ex. A;

Ex. B; Ex. C). Petitioner was not identified as the person depicted in the image, and ICE officers did not state that Petitioner matched the individual they were seeking. (Ex. A; Ex. B; Ex. C).

25. Despite acknowledging that they were searching for someone else, ICE officers continued to detain Petitioner. (Ex. A; Ex. B; Ex. C). During the encounter, an officer stated that there was “no pleading the Fifth,” notwithstanding Petitioner’s refusal to answer questions. (Ex. A; Ex. B; Ex. C).

26. After officers displayed the image of the person they were seeking and did not identify Petitioner as that person, officers had no articulable basis to continue restraining Petitioner. Nonetheless, officers maintained control over Petitioner and continued questioning and detaining him, converting a stop aimed at locating someone else into a separate investigatory seizure of Petitioner without individualized suspicion. (Ex. A; Ex. B; Ex. C).

27. During the encounter, ICE officers directed Petitioner to remain in place and did not permit him to leave. (Ex. A; Ex. B; Ex. C). Petitioner was not told he was free to depart. A reasonable person in Petitioner’s position would not have believed he was free to leave. (Ex. A; Ex. B; Ex. C).

28. ICE officers further stated, in reference to Petitioner, that he was “obviously not a citizen” and “obviously not an LPR,” while speaking to the driver. (Ex. A; Ex. B; Ex. C). This determination was made without Petitioner providing identifying information or documentation and without any individualized evidence establishing Petitioner’s immigration status. (Ex. A; Ex. B; Ex. C). At no point during the encounter did ICE officers reference objective immigration database information, a warrant naming Petitioner, or any articulable facts particular to him. (Ex. A; Ex. B; Ex. C).

29. ICE officers’ statements that Petitioner was “obviously not a citizen” and “obviously not an LPR” were made before Petitioner provided identifying information and were

based solely on his appearance and perceived ethnicity. (Ex. A; Ex. B; Ex. C). Petitioner is Latino and of Ecuadorian origin. (Ex. F; Ex. G). ICE officers did not articulate any individualized facts suggesting unlawful presence other than assumptions derived from Petitioner's appearance and silence. (Ex. A; Ex. B; Ex. C).

30. Petitioner was compliant throughout the encounter. (Ex. A; Ex. B; Ex. C). He did not attempt to flee, resist, or evade officers.

31. Following the roadside encounter, ICE arrested and detained Petitioner. (Ex. A; Ex. B; Ex. C). Petitioner was initially held in ICE custody in Minnesota and thereafter transferred out of Minnesota to the State of Texas. (Ex. C; Ex. E). The transfer occurred without advance notice to Petitioner or his counsel. (Ex. C). ICE officers did not identify any criminal conduct by Petitioner, did not charge Petitioner with any offense at the scene, and did not articulate any statutory basis for his arrest. (Ex. A; Ex. B; Ex. C).

32. Following Petitioner's transfer out of Minnesota, Respondents did not promptly and reliably confirm Petitioner's detention location to counsel. (Ex. C). The delay and uncertainty surrounding Petitioner's location impeded attorney-client communication and hindered timely judicial review of his detention. (Ex. C; Ex. E).

33. Petitioner remains in ICE custody as a result of the arrest and detention initiated in Minnesota. (Ex. E). His continued detention stems from the same encounter described above and has not been justified by any warrant, individualized finding of probable cause, or lawful detention determination. (Ex. A; Ex. B; Ex. C).

LEGAL FRAMEWORK

A. Habeas Authority And Scope Of Review

34. The writ of habeas corpus permits a federal district court to review whether a person is being held “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(a), (c).

35. Congress directed that habeas petitions receive prompt attention. Under 28 U.S.C. § 2243, the Court must either grant the writ or issue an order to show cause “forthwith,” and if an order to show cause is issued, the return must be filed “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243.

36. Habeas relief is appropriate where federal officers exceed statutory authority or violate the Constitution in effectuating a seizure and detention. The Court may order release and related relief necessary to vindicate federal rights under § 2241 and the All Writs Act.

37. Habeas relief includes not only release, but also orders necessary to ensure meaningful judicial review and to make the Court’s relief effective, including orders directing the government to produce the petitioner for proceedings and to refrain from actions that would frustrate the Court’s jurisdiction.

38. Here, Petitioner’s out-of-state transfer, without notice to counsel, foreseeably burdens access to counsel and impairs development of evidence and witnesses located in Minnesota. (Ex. C; Ex. H; Ex. I).

39. Accordingly, in addition to release and/or a bond hearing, this Court may order such ancillary relief as necessary to restore meaningful access to counsel and to prevent Respondents from mooted or evading review through transfer or removal.

40. Respondents may contend that the district-of-confinement and “immediate custodian” principles limit this Court’s ability to adjudicate a habeas petition filed in Minnesota following a post-arrest transfer to Texas. Petitioner challenges not merely conditions of confinement but the legality of the seizure, warrantless arrest, custody determination, and

transfer initiated in this District and supervised or authorized by officials subject to service of process here. In these circumstances, the Court may grant effective relief against properly named custodians with legal and supervisory authority over Petitioner's detention. Alternatively, if the Court concludes that any immediate-custodian limitation applies, Petitioner respectfully requests transfer rather than dismissal so that review of Petitioner's constitutional claims is not defeated by Respondents' unilateral post-arrest transfer.

B. Statutory Detention Framework Under The INA

41. Immigration detention authority generally turns on the statutory basis for custody, including (as applicable) pre-removal detention under 8 U.S.C. § 1226 and post-final-order detention under 8 U.S.C. § 1231. The government bears responsibility to identify and justify the legal authority for continued custody.

42. Respondents have not identified the statutory basis under which Petitioner is presently detained. The Government bears the burden of identifying and justifying the legal authority for continued custody. Absent a clearly articulated statutory basis supported by individualized facts, detention cannot be sustained.

43. Even where the INA authorizes detention, immigration custody remains subject to constitutional limits, including the Fourth Amendment's limits on seizures and the Fifth Amendment's due process requirements.

C. Fourth Amendment Limits On Immigration Stops And Seizures

44. The Fourth Amendment applies to civil immigration enforcement. A traffic stop is a "seizure," and it must be supported at least by reasonable suspicion based on specific, articulable facts. *See Terry v. Ohio*, 392 U.S. 1 (1968).

45. In the immigration context, roving enforcement officers may not stop a vehicle to question occupants about citizenship or immigration status without reasonable suspicion

grounded in articulable facts; ethnicity alone cannot supply reasonable suspicion. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975).

46. When a stop is initiated for one purpose (e.g., searching for a different individual), continued detention and questioning must remain tethered to a lawful basis; prolongation or escalation of the seizure requires independent justification.

D. Fifth Amendment Due Process In Civil Immigration Custody

47. The Fifth Amendment prohibits deprivation of liberty without due process of law. Immigration detention, although civil, must comply with fundamental fairness and cannot be arbitrary.

48. In the Eighth Circuit, the constitutional analysis of immigration detention claims depends heavily on the statutory basis for detention and Supreme Court precedent governing civil immigration custody. For example, the Eighth Circuit has emphasized that detention during removal proceedings may be constitutionally permissible under governing Supreme Court authority, particularly where Congress mandated detention. *See Nyynkpao Banyee v. Garland*, 115 F.4th 928, 931–34 (8th Cir. 2024); *Farah Ali v. Brott*, 770 F. App'x 298, 300–02 (8th Cir. 2019) (*per curiam*); *Jennings v. Rodriguez*, 583 U.S. 281, 296–309 (2018); *Demore v. Kim*, 538 U.S. 510, 521–31 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 689–701 (2001).

49. Separately, due process concerns are heightened where the government's actions impede access to counsel or meaningful judicial review, including through transfers and nondisclosure of a detainee's location. *See Ex parte Mitsuye Endo*, 323 U.S. 283, 304–07 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 440–41 & n.13 (2004); *Braden v. 30th Jud. Cir. Ct.*, 410 U.S. 484, 494–500 (1973); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 565–67 (9th Cir. 1990); *Biwot v. Gonzales*, 403 F.3d 1094, 1098–1100 (9th Cir. 2005).

50. Although the Fifth Amendment does not contain an Equal Protection Clause, the Supreme Court has long held that equal protection principles apply to the federal government through the Due Process Clause of the Fifth Amendment. *See Bolling v. Sharpe*, 347 U.S. 497, 499 (1954); *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 217–18 (1995); *Sessions v. Morales-Santana*, 582 U.S. 47, 56–58 (2017).

51. Federal law enforcement officers may not base stops, seizures, or arrests on race or ethnicity. In the immigration context, while officers may consider relevant factors, apparent ethnicity alone cannot furnish reasonable suspicion or probable cause. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975).

52. A seizure motivated by discriminatory purpose or racial profiling violates the equal protection component of the Fifth Amendment. *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954) (equal protection principles apply to the federal government through the Fifth Amendment); *Whren v. United States*, 517 U.S. 806, 813 (1996) (selective enforcement based on race violates the Constitution); *United States v. Brignoni-Ponce*, 422 U.S. 873, 885–87 (1975) (apparent Mexican ancestry alone cannot justify immigration stop). Detention that results from such discriminatory enforcement is unconstitutional.

53. Procedural due process applies to civil immigration detention. Although immigration detention is civil in nature, the Fifth Amendment prohibits deprivation of liberty without constitutionally adequate procedures. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”); *Demore v. Kim*, 538 U.S. 510, 523 (2003) (recognizing that immigration detention is subject to constitutional limits).

54. The procedural due process inquiry is governed by *Mathews v. Eldridge*, 424 U.S. 319 (1976), which balances: (1) the private interest affected; (2) the risk of erroneous deprivation under existing procedures and the value of additional safeguards; and (3) the Government's interest, including fiscal and administrative burdens.

55. The private interest at stake—freedom from physical restraint—is fundamental. The Supreme Court has repeatedly recognized that freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Civil immigration detention therefore constitutes a severe deprivation of liberty.

56. The risk of erroneous deprivation is particularly high where detention is imposed without an individualized hearing and where the arrest and detention decision rests on untested assumptions about immigration status. The Due Process Clause protects against erroneous deprivation of liberty without appropriate procedural safeguards. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Addington v. Texas*, 441 U.S. 418, 425 (1979) (heightened procedures required where physical liberty is at stake).

57. Additional safeguards—such as an individualized custody hearing before a neutral decisionmaker at which the Government bears the burden—substantially reduce the risk of error and ensure detention is not based on stereotype or mistake. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Addington v. Texas*, 441 U.S. 418, 427 (1979) (requiring clear and convincing evidence in civil confinement proceedings involving significant liberty interests).

58. The Government's interests in ensuring appearance and protecting the community can be protected through less restrictive alternatives, including conditions of supervision or bond. The Supreme Court has emphasized that civil detention must bear a reasonable relation to its

purpose and may not be excessive in relation to that purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

59. As applied to Petitioner, the absence of any individualized hearing at which the Government must justify detention renders continued custody procedurally unconstitutional—even if Respondents assert detention is “mandatory” under their interpretation of 8 U.S.C. § 1225(b) or another detention statute.

60. When detention is imposed without constitutionally adequate procedures, habeas corpus is the traditional and appropriate remedy to secure release from unlawful custody. 28 U.S.C. § 2241(c)(3); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (habeas is the proper vehicle to challenge the fact or duration of confinement); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (entertaining habeas challenge to immigration detention).

E. Eighth Circuit Habeas Practice In Immigration Detention Cases

61. The Eighth Circuit recognizes § 2241 as the proper vehicle to challenge the legality of immigration detention and has adjudicated immigration habeas appeals arising out of the District of Minnesota.

62. In *Farass Ali v. Brott*, the Eighth Circuit addressed a § 2241 habeas petition filed by an immigration detainee seeking release from custody during removal proceedings and confirmed that § 2241 is the proper vehicle to challenge the legality of immigration detention under the INA and the Constitution. See *Farass Ali v. Brott*, 770 F. App’x 298, 300–02 (8th Cir. 2019) (per curiam) (reviewing dismissal of § 2241 petition challenging immigration detention and constitutional claims).

63. In *Nyynkpao Banyee v. Garland*, the Eighth Circuit reversed a district court order requiring a bond hearing during mandatory detention under 8 U.S.C. § 1226(c), concluding that the approximately year-long detention at issue did not violate due process under controlling

Supreme Court precedent governing mandatory immigration detention. See *Nyynkpao Banyee v. Garland*, 115 F.4th 928, 931–34 (8th Cir. 2024) (holding that detention under § 1226(c), as applied, did not require a bond hearing where Supreme Court precedent foreclosed an implied procedural requirement).

64. These authorities underscore two key principles relevant here: (1) § 2241 provides a mechanism to challenge unlawful immigration custody, and (2) the outcome depends on the statutory basis for detention and whether the constitutional violation alleged concerns the initial seizure and arrest (Fourth Amendment) and fundamental procedural fairness (Fifth Amendment), rather than a generalized claim that detention has become “too long” in the abstract.

CLAIMS FOR RELIEF

COUNT ONE

Fourth Amendment – Unlawful Seizure and Arrest

65. The allegations in the above paragraphs are realleged and incorporated herein.

66. The Fourth Amendment protects all persons within the United States, including noncitizens, from unreasonable searches and seizures.

67. Petitioner was seized and arrested by ICE officers in Minnesota without a warrant, without probable cause, and without reasonable suspicion particularized to him. (Ex. A; Ex. B; Ex. C). The vehicle stop was initiated for the purpose of locating a different individual, and ICE officers acknowledged that Petitioner was not the person they were seeking. (Ex. A; Ex. B; Ex. C).

68. Despite the absence of individualized suspicion, ICE officers detained Petitioner, questioned him regarding his identity and immigration status, and ultimately arrested him. ICE officers relied on impermissible factors, including Petitioner’s silence and assumptions regarding his immigration status, rather than specific, articulable facts. (Ex. A; Ex. B; Ex. C).

69. ICE officers further prolonged and escalated the seizure after the purpose of the stop had dissipated, in violation of the Fourth Amendment's requirement that a seizure remain narrowly tailored to its lawful justification. (Ex. A; Ex. B; Ex. C).

70. Once ICE officers confirmed they were searching for someone else and did not identify Petitioner as that person, the justification for detaining Petitioner evaporated. Any continued restraint required independent reasonable suspicion particularized to Petitioner supported by specific and articulable facts. (Ex. A; Ex. B; Ex. C).

71. ICE officers had no such individualized basis. Instead, they relied on impermissible factors—Petitioner's perceived ethnicity and silence—to prolong the seizure and escalate it into a warrantless arrest. (Ex. A; Ex. B; Ex. C).

72. The Fourth Amendment forbids treating apparent ethnicity as a proxy for immigration status. Detention based on "obvious" noncitizenship inferred from appearance is precisely the type of unconstitutional generalized suspicion the Fourth Amendment prohibits. *United States v. Brignoni-Ponce*, 422 U.S. 873, 885–87 (1975).

73. Because Petitioner's arrest and detention stem from an unconstitutional seizure, his continued custody is unlawful, and habeas relief is warranted. (Ex. A; Ex. B; Ex. C; Ex. E).

COUNT TWO

Fifth Amendment – Deprivation of Liberty Without Due Process of Law

74. The allegations in the above paragraphs are realleged and incorporated herein.

75. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law.

76. Petitioner's detention violates due process because it arose from an unlawful seizure, was effectuated without statutory authority, and was based on arbitrary and unreliable determinations regarding Petitioner's immigration status. (Ex. A; Ex. B; Ex. C).

77. ICE officers misrepresented Petitioner's constitutional rights during the encounter, including by stating that there was "no pleading the Fifth," and treated Petitioner's refusal to answer questions as justification for detention. (Ex. A; Ex. B; Ex. C).

78. Following his arrest, Petitioner was transferred out of Minnesota without notice to Petitioner or counsel, and Respondents did not promptly provide reliable confirmation of his detention location following the transfer, impairing access to counsel and timely judicial review.

79. Under these circumstances, Petitioner's continued detention is arbitrary and fundamentally unfair, in violation of the Fifth Amendment.

80. Independently, Petitioner's continued detention violates procedural due process because Respondents have not provided an individualized hearing before a neutral decisionmaker at which the Government must justify continued civil detention.

81. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), which requires courts to balance (1) the private interest affected, (2) the risk of erroneous deprivation under existing procedures and the probable value of additional safeguards, and (3) the Government's interest, Petitioner's fundamental liberty interest and the high risk of erroneous deprivation—especially where arrest occurred without individualized suspicion and in the presence of discriminatory indicia—require additional safeguards beyond automatic detention. *Zadvydas v. Davis*, 533 U.S. 678, 690–92 (2001); *Demore v. Kim*, 538 U.S. 510, 521–31 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 296–309 (2018); *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011); *Velasco Lopez v. Decker*, 978 F.3d 842, 851–56 (2d Cir. 2020); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 210–13 (3d Cir. 2020).

82. At minimum, due process requires an individualized custody hearing before a neutral decisionmaker at which the Government bears the burden of proving that continued detention is necessary due to flight risk or danger and that no less restrictive conditions can

reasonably address those concerns. Given the severe deprivation of liberty inherent in civil detention, Petitioner requests that the Court require the Government to meet that burden by clear and convincing evidence.

83. Because Respondents have denied Petitioner constitutionally adequate procedures to justify continued restraint, his custody is unlawful and should be remedied by release or, at minimum, a prompt individualized custody hearing with the burden on the Government.

COUNT THREE

Ultra Vires Detention – Exceeding Statutory Authority Under the INA

84. ICE's authority to arrest and detain individuals is limited by statute, including 8 U.S.C. § 1357(a), which requires a lawful basis to believe that a person is removable and subject to arrest.

85. To the extent Respondents rely on 8 U.S.C. § 1357(a)(2) to justify a warrantless arrest, the statute permits such an arrest only where an officer has *reason to believe* the person is removable and is *likely to escape before a warrant can be obtained*.

86. ICE officers did not articulate facts establishing removability particularized to Petitioner at the time of arrest. Statements that Petitioner was "obviously" not a citizen or LPR reflect assumptions based on appearance, not a statutory "reason to believe" grounded in objective evidence. (Ex. A; Ex. B; Ex. C).

87. ICE officers also did not articulate, and could not reasonably have concluded, that Petitioner was likely to escape before a warrant could be obtained. Petitioner was a passenger in a stopped vehicle, made no attempt to flee, and there were no exigent circumstances preventing officers from seeking a warrant or verifying identity through lawful means. (Ex. C).

88. Because ICE failed to satisfy § 1357(a)(2)'s prerequisites for a warrantless immigration arrest, the arrest and resulting detention exceeded statutory authority and are ultra

vires. *See 8 U.S.C. § 1357(a)(2); Brignoni-Ponce, 422 U.S. at 884–87 (immigration enforcement must rest on individualized, articulable facts and cannot rely on ethnicity alone).*

89. ICE officers lacked statutory authority to arrest and detain Petitioner because they did not possess a warrant, did not identify a lawful ground for detention at the time of arrest, and relied on impermissible assumptions rather than individualized facts.

90. ICE officers expressly acknowledged that they were searching for another individual and nonetheless detained Petitioner without articulating any statutory basis for custody. (Ex. A; Ex. B; Ex. C).

91. Because ICE exceeded its statutory authority, Petitioner's detention is ultra vires and unlawful, and habeas relief is appropriate.

COUNT IV

Unlawful Transfer and Nondisclosure / Interference with Access

92. Following his arrest in Minnesota, Petitioner was transferred out of state to Texas without notice and without judicial oversight. (Ex. C; Ex. E).

93. Following Petitioner's transfer out of Minnesota, Respondents did not promptly provide reliable confirmation of Petitioner's detention location to counsel, thereby impeding access to counsel and timely judicial review. (Ex. C; Ex. E).

94. Respondents' decision to transfer Petitioner out of Minnesota without notice and then delay confirmation of his detention facility interfered with attorney-client communication, delayed the preparation and filing of this habeas petition, and impaired counsel's ability to gather Minnesota-based evidence and witnesses concerning the seizure and arrest. (Ex. C; Ex. H; Ex. I).

95. The transfer without notice and the delay in reliable location confirmation foreseeably interfered with attorney-client communication and timely access to the courts. This interference denied Petitioner a meaningful opportunity to consult counsel and promptly

challenge custody, rendering continued detention unlawful unless and until Respondents provide constitutionally adequate process and access. (Ex. C). *See Ex parte Mitsuye Endo*, 323 U.S. 283, 304–07 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 440–41 & n.13 (2004); *Braden v. 30th Jud. Cir. Ct.*, 410 U.S. 484, 494–500 (1973); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 565–67 (9th Cir. 1990); *Biwot v. Gonzales*, 403 F.3d 1094, 1098–1100 (9th Cir. 2005).

96. The transfer and delayed disclosure of Petitioner’s location were unreasonably burdensome and not reasonably related to legitimate civil detention objectives, and they foreseeably interfered with Petitioner’s access to counsel and timely judicial review. Respondents’ out-of-state transfer has also materially burdened counsel’s ability to investigate and develop Minnesota-based evidence and witnesses concerning the seizure and arrest that occurred in this District. To ensure meaningful access to counsel and effective habeas review, the Court may order ancillary relief necessary to make its habeas jurisdiction effective, including directing Respondents to return Petitioner to ICE custody within the District of Minnesota (or to another facility within reasonable proximity to Minnesota counsel) pending resolution of this Petition. (Ex. C; Ex. H; Ex. I).

COUNT V

Fifth Amendment – Equal Protection / Racial Profiling

97. The allegations in the above paragraphs are realleged and incorporated herein.

98. The Fifth Amendment prohibits the federal government from selectively enforcing the law based on race or ethnicity. Discriminatory enforcement violates the equal protection component of the Fifth Amendment where race or ethnicity is a motivating factor in the decision to stop, detain, question, or arrest.

99. Here, officers continued detaining Petitioner after displaying the image of the person they were seeking and not identifying Petitioner as that person, yet they did not articulate

any individualized facts supporting reasonable suspicion or probable cause particularized to Petitioner. (Ex. A; Ex. B; Ex. C).

100. Officers' statements that Petitioner was "obviously not a citizen" and "obviously not an LPR" were made before obtaining identification and without citing objective database results or other individualized evidence. Those statements support the inference that officers used appearance and perceived ethnicity as a proxy for immigration status. (Ex. A; Ex. B; Ex. C).

101. Apparent ethnicity alone cannot supply reasonable suspicion or probable cause, and it cannot lawfully serve as a proxy for immigration status. *See United States v. Brignoni-Ponce*, 422 U.S. 873 (1975).

102. The officers' statements that Petitioner was "obviously not a citizen" and "obviously not an LPR," made prior to obtaining identification and after confirming he was not the individual sought, support the inference that ethnicity and appearance were motivating factors in the decision to detain him.

103. The absence of any individualized facts establishing removability, combined with the officers' reliance on visual appearance and silence, demonstrates discriminatory enforcement in violation of the equal protection component of the Fifth Amendment. (Ex. A; Ex. B; Ex. C)

104. ICE officers' decision to detain Petitioner after acknowledging he was not the individual they were seeking, and in the absence of any articulable facts particular to him, reflects discriminatory purpose and unconstitutional racial profiling. (Ex. A; Ex. B; Ex. C)

105. Because Petitioner's arrest and detention were motivated in part by impermissible racial considerations, his continued custody violates the equal protection component of the Fifth Amendment and is unlawful. (Ex. A; Ex. B; Ex. C)

106. The officers' express reliance on "obvious" noncitizenship before obtaining identification, coupled with the absence of individualized suspicion once Petitioner was not the target, supports the inference that discriminatory purpose was a motivating factor in the seizure and arrest. (Ex. A; Ex. B; Ex. C)

107. Where custody is the direct product of unconstitutional discriminatory enforcement, habeas relief is warranted to remedy the unlawful restraint and prevent re-detention based on the same unconstitutional stop and arrest. (Ex. A; Ex. B; Ex. C)

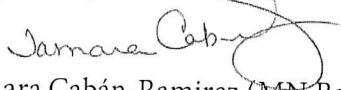
PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 2241 and 1331;
- (2) Issue an Order to Show Cause forthwith, pursuant to 28 U.S.C. § 2243, directing Respondents to show cause, within three days or such time as the Court allows for good cause, why this Petition should not be granted;
- (3) Declare that Petitioner's seizure, arrest, detention, and continued custody violate the Fourth and Fifth Amendments to the United States Constitution and exceed Respondents' statutory authority under the Immigration and Nationality Act, including 8 U.S.C. § 1357;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from ICE custody; or, in the alternative, order Respondents to provide Petitioner with a prompt individualized custody hearing before an Immigration Judge at which the Government bears the burden to justify continued detention by clear and convincing evidence of danger or flight risk and to show that no less restrictive conditions can reasonably address those concerns;

- (5) Order Respondents to return Petitioner to custody within the District of Minnesota, or otherwise ensure his physical availability in this District for purposes of meaningful consultation with counsel and effective habeas review;
- (6) Pending final resolution, enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court or removing him from the United States without prior notice to counsel and leave of Court;
- (7) Enjoin Respondents from re-detaining Petitioner based on the same unlawful seizure and arrest that gave rise to this Petition; and enjoin Respondents from transferring Petitioner out of the District of Minnesota (or out of the Eighth Circuit) while this Petition is pending, and order Respondents to promptly disclose Petitioner's location and permit confidential attorney-client communication;
- (8) Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Tamara Cabán-Ramírez (MN Bar No. 0353346)

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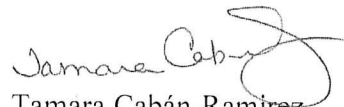
Dated: 02/13/2026

VERIFICATION PURSUANT TO 28 U.S.C. §§ 2242 AND 1746

I, Tamara Cabán-Ramirez, am an attorney licensed to practice law and counsel for Petitioner Jonder Vicente Abrigo Guaman in this matter. I submit this Verification on Petitioner's behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief, based upon communications with Petitioner, review of records and evidence, including video and documentary exhibits, and my investigation of the facts.

I declare under penalty of perjury that the foregoing is true and correct. Dated this 13th day of February, 2026.


Tamara Cabán-Ramirez
Attorney for Petitioner
Caban Ramirez Law Firm, LLC