

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Gonzalo Adonay Silva Ventura,

Petitioner,

v.

Pamela Bondi, Attorney General, United
States Department of Justice,

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

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

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

Respondents.

Civil No. 0:26-cv-01854-SHL-ECW

**PETITIONER'S REPLY TO
FEDERAL RESPONDENTS'
RESPONSE IN SUPPORT OF
MOTION TO DISMISS**

INTRODUCTION

Petitioner, Gonzalo Adonay Silva Ventura, by and through counsel, hereby files this Reply to Federal Respondents' Response in Support of their Motion to Dismiss ("Response").

The relevant facts presented to the Court in Petitioner's Petition for Writ of Habeas Corpus are summarized as follows (Dkt No. 1): Mr. Ventura is a resident of Minneapolis, Minnesota, and is a citizen of El Salvador. Mr. Ventura has lived in the United States since August 31, 2017 after being apprehended at the border and released on his own

recognizance. Petitioner filed an application for asylum shortly after his arrival in the United States, and his application is currently pending. Petitioner has a U-Visa that was issued on October 31, 2023 and is valid through October 30, 2028. Mr. Ventura works full time as a cable cutter at [REDACTED] in Eden Prairie, Minnesota. Mr. Ventura pays taxes and has a spotless criminal history.

On the morning of January 6, 2026, Mr. Ventura's mother was driving him to work. They were stopped at a red light when, suddenly, two unmarked vehicles blocked their path and masked and armed ICE agents rushed Mr. Ventura and his mother's vehicle on each side. Mr. Ventura was pulled from the car, put in one of the unmarked vehicles, and was driven away. These agents did not ask for Mr. Ventura's documentation, present Mr. Ventura with a warrant, nor cite a statutory basis for his detention at that time. After being arrested and detained in Minnesota, Petitioner was initially detained at the ICE St. Paul Field Office Whipple Building. A search for Petitioner's location via the ICE online detainee locator still yields zero results, and counsel has still been unable to confirm Petitioner's location.

On March 12, 2026, the undersigned counsel filed a Petition for Writ of Habeas Corpus (Dkt. No. 1) on Mr. Ventura's behalf in this Court in the District of Minnesota for three reasons: 1) when an individual in custody is "held in an undisclosed location by an unknown custodian, it is impossible to apply the typical rules for determining the proper forum for a habeas petition," *Christian A.S.C. v. Bondi*, No. CV 26-788 (JRT/LIB), 2026 WL 323098, at *1 (D. Minn. Feb. 6, 2026) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 450 n.18 (2004)); 2) "habeas jurisdiction attaches at the time of the Petitioner's

apprehension” (*Sue H. v. Donald Trump*, No. 26-cv-0416 at 2 (D. Minn. Jan. 20, 2026)), and Mr. Ventura was apprehended in this District; and 3) “jurisdiction is not defeated by any subsequent decision by Respondents to transfer Petitioner to another state.” *Id.*

Respondents filed a Response in Support of their Motion to Dismiss under seal on March 16, 2026. (Dkt No. 5.)

Respondents’ Response fails on the merits and also fails to satisfy the requirements ordered by this Court. As such, Mr. Ventura respectfully requests that the Court order Respondents to **release** him from ICE detention or in the alternative to provide him with a bond hearing.

ARGUMENT

First, Respondents argue that the Petition fails as a threshold matter because Petitioner “filed it in the wrong place,” as the proper forum for a habeas petition challenging physical detention is in the district where the petitioner is confined. Response at 1. But counsel **still cannot confirm Petitioner’s location**. What is more, Respondents do not posit what the appropriate forum for this action is. Therefore, even if the Court was persuaded by Respondents’ argument, it is not clear where this action should be transferred. When “a prisoner is held in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules.” *Rumsfeld v. Padilla*, 542 U.S. 426, 450 n.18 (2004). “This exception applies with equal force where the Government was not forthcoming with respect to the identity of the custodian and the place of detention.” *Fausto O.I. v. Noem*, No. 26-CV-854 (MJD/LIB), 2026 WL 357652, at *3 (D. Minn. Feb. 4, 2026) (internal citations omitted).

Indeed, this Court ruled that the District of Minnesota was the proper forum to file a habeas petition in nearly identical circumstances in *Luis E. M. C. v. Bondi*. In *Luis E.M. C.*, counsel for petitioner stated that, at the time of filing the habeas petition, ICE's online detainee locator website "did not display **any** location for [p]etitioner". *Luis E. M. C. v. Bondi*. In *Luis E.M. C.*, No. CV 26-333 (JRT/DTS), 2026 WL 184538, at *2 (D. Minn. Jan. 23, 2026) (emphasis in original). In holding that jurisdiction was proper in the District of Minnesota, the Court found that the information before it indicated that, at the time of filing, petitioner was 1) held in an undisclosed location by an unknown custodian and therefore the baseline rules set out in *Padilla* could not be applied, and 2) last known to be held in Minnesota.

Second, this Court has already ruled that the immediate custodian rule outlined in *Padilla v. Rumsfeld* is "a venue rule and not a jurisdictional one." *Jose A. v. Noem et al.*, No. 26-CV-480 (JMB/ECW), 2026 WL 172524, at *2 (D. Minn. Jan. 22, 2026). Respondents' contention that the immediate custodian rule is grounded in principles of personal jurisdiction is unfounded. The "application of the 'immediate custodian rule' is not automatic." *Id.* Rather, venue for habeas petitions allows for equitable concerns such as convenience and appropriateness of the district. *Luis N. v. Trump*, No. 26-cv-0171 (MJD/SGE) Doc. No. 8, at *3 (D. Minn Jan. 16, 2026) (citing *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 (1973)). This Court should consider such equitable concerns, especially because this Court can reach the custodian by service of process. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 (1973) (emphasis added) ("So long as the custodian can be reached by service of process, the court

can issue a writ ‘within its jurisdiction’ requiring that the prisoner be brought before the court for a hearing on his claim, or requiring that he be released outright from custody, *even if the petitioner himself is confined outside the court’s jurisdiction.*”) (emphasis added).

This district is both a convenient and appropriate forum to issue the writ. For example, the decision to arrest and detain Mr. Ventura was directed by and to personnel within this District and therefore witnesses and information about the manner of his arrest would also be found in this District. Mr. Ventura was, for at least some time, actually detained within the District of Minnesota. Petitioner has lived in Minnesota for over eight years, and has a job and family here.

Courts in this District have held:

[V]enue should not be transferred simply because a petitioner was unable to file their petition prior to transfer, particularly when that transfer was not at a petitioner’s request, is wholly outside of their control, and occurs in a very short time after arrest. Transferring venue solely on the basis that a petitioner was transferred, and thereby currently detained elsewhere, could also have the effect of incentivizing forum shopping, as Respondents could quickly transfer detained individuals to the district of their choosing.

Jose A. v. Noem et al., No. 26-CV-480 (JMB/ECW).

Venue and jurisdiction are each proper in the District of Minnesota. Courts in this District have further acknowledged, when “Government-controlled transfers,” like the one in this case, are “executed within hours of detention and before communication with counsel is possible” such conduct “risk[s] defeating timely judicial review.” *E.E. v. Bondi*, No. 26-314, Doc. No. 7 at 5 (D. Minn. Jan. 17, 2026). In this case, it was wholly Respondents’ decision to transfer Petitioner following his arrest, before his counsel could reach him, and

before any petition for writ of habeas corpus could be filed in this District. The fact that Respondents subsequently transferred Petitioner to another state after detaining him at Whipple does not absolve Respondents of this conduct, and if anything, further demonstrates Respondents' unilateral ability to forum shop and therefore affirms the appropriateness of this district's venue. For the equitable and legal reasons stated above, venue and jurisdiction are each proper in the District of Minnesota.

Third, Respondents state that they are unable to corroborate that Petitioner was issued a U-Visa, so the Court should proceed on the negative assumption that Petitioner has not been issued a U-Visa. Respondents also maintain that Petitioner cannot be located via the ICE online detainee locator because he receives Section 1367 protection—which is only provided to those who have applied for or received a U-Visa. But because Respondents have not provided sufficient information for Petitioner to be located, counsel has been unable to communicate with Petitioner, and thus cannot corroborate the existence of his U-Visa or otherwise obtain means to produce evidence confirming its issuance. Respondents should not be allowed to have it both ways: Respondents cannot effectively prevent counsel from locating and communicating with Petitioner to corroborate allegations in the Petition and, simultaneously, ask this court to draw factual inferences against Petitioner.

Fourth, despite Respondents' interpretation of § 1225, this Court has routinely held that that habeas petitioners in this District that meet the class definition are entitled to the declaratory relief ordered in *Maldonado Bautista v. Santacruz*. See *Ismael D. v. Noem*, No. 26-CV-413 (JMB/LIB), 2026 WL 145987, at *2 (D. Minn. Jan. 20, 2026); *Jose A. v. Noem*,

No. 26-CV-480 (JMB/ECW), 2026 WL 172524, at *2 (D. Minn. Jan. 22, 2026). Petitioner is a member of the Bond Eligible Class as he a) does not have lawful status in the United States and is currently detained by ICE, b) entered the United States without inspection, was apprehended shortly after entering, and was released on recognizance, and c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. *Maldonado Bautista* established a **nationwide** Bond Eligible Class. *See 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). Respondents cannot thwart this decision simply by making a different interpretation than the Court itself. *See No. 5:25-cv-01873-SSS-BFM* 2025 WL 3713982 at * 7 (C.D. Cal. Dec. 18, 2025) (issuing order to clarify that **all class members** are entitled to benefit from the declaratory relief after being presented with evidence that the government was counseling noncompliance with court orders).

Fifth, Respondents' interpretation of the term "seeking admission" under the INA has been rejected time and time again by this Court—a decision most recently affirmed yesterday (at the date of this filing). *See, e.g., Juan C.R.R., v. Pamela Bondi, et al.*, No. 26-01282 (MJD/DJF), 2026 WL 752462, at *1 (D. Minn. Mar. 17, 2026). Respondents insist that, despite the fact that Petitioner has been in the United States since 2017, he is nonetheless still "seeking admission" to the United States. "[A]s has been held by almost every court to consider the issue, the government's interpretation of the statute is contrary to the plain text of both Sections 1225(b) and 1226." *Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312, at *2 (D. Minn. Nov. 4, 2025). It is also deeply impractical. Indeed, Respondents' interpretation would require the mandatory detention

of hundreds of thousands of individuals already residing in the United States. Rather, the phrase “seeking admission” necessarily requires a present-tense action—i.e., an action taken by someone not yet already residing in the United States. *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025); *see also Mahamed C.A. v. Noem*, No. 25-CV-4551 (MJD/JFD), 2025 WL 3771299, at *3 (D. Minn. Dec. 16, 2025), R&R adopted sub nom. Awaale v. Noem, No. 25-04551(MJD/JFD), 2025 WL 3754012 (D. Minn. Dec. 29, 2025) (rejecting the argument that asylum seekers are “seeking admission” for purposes of mandatory detention under § 1225); *see also Paula G. v. Bondi*, No. 26-CV-410 (JMB/DLM), 2026 WL 146003, at *2 (D. Minn. Jan. 20, 2026).

Sixth, this Court’s Order, issued on March 13, 2026, required Respondents’ answer to include “[w]hether Petitioner was arrested pursuant to a warrant and, if so, a copy of such warrant.” Respondents’ Response is silent as to the absence of a warrant preceding Mr. Ventura’s arrest—and Respondents failed to produce a copy. Likely, Respondents decline to address these allegations and claims because the absence of a warrant preceding arrest necessitates immediate release. *See, e.g., Ahmed M. v. Bondi*, No. 25-4711, 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026) (Tostrud, J.); *Alberto C.M. v. Noem*, No. CV 26-380 (DWF/SGE), 2026 WL 184530 (D. Minn. Jan. 23, 2026) (Frank, J.) *Brian P. N. v. Bondi*, No. 26-cv-39 (KMM/DLM), ECF No. 14 at 2 (D. Minn. Jan. 21, 2026) (Menendez, J.); *Diego L. v. Bondi*, No. 26-cv-382 (JMB/DJF), 2026 WL 145206, at *3 (D. Minn. Jan. 20, 2026) (Bryan, J.).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court order ICE **release** him from ICE detention or in the alternative provide Petitioner with a bond hearing.

Dated: March 18, 2026

Respectfully submitted,

/s/ Frances Mahoney-Mosedale

GUSTAFSON GLUEK PLLC

Frances Mahoney-Mosedale (#0402741)

Canadian Pacific Plaza

120 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Tel: (612) 333-8844

Fax: (612) 339-6622

fmahoneymosedale@gustafsongluek.com

Counsel for Petitioner