

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-01914-JMB-SGE

Segundo Guillermo Ruiz-Coronel,

Petitioner,

v.

Pamela Bondi, *et al.*,

Respondents.

**FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner filed this habeas petition to seek release from detention by the U.S. Immigration and Customs Enforcement (“ICE”). The Respondents (collectively the “United States”) hereby file this Response requesting denial of the habeas Petition. Petitioner is not entitled to release from detention. 8 U.S.C. § 1231 applies to these circumstances, and provides that when an alien is ordered removed,” the Secretary of Homeland Security “shall detain the alien” “[d]uring the removal period.”. Petitioner was detained on March 16, 2026, or 4 days ago. The statutory removal period under the statute is 90 days. Petitioner’s detention, thus, falls within the 90-day mandatory detention period, and it would be inappropriate to release Petitioner under 8 U.S.C. § 1231. Petitioner filed this habeas petition on February 12, 2026. Filed as supporting documents are the Order of Removal from 2019, I-213, and I-200.¹

¹ In the submitted Petition, Petitioner states his belief that he was arrested without a warrant, however this is incorrect. Please see attached I-200 warrant. Additionally,

BACKGROUND

The Federal Respondents draw the following background from information included in the Petition (“Pet.”), and documentation supplied by the Agency. We rehash the facts of the case here for the Court’s reference: Petitioner is an Ecuadorian citizen who was previously ordered removed from the United States in 2019. Pet. ¶ 44 and Exhibit A. Per the Agency Records, and the Petition, he was ordered removed on November 25, 2019 by Immigration Judge Anibal Martinez. Pet. ¶ 44 and Exhibit A. This documentation, supplied by the Agency, indicates that this decision of the Immigration Judge is final unless appealed by the Petitioner. Exhibit A. There is no information, in either the Petition, or in documentation supplied by Agency, to suggest that Petitioner ever appealed this Order of the Immigration Judge. According to his Petition, Petitioner’s wife filed a Form I-918A on his behalf for U Nonimmigrant Status. Pet. ¶ 45. However, there is no information provided by Petitioner which would suggest he ever attained any type of status.

ARGUMENT

Respondents supply a copy of the decision of an immigration judge from 2019, dated November 25, 2019, ordering Petitioner removed from the country. This document indicates that, “This decision is final unless a Motion to Reopen is filed...”. Exhibit A.

I. Detention of Petitioner Under 8 U.S.C. § 1231

The Court should deny this petition on the merits. Petitioner is not entitled to release from detention. 8 U.S.C. § 1231 applies to these circumstances, and provides that when an alien is ordered removed,” the Secretary of Homeland Security “shall detain the alien” “[d]uring the removal period.” Petitioner has been detained since March 16, 2026, 4 days ago. **We are still within the mandatory detention period under 8 U.S.C. § 1231.**

II. Legal and Statutory Authority for Detention Pending Removal

ICE has the authority to detain Petitioner pending his removal from the United States. For more than two centuries, immigration officials have had the authority to charge noncitizens as removable from the country, arrest noncitizens subject to removal, and detain noncitizens during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 233 (1960). Through the Immigration and Nationality Act (“INA”), Congress enacted a multi-layered statutory scheme for the civil detention of noncitizens pending a decision on removal, during the administrative and judicial review of removal orders, and in preparation for removal. *See* 8 U.S.C. §§ 1225, 1226, and 1231. Once a noncitizen is subject to a final removal order—as it appears Petitioner is here—his detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. part 241.

A noncitizen who has been ordered removed lacks a legal right to remain in the United States, and his liberty interest in remaining in the country is reduced. Accordingly, federal law provides that “when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days” and “shall detain the alien” during the removal period. 8 U.S.C. § 1231(a)(1)(A) and (a)(2)(A).² The “removal period” is the period during which the Department of Homeland Security begins to take steps to execute the noncitizen’s final removal order. *See id.* § 1231(a)(1)(A)-(B). That period begins on the latest of: (1) the “date the order of removal becomes administratively final”; (2) “[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order”; or (3) “[i]f the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.” *Id.* § 1231(a)(1)(B)(i)-(iii).

Detention during the 90-day removal period can be extended in some circumstances. For example, noncitizens who are removable after being convicted of an aggravated felony may be detained beyond 90 days. *Id.* § 1231(a)(6); *see also id.* § 1231(a)(1)(C) (suspension of removal period when noncitizen fails to make timely application for travel documents or acts to prevent removal). The Department of Homeland Security also conducts periodic post-order custody reviews to determine whether a noncitizen subject to a final removal

² The Homeland Security Act of 2002 transferred many immigration enforcement and administrative functions from the Attorney General to the Secretary of Homeland Security. *See* Pub. L. No. 107-296, 116 Stat. 2135 (2002).

order should continue to be detained beyond the removal period. *See* 8 C.F.R. § 241.4 (addressing continued detention for inadmissible, criminal, and other noncitizens).

After the removal period expires, a noncitizen may be released under an order of supervision.

III. Petitioner's *Zadvydas* Challenge

Petitioner contends that his continued detention violates the Due Process Clause. This is better known as a *Zadvydas* challenge, although Petitioner only briefly cites the case. Pet. ¶ 56. Although the plain language of § 1231(a)(6) does not impose any limit on how long a noncitizen can be detained pending removal, the Supreme Court in *Zadvydas* “read an implicit limitation into” the statute. 533 U.S. at 689. Thus, a person subject to a final order of removal cannot be detained indefinitely. *Id.* at 699-700. *Zadvydas* established a temporal marker: detention for six months or less is presumptively constitutional. *Id.* at 701. But continued detention does not automatically become unconstitutional after six months; longer detention still comports with due process if there is a “significant likelihood of removal in the reasonably foreseeable future.” *Id.* As the Supreme Court explained:

[a]fter this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the “reasonably foreseeable future” conversely would have

to shrink. This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.

Id. (emphasis added). The end result is that a habeas petitioner must meet the initial burden of demonstrating no significant likelihood of his removal in the reasonably foreseeable future. *Id.* If he makes this showing, then the government must rebut it. *Id.* This burden lies on Petitioner, and not the Government.

Furthermore, Petitioner's Due Process challenge is premature. As noted above, the Supreme Court holds that six months of detention is reasonable and constitutional when ICE is carrying out a removal order. Thus, Petitioner's current detention is presumptively constitutional because it has not lasted more than six months; it has barely lasted a few days. Petitioner's failure to confront this issue and properly support his petition is reason enough to reject his request for habeas relief as premature. "[D]etainees awaiting removal from the United States may not file anticipatory habeas petitions prior to the six-month period having elapsed just in case their detention goes on for too long; instead, they must wait until the presumptively reasonable six-month period has passed to seek habeas relief." *Brian B. v. Tollefson*, 2024 U.S. Dist. LEXIS 158854, at *4 (D. Minn. July 26, 2024), adopted by 2024 U.S. Dist. LEXIS 157487 (D. Minn. Sep. 3, 2024); see also *Mehighlovesky v. U.S. Dep't of Homeland Sec.*, 2012 U.S. Dist. LEXIS 185286, at *6 (D. Minn. Dec. 7, 2012) ("A petition filed before the expiration date of the presumptively reasonable six months of detention prescribed by *Zadvydas* is properly dismissed as

premature.” (citations, alterations, and internal quotation marks omitted)). Indeed, earlier this year, this Court denied a Zadvydas petition as premature where the petitioner had been held for three months in 2009 and then a few weeks in December 2025. See *Saengnakhone S. v. Noem*, No. 25-cv-4775-ECT-LIB, ECF No. 10, at 8 (filed Jan. 6, 2026) (“To the extent he raises a Zadvydas challenge, it is premature, as Saengnakhone was detained only a few days past the 90-day removal period in 2009 and has been detained for only a few weeks since his December 2025 arrest.”). The Court should likewise deny Petitioner’s habeas petition on this basis.

CONCLUSION

The Federal Respondents respectfully request that the Court deny Petitioner’s habeas petition in its entirety. No evidentiary hearing is necessary in this matter because the submissions filed with this response provide a sufficient record upon which the Court can adjudicate the petition. Petitioner is properly detained under 8 U.S.C. § 1231, as the Petitioner is subject to an already existing order of removal from 2019, the 90-day removal period is still ongoing, and his Zadvydas challenge is premature. Bottom line, the mere fact that he has applied for U-visa Status does not negate the fact of his having an Order of Removal from 2019. Petitioner is properly detained, and the Federal Respondents respectfully request the Court deny the Petitioner’s Petition.

Dated: March 20, 2026

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