

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Axel J.M.C.,

Petitioner,

v.

MIKE STASKI, et al.,

Respondents.

Civil No. 0:26-cv-02281-(JRT-LIB)

**PETITIONER'S STATUS
UPDATE TO COURT
REGARDING MEMORANDUM
OPINION AND ORDER
GRANTING PETITION FOR
WRIT OF HABEAS CORPUS
(ECF DOC. 12) AND
REQUEST TO CLARIFY
ORDER REGARDING
REDETENTION**

**STATUS UPDATE ON CUSTODY REDETERMINATION HEARING AND
CUSTODY STATUS OF PETITIONER**

On April 29, 2026, this Court GRANTED Petitioner's Habeas Corpus Petition and found that the "Petitioner's detention without an individualized bond hearing violates his rights under the Due Process Clause of the Fifth Amendment". (ECF DOC. 12 at 11, ¶ 1(a) Judge John R. Tunheim's April 26, 2026, Memorandum Opinion and Order).

Petitioner Axel J.M.C. submits this Status Update to this Order requiring "the parties [to] provide the Court with a status update concerning the results of any bond hearing conducted pursuant to [his] Order, or if no bond hearing was held, advise

the Court regarding Petitioner's release". Memo. Op. & Order at 12, 1(d). The Petitioner has been released from the Respondents' custody; however, this release alone does not moot his petition, and this request for clarification of the Court's Order. In addition, the Petitioner requests clarification of the Court's order granting his Petition for Habeas Corpus, specifically related to the Petitioner's Prayer for Relief requesting an order "that the Respondents cannot re-detain Petitioner without notice and a pre-deprivation hearing before this Court where the Respondents bear the burden of justifying re-detention by clear and convincing evidence". (Petition, ECF DOC. 1 at 25 ¶ e).

I. Custody Redetermination ("Bond") Hearing

The Executive Office for Immigration Review ("EOIR"), Immigration Court did not conduct a custody redetermination hearing ("bond hearing" pursuant to 8 U.S.C. § 1226(a) allowing the parties to "present evidence and argument about whether Petitioner is a danger to the community and presents a flight risk if not detained" (ECF Doc. 12 at 11 1(b)). Petitioner's counsel, Erin Schutte Wadzinski, entered her appearance for bond and custody proceedings. As of May 4, 2026, the Department of Homeland Security had not submitted any documents to the "Bond Proceedings" via the EOIR's electronic filing system.

II. Petitioner's Custody Status

At some point on Thursday, April 30, 2026, Petitioner was transported from Freeborn County Jail to the Henry Whipple Building at Fort Snelling, and subsequently released from ICE custody on his own recognizance and without conditions (i.e., the conditions that existed prior to his unlawful re-detention—noting Petition, ECF DOC. 1, at 24-25 ¶ (d)).

Petitioner is presently out of the Federal Respondents' actual custody. He reunited with his family in Adrian, Minnesota, and has been given a chance to prepare evidence and documents necessary to support his I-485, Application to Register Permanent Residency Status or Adjust Status, for adjudication by the Fort Snelling Immigration Court. In practice, the undersigned has read reports from other counsel that in immigration habeas corpus cases, a federal district court's order granting release from DHS/ICE detention does not automatically strip the agency of its underlying statutory detention authority unless the order contains an explicit "redetention provision" (or equivalent injunctive language). Thus, absent clarification regarding this request for relief, the Petitioner remains in the constructive custody of the Federal Respondents.

REQUEST TO CLARIFY ORDER REGARDING REDETENTION

COMES NOW, Petitioner, through counsel, to request that the Court clarify or otherwise expand on its April 29, 2026, Order regarding re-detention parameters requested by Petitioner in his habeas petition. (ECF DOC. 1) Specifically, the Petitioner requests that this Court consider his constructive custody concerns based on the possibility of future detention, absent an Order limiting the same.

Under the Immigration and Nationality Act (e.g., 8 U.S.C. §§ 1226(a), 1231(a)(6)) and regulations (e.g., 8 C.F.R. § 241.13(i)), DHS/ICE may redetain a released noncitizen upon “changed circumstances,” violations of release conditions, or a “significant likelihood” of removal in the reasonably foreseeable future. Here, Petitioner seeks additional judicial guidance on the parameters and requirements or a specific order enjoining the Federal Respondents from any arbitrary conclusions and actions regarding redetermination of custody absent court intervention.

Here, the Federal Respondents have offered no assurance that Petitioner will not be redetained. As such, Petitioner requests this Court to protect his liberty and freedom by a more specific order related to any future detention of the Petitioner, absent any specifically identified change in circumstances that would warrant re-detention and custody. In the alternative, the Petitioner requests that judgment and final decision on his habeas petition remain open for the duration of his removal

proceedings whereupon the parties will provide the Court with an update on his status.

WHEREFORE, the Petitioner requests the Court address any parameters to redetain Petitioner in an Order.

DATED: May 4, 2026
Worthington, Minnesota

Respectfully Submitted,

/s/ Erin Schutte Wadzinski, Attorney
Kivu Immigration Law PLLC
P.O. Box 104
Worthington, MN 56187
T: (507) 295-4858
E: erin@kivulaw.com

Lead Attorney for Petitioner

/s/ Rachel M. Engebretson, Attorney
Engbretson Law Firm, P.A.
989 118th Avenue NE
Blaine, MN 55434
Phone: 612-366-0479
Email: rachel@belegal-us.copm

Filing Attorney