

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

Jose Carlos Marroquin Jordan,

Petitioner,

v.

Todd Blanche, Acting Attorney General,

Markwayne Mullin, Secretary, U.S.
Department of Homeland Security,

Department of Homeland Security,

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

Immigration and Customs Enforcement,

Daren K. Margolin, Acting Director for
Executive Office for Immigration Review,

Executive Office for Immigration Review,

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

and,

Mike Stasko,
Freeborn County Jail Administrator

Respondents.

**PETITIONER'S
TRAVERSE
MEMORANDUM IN
SUPPORT OF PETITION
FOR HABEAS CORPUS**

I. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER §1225

Petitioner entered the United States as a minor, and as such, was protected both by the 1997 Flores Settlement agreement and provisions of the Trafficking Victims Protection Reauthorization Act (TVPRA). It is undisputed that he was paroled into the United States and then transferred to the Office of Refugee Resettlement before being released to a guardian in the United States. (Exhibit F). He timely filed for asylum with the United States Citizenship and Immigration Services (“USCIS”) who still holds exclusive initial jurisdiction over the application.

An arriving alien is a term of art tied to the initial admission or entry, not to a non-citizen’s age at the time they are later arrested inside the United States. Further, under TVPRA, once the asylum application has been timely filed with USCIS, the U.S. Department of Homeland Security (“DHS”) must treat that non-citizen under the child-protection regime, not as an adult. Under the TVPRA jurisdiction is not divested by the child later turning 18. To find thusly would give DHS the power to negate TVPRA entirely.

II. PETITIONER IS ENTITLED TO PROCEDURAL DUE PROCESS PROTECTIONS REGARDING PRE-REMOVAL DETENTION AS SLRFF IS INAPPLICABLE IN THIS SITUATION

The phrase “significant likelihood of removal in the reasonably foreseeable future” is a phrase from *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Clark v. Martinez*, 543 U.S. 371 (2005) which examines when post-order detention becomes constitutionally impermissible. However, even with the concept is borrowed and applied to Petitioner’s situation it fails.

Although DHS moved quickly to terminate Petitioner’s deferred action status under his approved I-360 post habeas filing, Petitioner’s TVPRA asylum remains with USCIS in its exclusive initial jurisdiction. Petitioner cannot be removed while that application is pending. And even if DHS compels USCIS to dismiss the asylum application, it must still be referred to immigration court where Petitioner has a right to be heard on his asylum claim. Even taking into account the extraordinary speed with which the Executive Office of Immigration Review (“EOIR”) is dispatching asylum cases, there is not a significant likelihood of removal in the reasonably foreseeable future.

Additionally, Petitioner is eligible to apply for lawful permanent resident status pursuant to his approved I-360 and USCIS time for filing charts. However, DHS will effectively deprive him of that opportunity if he remains in custody through May when the visa bulletin again shifts.

Petitioner's removal proceedings were terminated by the Immigration Judge with no objection from DHS at the time. This is not a situation in which someone has evaded detection and is now being detained for removal. Petitioner was paroled in as a child, placed with a guardian, granted special juvenile immigrant status, applied for asylum under the TVPRA while he was still under 18, and granted deferred action by USCIS. To suddenly take his liberty now after he has built up reliance on these processes for years requires due process.

III. GOVERNMENT'S EXHIBIT 7-1 DOES NOT PERTAIN TO THE PETITIONER AND SHOULD BE DISREGARDED

It is unclear why the Warrant for Arrest of Alien, government's exhibit 7-1, was filed in Petitioner's case. Neither the case number nor alien number belong to the Petitioner. This document should be disregarded.

CONCLUSION

Based on the foregoing, Petitioner asks the court to grant his request for immediate release.

Date: April 28, 2026

/s/ Carrie Huxford Peltier

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