UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-2363-NEB-LIB

Josué A.C.S.,

Petitioner,

v.

Todd Blanche, *et al.*,

Respondents.

RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

The question before the Court is whether Petitioner's present detention violates the Constitution or laws of the United States, not whether Petitioner would prefer a different custody framework, additional process, or some other form of discretionary relief. Put differently, the Court's task is to determine whether Respondents presently possess lawful statutory authority to detain Petitioner. They do.

That framing matters because petitions of this kind often attempt to recast mandatory detention as discretionary detention by misunderstanding that mandatory really means what it says. But habeas does not permit Petitioner to obtain a different detention regime merely by repackaging the argument for discretionary detention where the government has invoked mandatory detention. Because the governing statute presently authorizes detention—as it does here—the petition fails regardless of whether Petitioner recasts the same challenge as one sounding in due process, agency procedure, regulatory compliance, or administrative law. Respondents' detention authority arises under 8 U.S.C. § 1225, and Petitioner's remaining claims fail when analyzed from that premise.

PROCEDURAL HISTORY AND BACKGROUND

Petitioner is a citizen and native of Ecuador. Ex. B, at 2. He had entered the United States on or about April 1, 2023, at or near Nogales, Arizona. *Id.* He evaded inspection and was not admitted into the United States. *Id.* On March 10, 2024, he was arrested for assault in New York. *Id.* He pled guilty to disorderly conduct on July 2, 2024. *Id.*

On April 9, 2026, U.S. Immigration and Customs Enforcement (ICE) officers encountered Petitioner during a traffic stop of a vehicle registered to the target of an enforcement operation. *Id.* This vehicle, a [redacted] bearing a Minnesota plate of [redacted] was registered to the target's address. *Id.* The vehicle came to a stop and Petitioner fled on foot. *Id.* One of the officers used his vehicle to stop Petitioner from further flight. *Id.* Upon further inspection of the fleeing Petitioner, officers determined he had entered the United States without inspection and without lawful admission or parole. *Id.* Petitioner was transported to Sherburne County Jail in Elk River, Minnesota without further incident and for administrative processing. *Id.*

ARGUMENT

I. Respondents Detained Petitioner with Legally Sufficient Due Process

Congress created a specific detention framework for applicants for admission in 8 U.S.C. § 1225. Under § 1225(a)(1), an alien "present in the United States who has not been admitted or who arrives in the United States" is deemed "an applicant for admission." 8 U.S.C. § 1225(a)(1). That statutory definition supplies the threshold premise for detention under § 1225: lawful admission, not mere physical presence, is the relevant distinction. *See Avila v. Bondi*, 170 F.4th 1128, 1133–34 (8th Cir. 2026).

Section 1225(b) then provides the operative detention rules for applicants for admission. In general, applicants for admission fall into one of two categories: those governed by § 1225(b)(1), which applies in the expedited-removal context, and those governed by § 1225(b)(2), which serves as the catchall provision for applicants for admission not covered by subsection (b)(1). See *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). In either posture, however, the governing feature of the statute is the same: where the applicable requirements of § 1225 are met, detention is mandatory rather than discretionary. *Id.* at 299, 303. Thus, once Petitioner is properly classified as an applicant for admission under § 1225, detention is governed by the applicable subsection of § 1225, not by a discretionary custody framework.

Petitioner falls within that statutory framework. By Petitioner's own admission, he entered without inspection by an immigration official. Pet. ¶ 17. ICE's records agree. Ex. B, at 2. Petitioner's Fifth Amendment claim fails because his detention arises under a statutory framework Congress made mandatory for applicants for admission, and neither procedural nor substantive due process entitles him to a different custody regime. The result would deprive the government agency charged with detention the inability to claim what basis they're pursuing detention of the Petitioner.

Petitioner references that his wrongful detention in and of itself is a direct attack on Petitioner's liberty interests without explaining that the detention authority itself isn't wrong as applied to Petitioner. Pet. ¶ 52. He acknowledges *Avila* but will not dispute its applicability to this case, despite admitting an entry without inspection. Pet. ¶ 17.

Respondents reject that he is wrongfully detained because to do so would ignore both the facts of this case and *Avila*.

Petitioner announces their preference for a non-1225 detention multiple times. Pet. ¶¶ 53-55. Each reference to not having a bond hearing reiterates this preference because § 1225 does not contemplate bond hearings. In fact, the outcome would not be feasible due to the limits on immigration court. *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216, 228 (2025). Even if this Court were to order a bond hearing to occur before an immigration judge, the immigration judge would not be able to hear the merits under binding precedent because § 1225 detainees are bond-ineligible. *Id.* They are bond-ineligible because any other outcome would suggest their detention is discretionary, not mandatory, contrary to the Supreme Court's understanding of § 1225 in the *Jennings* decision.

The Court has likewise explained that a noncitizen in Petitioner's position has only those rights that Congress has provided by statute. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 137–40 (2020). The conclusion is in line with decades-old precedent holding "that a[] [noncitizen] seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude [noncitizens] is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Taken together, these decisions foreclose the argument that procedural due process independently requires a bond hearing or other added custody process for a petitioner detained under § 1225.

Petitioner also cannot avoid that conclusion by recasting the claim as one for an individualized hearing on danger, flight risk, or comparable custody factors. Congress did not make those factors predicates for detention under § 1225. Instead, Congress adopted a mandatory detention framework for applicants for admission. Because the statute does not turn on discretionary custody findings, due process does not require a hearing on criteria Congress made immaterial to detention under this provision. The Eighth Circuit's reasoning reinforces that conclusion. In *Banyee v. Garland*, the court reiterated that detention during removal proceedings is constitutionally valid and rejected a due process challenge to mandatory immigration detention. 115 F.4th 928, 931–33 (8th Cir. 2024). Although *Banyee* arose under a different mandatory-detention provision, its reasoning applies here with equal force: due process does not require courts to create a free-floating custody regime where Congress has mandated detention. *See, e.g.*, *Romero v. Brown*, 2026 WL 1021455, at *5 (S.D. Iowa Apr. 15, 2026) ("Regardless of the statutory provision at issue, *Demore* and *Banyee* stand for the same proposition: mandatory detention pending a determination of removability comports with due process."); *Leiva v. Berg*, 2026 WL 948430, at *4 (D. Neb. Apr. 8, 2026) ("[D]espite factual differences between the Supreme Court's immigration-detention cases, for over a century the Supreme Court has upheld congressional authorization to the executive branch to detain aliens—with or without criminal records—pending their removal proceedings."); *Sanchez v. Bondi*, 2026 WL 883680, at *2 (D.N.D. Mar. 31, 2026) ("Petitioner's due process claim must fail and detention during removal proceedings is a constitutionally permissible part of the process." (citations and internal quotation marks omitted)).

For all those reasons, Petitioner cannot establish that procedural due process entitles him to custody procedures beyond those Congress provided in § 1225. His procedural due process claim therefore fails.

II. Respondents Lawfully Arrested Petitioner Without a Judicial Warrant and an Administrative Warrant

Respondents will address both Petitioner's claim for a lack of judicial warrant and an administrative warrant, which are presented in the Petition in an inconsistent manner. Respondents do not require a judicial warrant to place Petitioner under civil arrest and in civil detention for an on-the-street encounter. The principal legal authority to allow ICE to make arrests without a judicial warrant has been recognized by several appellate courts, to include the Supreme Court of the United States. For decades, the administrative arrest warrant has been a recognized and accepted use of the Executive Branch to enforce the immigration laws of the United States. *See* 8 C.F.R. §§ 236.1(b) and 1236.1(b); *Abel v. United States*, 362 U.S. 217, 232 (1960). Specific to immigration contexts, administrative arrest warrants have been found to not be defective merely because they were not procured with the signature of a judge. *Id.*

Context matters. Petitioner was a collateral arrest to a target. Ex. B. There was no warrant for his arrest at the time of his arrest, nor did there need to be one. Fleeing law enforcement officials, as Petitioner did here, is not a protected Fourth Amendment activity. Such flight weighs against a finding that ICE did not meet its statutory standard for warrantless arrest under 8 U.S.C. § 1357(a)(2). ICE's traffic stop of the target vehicle was lawful. ICE pulled over a vehicle because its license plate returned as belonging to someone

who was subject to an immigration enforcement operation. ICE had authority under 8 U.S.C. § 1357(a)(1) to interrogate the individuals in the target vehicle to inspect each individuals' legal "right to be or to remain in the United States." The text of the statute clearly authorizes this inspection because ICE would not know which individual who comes out of a target vehicle is indeed unlawfully present in the United States without inspecting further.

8 C.F.R. § 287.8(c) provides that an arrest may proceed if an immigration officer has "reason to believe that the person to be arrested … is an alien illegally in the United States." The Eighth Circuit defines such reason to believe as amounting to probable cause. *US v. Quintana*, 623 F.3d 1237 (8th Cir. 2010). 8 C.FR. § 287.8(c)(2)(ii) provides that a *warrantless* arrest may proceed when an immigration officer has "reason to believe that the person is likely to escape before a warrant can be obtained." ICE must make a determination within 48 hours of an arrest whether to continue custody of the noncitizen or to release them on bond or recognizance. 8 C.F.R. § 287.3(d). Within that 48-hour window, ICE may serve a warrant contemporaneously with a Notice to Appear, which is a charging document indicating that an individual is being placed in removal proceedings. 8 C.F.R. § 236.1(b)(1); *See also* 8 C.F.R. § 287.3(d).

ICE complied with all regulations invoked in Petitioner's arrest. ICE had reason to believe that individuals riding in a vehicle that was a target of immigration enforcement action had a suspect basis to be or remain in the United States. When ICE stopped the vehicle and Petitioner fled from a target vehicle, ICE clearly had reason to believe Petitioner specifically was illegally present in the United States based on their training and

experience conducting such traffic stops. ICE had reason to believe Petitioner was likely to escape because he was actively escaping ICE. He did not remain in the vehicle to await examination. ICE did not know who he was when he was fleeing, so it would be improbable that ICE would be able to get a warrant for a person they do not yet know. So ICE lawfully arrested him without a warrant.

In less than 48 hours after arrest, Petitioner was brought before an examining immigration officer and presented with a charging document and an administrative arrest warrant. Exs. A & C. Petitioner was arrested on April 9, 2026. Ex. B, at 2. Petitioner was served the charging document and administrative arrest warrant on April 10, 2026, well within the 48-hour window given under the regulations. Exs. A & C, at 1. Petitioner signed these documents acknowledging receipt of the documents and acknowledging that he was to appear before an immigration judge on April 28, 2026. Ex. C. ICE's strict compliance with the regulations show it did not violate the Fifth Amendment, the Fourth Amendment, 8 U.S.C. § 1357(a)(2), 5 U.S.C. § 706(2)(A), or the *Accardi* Doctrine. ICE's compliance with 8 U.S.C. § 1357(a)(2) ultimately disposes of the remaining counts of the Petition.

Recasting of the facts by Petitioner in a way that is contrary to the record of the documented encounter between ICE and Petitioner resulted in this Petition fatally centered on warrantless arrest. But without more, all counts should be denied and relief is improper because Petitioner is a mandatory detainee under § 1225 and ICE made sure that a collateral arrest was effectuated in accordance with federal law.

EVIDENTIARY HEARING

Respondents believe the Court can rule on this Petition without holding an evidentiary hearing. The facts are not likely to be disputed, and the only issues before the Court are ones of legal interpretation capable of resolution on the parties' submissions.

ADDITIONAL REQUEST

Respondents acknowledge the importance of complying with any order this Court might issue regarding Petitioner's release. The U.S. Attorney's Office has been advised that ICE is devoting additional resources to the agency's inquiry email account for the St. Paul Field Office—both in terms of monitoring and responding to inquiries, and in terms of resolving release-related issues that detainees or their attorneys raise via messages to the address. The email address is StPaul.Outreach@ice.dhs.gov, and Respondents respectfully request that any order requiring Petitioner's release include a direction that questions about release logistics, detainee property, or conditions of release be sent to that email address in the first instance. This approach will lead to the fastest and most efficient resolution of any such issues.

CONCLUSION

Respondents respectfully request that the Petition be denied in full.

Dated: May 11, 2026

DANIEL N. ROSEN
United States Attorney

/s/ Pedro del Valle

PEDRO DEL VALLE
Special Assistant United States Attorney
Attorney ID Number FL 1060036

600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600
pedro.del.valle@usdoj.gov