UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Josué Anyelo Cely Soriano, Petitioner, v. Todd Blanche, Acting Attorney General, Markwayne Mullin, Secretary, U.S. Department of Homeland Security, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement, David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, and Joel Brott, Sheriff of Sherburne County Respondents.	Case No. 26-cv-2363-NEB-LIB **MEMORANDUM IN SUPPORT OF MOTION FOR LIMITED DISCOVERY AND EXPANSION OF THE RECORD**

INTRODUCTION

Mr. Cely Soriano maintains that the Court should grant the Petition based on his § 1226 arguments without further factual development. This motion is filed in the alternative, if the Court does not grant habeas relief on that basis. In that event, the Petition turns on what happened in the moments immediately before and after ICE agents arrested Mr. Cely Soriano on April 9, 2026.

Respondents' records assert that agents were in the middle of a targeted enforcement action, conducted a field interview, that Mr. Cely Soriano made admissions about his immigration status, and that an officer used a vehicle only to block further flight. The

Verified Petition alleges that agents ran Mr. Cely Soriano over, rendered him unconscious, and then detained him without a warrant or probable cause.

Respondents' Form I-213 indicates that body-worn cameras were used during the incident. Petitioner asks for that footage and the related data so the Court can decide the Petition on a reliable record.

FACTUAL BACKGROUND

ICE agents arrested Mr. Cely Soriano on April 9, 2026. Verified Petition Writ Habeas Corpus, Apr. 24, 2026, ECF No. 1 ¶ 18 ("Pet."). The Verified Petition states that agents approached him, shouted another person's name, and struck him with an ICE vehicle while he attempted to leave the scene. *Id.* ¶ 21-22. Mr. Cely Soriano was knocked unconscious and did not regain consciousness until he was in the back of an ICE vehicle. *Id.* ¶ 22. He sustained injuries to his foot, arm, and knee and has not received a medical evaluation. *Id.*

Respondents rely on a Form I-213 and related records to support the purported probable cause determination. *See* Resp'ts' Resp. Pet. Writ Habeas Corpus, May 11, 2026, ECF 6, at 6-8 ("Resp."); Decl. William J. Robinson, May 11, 2026, ECF 7, Ex. B ("Robinson Decl."). Those records state that agents conducted a field interview and that Mr. Cely Soriano admitted entering the United States without inspection. Robinson Decl. Ex. B, at 2. That account conflicts with Mr. Cely Soriano's verified allegation that he was unconscious after being struck by the vehicle. Pet. ¶ 22. The footage goes to whether Respondents can establish the statutory predicates for a warrantless arrest under 8 U.S.C.

§ 1357(a)(2), including probable cause to believe Mr. Cely Soriano was unlawfully present in the United States.

ARGUMENT

I. The Court Should Authorize Limited Discovery Under Habeas Rule 6

Rule 6 of the Rules Governing § 2254 Cases supplies that a judge may authorize discovery in habeas proceedings for good cause. *See* Rule 1(b) of the Rules Governing § 2254 (permitting courts to apply Rules Governing § 2254 Cases to § 2241 Cases).

Good cause exists here. Habeas discovery is warranted when specific allegations show reason to believe that a fully developed record may demonstrate entitlement to relief. *Bracy v. Gramley*, 520 U.S. 899, 908–09 (1997). Mr. Cely Soriano has made specific, verified allegations that ICE agents rendered him unconscious and detained him without pre-arrest basis to believe Mr. Cely Soriano was in the United States without documentation. That claim is directly relevant to Respondents' claim that probable cause existed to justify Mr. Cely Soriano's detention. *See* 8 U.S.C § 1357(a)(2).

Probable cause must be established by "the facts known to the arresting officer *at the time of the arrest*." *Devenpeck v. Alford*, 543 U.S. 146, 152 (2004) (emphasis added). Furthermore, the warrantless "seizure of a person must be supported by probable cause *particularized with respect to that person*." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (emphasis added). Here, the footage should show what agents knew, said, and did before Mr. Cely Soriano was detained, including whether any alleged field interview or admission occurred *before* Mr. Cely Soriano's arrest, or whether Respondents detained Mr. Cely Soriano without probable cause, and therefore unlawfully.

II. The Court Should Direct Expansion of the Record Under Habeas Rule 7

Rule 7 of the Rules Governing § 2254 Cases authorizes the Court to expand the record with additional authenticated materials relating to the petition. The requested footage relates directly to Mr. Cely Soriano's claim that his arrest and detention are unlawful. It should show whether agents had individualized probable cause, whether Mr. Cely Soriano made any pre-arrest admission, whether the alleged field interview occurred, whether agents struck Petitioner with a vehicle, and whether Mr. Cely Soriano was conscious during the relevant period.

The present record rests largely on Mr. Cely Soriano's verified account of his arrest and Respondents' written records, which contradict or omit key details from the Petition. The Court should order Respondents to produce authenticated footage and related data and permit Mr. Cely Soriano to briefly supplement the record after review.

III. The Court Should Set an Evidentiary Hearing if Material Disputes Remain

Rule 8 of the Rules Governing § 2254 Cases directs the Court to determine whether an evidentiary hearing is warranted after reviewing the answer, records, and Rule 7 materials. If the footage resolves the factual disputes, the Court may decide the Petition on the expanded record. If material disputes remain, the Court should order an evidentiary hearing to resolve any material uncertainties regarding the circumstances of Mr. Cely Soriano's arrest. Given Petitioner's ongoing detention, Mr. Cely Soriano requests that any evidentiary hearing be set as soon as possible to resolve remaining factual disputes.

CONCLUSION

Mr. Cely Soriano respectfully requests that the Court grant his motion, order immediate preservation and production of the requested camera footage and related data, expand the record with this data, permit a supplemental submission after production, and set an evidentiary hearing if material factual disputes remain.

Respectfully submitted,

Date: May 18, 2026

/s Ashlynn Kendzior

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