

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-2519-JMB-DLM

Elias M.L.,

Petitioner,

v.

Todd Blanche,

Respondent.

**FEDERAL RESPONDENTS'
REQUEST FOR SUMMARY
DENIAL OR TO EXTEND
RESPONSE DEADLINE**

Respondents are filing this request for summary denial of Petitioner Elias M.L.'s Verified Petition for Writ of Habeas Corpus (Pet.). In the alternative, Respondents respectfully request four additional days to file a full-length response to the petition. The parties submitted a joint motion to extend on Friday, May 8, 2026, which has not yet been ruled on, so Respondents submit this summary denial in the interim to comply with the Court's Order to Respond by May 11, 2026. ECF Nos. 4-5. Any facts not specifically admitted herein are denied.

Petitioner contends that his immigration-related detention is unlawful, and he asks the Court to order Respondents to release him or provide him with a bond hearing under the theory that the government does not lawfully detain him under a § 1225 or § 1226 detention regime. *See* Pet. ¶ 37. But this is not one of the now-familiar petitions being filed in this Court challenging detention under 8 U.S.C. § 1225 or even § 1226. Petitioner is subject to a final order of removal. That means Petitioner's current detention arises under § 1231 and must be evaluated using the Supreme Court's post-order framework. *See*

Zadvydas v. Davis, 533 U.S. 678 (2001). Under that framework, a habeas petitioner detained after a final order of removal must meet an initial burden of providing good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. *Id.* at 701. After he makes this showing—and *only* after he makes the showing—the government must rebut it with evidence. *Id.*

Petitioner makes no allegations regarding the likelihood of his removal, does not mention § 1231 or *Zadvydas* as the underpinning legal theory, and seeks relief (a bond hearing) that is not available to him. He therefore fails to make an initial *Zadvydas* showing and is not entitled to habeas relief. The Court should summarily deny this petition on that basis.¹

If the Court would prefer a more robust factual record on which to decide this case, then Respondents respectfully request time to prepare and present that record. The Court's order for a response to this petition asks about the lawfulness of Petitioner's arrest, immigration court jurisdiction, and whether the alleged absence of a warrant preceding arrest necessitates release. ECF Nos. 4-5. Those inquiries align with the Court's current approach to habeas petitions raising questions about § 1225 and § 1226. But a *Zadvydas* petition involves different inquiries and different facts.

If afforded additional time to respond, then Respondents plan to provide: (1) Petitioner's October 2, 2014 final order of removal; (2) the I-213 Record of Deportable/Inadmissible Alien; (4) Revocation of Petitioner's discretionary deferred action

¹ Respondents have no objection to a denial being without prejudice, so Petitioner can file a new habeas action that properly alleges a *Zadvydas* claim.

from USCIS; and (5) declaration testimony regarding the likelihood of Petitioner's removal in the near future. Compiling this information and drafting a full *Zadvydas* response is not feasible with the current response deadline. Thus, as an alternative to summary denial, Respondents request that the Court extend their response deadline to May 15, 2026 to allow Petitioner to amend or dismiss his Petition.

Dated: May 11, 2026

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s/ Pedro del Valle

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