**U.S. Department of Justice**

United States Attorney
District of Minnesota

*600 United States Courthouse*
*300 South Fourth Street*
*Minneapolis, MN 55415*

*Telephone: (612) 664-5600*
*Fax: (612) 664-5787*

August 10, 2026

**VIA ECF**

The Honorable Nancy E. Brasel
United States District Judge
300 South Fourth Street
Minneapolis, MN 55415
brasel_chambers@mnd.uscourts.gov

RE: *Rosas Huerta v. Schilling, et al.*
Civil Case Number: 26-cv-03077 (NEB/JFD)

Dear Judge Brasel:

This letter provides Federal Respondents response to the Petitioner's Motion to Enforce. Attached hereto are the Bond Request, Notice of Hearing, IJ Bond Decision, and audio recording of the Bond Hearing, which the undersigned accessed via the Immigration Court's electronic filing system, ECAS.

On August 5, 2026, a bond redetermination request was filed with the Immigration Court by ICE. *See* Ex. A. The Bond Request included a copy of this Court Order granting habeas relief, ECF 10. *Id.* That same day, the Immigration Court issued a Notice of Hearing, scheduling the hearing for 1:30 p.m. *See* Ex B.

At 1:30 p.m., the Immigration Court held a bond hearing. *See* Ex D. At the hearing, the Court considered documentary evidence filed by both sides and took testimony from Petitioner. The Immigration Judge concluded that based on Petitioner's "manner of entry" she was subject to mandatory detention under *Avila v. Bondi,* 170 F.4th 1128 (8th Cir. 2026) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Ex. C. The Immigration Judge expressed concern for Petitioner's lack of veracity during her testimony regarding the underlying criminal arrest. *See* Ex. D. Petitioner's Counsel reserved appeal. *Id.*

First, a bond hearing was held in compliance with this Court's Order. The Court ordered Federal Respondents to "provide [Petitioner] with a bond hearing not later than August 5, 2026" and that "any decision to retain [Petitioner] in custody following the bond

hearing must set forth the reasons for her continued detention." *See* ECF 10, at 8. Here, the Immigration Court held a bond hearing no later than August 5, 2026. And, after taking testimony and accepting documentary evidence from both parties, the Immigration Judge denied bond and set forth her reasons for doing so verbally at the hearing and in the written Bond Order. On this record, respectfully, no violation of the Court's order occurred.

Second, the Court lacks jurisdiction to consider the merits of the Bond Order. *See* 8 U.S.C. 1226(e) ("The Attorney General's discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole."). If Petitioner disagrees with the decision, then she should appeal to the Board of Immigration Appeals, and then to the Eighth Circuit. This Court lacks jurisdiction to review the Bond decision, and Petitioner has an administrative remedy, via the BIA, and then judicial, directly to the Eighth Circuit, to avail herself of if she disagrees with the decision made by the Immigration Judge.

Sincerely,

DANIEL N. ROSEN
United States Attorney

*s/ David R. Hackworthy*
David R. Hackworthy, 0400704
Special Assistant U.S. Attorney
David.r.hackworthy@ice.dhs.gov