IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Petra Rosas Huerta,

Petitioner,

v. Case No. 0:26-cv-03077(NEB/JFD)

Schilling; et al.,

Respondents.

PETITIONER'S REPLY

Petitioner respectfully files this reply to Respondent's response in regards to the Motion to Enforce Petitioner filed on August 7, 2026. Respondents claim that there was no violation of this Court's order, as a bond hearing was held for Petitioner on August 5, 2026. However, the bond hearing provided was "illusory" and completely disregarded this Court's reasoned decision as it was denied solely on jurisdictional grounds under *Avila*. *See David J.C.P. v. Blanche,* Case No. 26-cv-2181 (DWF/ECW), Doc. 19 (D. Minn. May 14, 2026).

This Court addresses the decision in *Avila v. Bondi*, finding that this Eighth Circuit precedent captures Petitioner's statutory claim. The Court then, however, goes into great detail regarding the violation of Petitioner's due process rights. The Court notes that the precedent set in *Avila* "does not foreclose these constitutional challenges to detention." *See* Dkt. 10 at footnote 2. An Immigration Judge still must comply with the Constitution.

Denying Petitioner's bond based solely on a jurisdictional argument already addressed by this Court does not comply with this Court's July 31, 2026 order. The Court's decision was based on Petitioner's Constitutional arguments, and the Immigration Judge completely disregarded this element. Petitioner is back in the same position she was in prior to filing this habeas petition – no possibility of receiving bond due to a purported lack of jurisdiction imposed by *Avila.* Accordingly, immediate release is the proper remedy.

Respondents also argue that this Court lacks jurisdiction to consider the merits of the bond order under 8 U.S.C. § 1226(e). However, there were no merits to the bond order since the IJ completely foreclosed Petitioner's bond request on jurisdictional grounds. While this Court is barred from reviewing the discretionary decisions of the Immigration Judge, it retains the authority to review if the Immigration Judge applied the correct legal standard. *Guerrero-Lasprilla v. Barr*, 140 S. Ct. 1062, 1067 (2020) (holding that "questions of law" includes the application of a legal standard to an undisputed set of facts); *see also Miranda v. Garland*, 34 F.4th 338, 352-53 (4th Cir. 2022) (Section 1226(e) does not deprive the federal courts of jurisdiction to review whether the factors considered in bond determinations are constitutionally compliant.) Here, no legal standard was applied, as the IJ did not make any finding regarding flight risk or danger to the community. *See* Dkt. 12-1. This Court specifically directed Respondents to contemplate "whether Petra R.H. is or is not a flight risk or whether she does or does not pose a danger to the community." Dkt. 10 at 7. The Immigration Judge did neither.

Petitioner respectfully contends that Respondents violated this Court's July 31, 2026 Order, this Court retains jurisdiction to review whether the August 5, 2026 bond

hearing was legally compliant, and that Petitioner must be immediately released.

Respectfully submitted,

Dated: August 11, 2026

/s/ *Paschal O. Nwokocha*
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