UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Keiner Enrique MARTINEZ RAMIREZ

Petitioner,

v.

David EASTERWOOD, Field Office Director of Enforcement and Removal Operations, St. Paul Field Office, Immigration and Customs Enforcement; **Markwayne MULLIN**, in his official capacity as Secretary of the U.S. Department of Homeland Security; **David J. VENTURELLA**, in his official capacity as acting director of U.S. Immigration and Customs Enforcement; **Todd BLANCHE**, in his official capacity as acting Attorney General of the United States; **Ryan SHEA**, Freeborn County Sheriff.

Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Keiner Enrique Martinez Ramirez ("Mr. Martinez Ramirez" or "Petitioner"), is a citizen of Venezuela who fled the country out of fear of political persecution. He presented himself for inspection at the United States border on or about April 9, 2024. After inspection, he was paroled into the United States. After being paroled, Mr. Martinez Ramirez resided peacefully in the country, timely filing an application for asylum, committing no crimes that would subject him to mandatory detention, and awaiting his hearing and an opportunity to have his asylum claim heard.

2. On or about June 26, 2026, Mr. Martinez Ramirez's was detained by ICE in Grand Forks, North Dakota, despite having a pending asylum application and no material change in his circumstances with respect to his flight risk or dangerousness.

3. On or about July 2, Mr. Martinez Ramirez filed a Petition for Writ of Habeas Corpus because his detention was unlawful under the Immigration and Nationality Act ("INA") and under the United States Constitution. *Keiner Enrique Martinez Ramirez v. Easterwood*, 3:26-cv-00216-PDW-ARS (D. ND 2026). On July 14, this petition was dismissed due to lack of venue. *Id.*

4. On or about July 13, 2026, Mr. Martinez Ramirez was transferred from Grand Forks Correctional Facility to Freeborn Adult Detention Center in Minnesota.

5. Mr. Martinez Ramirez's transfer and detention remain unlawful under the INA and under the United States Constitution. Respondents' detention of a parolee without any material change in his flight risk, dangerousness, or status of his application violates the INA, DHS regulations, the Accardi Doctrine, the Fifth Amendment procedural due process right and substantive rights to be free from unlawful imprisonment.

PARTIES

6. Mr. Martinez Ramirez is a citizen of Venezuela who was paroled into the United States on or about April 9, 2024. He was paroled and then entered the United States pursuant to his parole. He has committed no crimes that would subject him to mandatory detention, timely filed an application for asylum, and completed a background check necessary to be granted a C08 EAD.

7. Respondent David Easterwood is the Director of the MSP Field Office of ICE's Enforcement and Removal Operations division. As such, David Easterwood is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

8. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

9. Respondent Todd Blanche is the acting Attorney General of the United States and the senior official of the U.S. Department of Justice. He has the authority to adjudicate removal cases and to oversee EOIR, which administers the immigration courts and the Board of Immigration Appeals (BIA). Mr. Blanche has ultimate custodial authority over Petitioner and is sued in his official capacity.

10. Respondent David J. Venturella is the acting director of Immigration and Customs Enforcement. He is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Mr. Venturella has ultimate custodial authority over Petitioner and is sued in his official capacity

11. Respondent Ryan Shea is the Sheriff of Freeborn County, where Petitioner is detained. Freeborn County Adult Detention Center is operated by the sheriff's department of Freeborn County. He has immediate physical custody of Petitioner. He is sued in his official capacity.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner was detained at the Grand Forks County Correctional Center in Grand Forks, North Dakota, until on or about July 13, 2026. Since on or about July 13, 2026, Petitioner is now detained in at the Freeborn County Adult Detention Center in Albert Lea, Minnesota.

13. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution ("Suspension Clause"); and 5 U.S.C. § 702 (waiver of sovereign immunity).

14. This Court may grant relief pursuant to 28 U.S.C. § 2201 (Declaratory Judgment Act), and 28 U.S.C. § 1651 (All Writs Act).

15. Federal question jurisdiction exists because Petitioner seeks to challenge this custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

16. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security ("DHS"). *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings*

v. Rodriguez, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

VENUE

17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Minnesota, the judicial district in which Petitioner currently is detained.

18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243

19. Habeas corpus is "perhaps the most important writ known to[ ]constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four

corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

20. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

FACTS

21. Mr. Martinez Ramirez fled his home country of Venezuela, where he feared persecution. He entered the United States after he had scheduled an appointment with CBP through the CBP One app. He presented himself for inspection to border enforcement officers on the day of his scheduled appointment on or about April 9, 2024. After inspection by officers, he was paroled into the United States.

22. After being paroled into the United States, Mr. Martinez Ramirez resided peacefully in the country and awaited his hearing and an opportunity to have his asylum claim heard.

23. Mr. Martinez Ramirez's was issued a C08 Employment Authorization Document pursuant to his pending asylum application. His employment authorization was set to expire on October 05, 2030.

24. On or about June 26, 2026, Mr. Martinez Ramirez was detained by ICE. On or about July 13, 2026, Mr. Martinez Ramirez was transferred to a detention facility in MN. No contemporaneous warrant has been produced authorizing this arrest. There was no judicial determination within 48-hours of his detention that his warrantless arrest was justified. Mr. Martinez Ramirez received no notice of termination of his parole. No material change in circumstances justifies the detention of Mr. Martinez Ramirez. Mr. Martinez Ramirez remains in § 240 removal proceedings and jurisdiction remains with EOIR. Mr. Martinez Ramirez remains detained.

LEGAL FRAMEWORK

DUE PROCESS CLAUSE

25. No person shall be "deprived of life, liberty, or property without due process of law[.]" U.S. Const. amend. V. The Due Process Clause of the Fifth Amendment is the foundational pillar protecting individuals from unlawful government restraint and provides Mr. Martinez Ramirez with important protections regarding their detention. As the Supreme Court has explained, "[f]reedom from imprisonment - from government custody, detention, or other forms of physical restraint - lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678,690 (2001).

26. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

27. Due Process requires that there be "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* at 690 (*quoting Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil immigration detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690 (referencing the Government's analysis of the statute); *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 U.S. at 690.

28. In defense of the right to liberty, due process requires "adequate procedural protections" that ensure the government's asserted justification for confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

29. "The fundamental requirement of due process is the opportunity be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). To determine what process Petitioner is due, this Court should consider (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of that private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government's interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Id.* at 335.

DETENTION

30. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

31. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens already in the United States and in standard removal proceedings before an Immigration Judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

32. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other noncitizens who are "applicants for admission" as referred to under § 1225(b)(2). The phrase "applicant for admission" in turn "refers to a person attempting or intending to gain lawful entry into the United States.'" *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 811 F.Supp.3d 1021, 1028 (D. Minn. O2025) (*citing Francisco T. v. Bondi*, Civ. No. 25-3219, Doc. No. 20 at 12–13 (D. Minn. Sept. 5, 2025)); *see also Lopez-Campos v. Raycraft*, Civ. No. 2:25-CV-12486, 797 F.Supp.3d 771, 781 (E.D. Mich. 2025). Expedited removal in turn applies to noncitizens who arrive in, attempt to enter, or have entered the United States without being admitted or paroled following inspection at a port of entry, and who have not been present in the United States for a continuous period of two years. 8 C.F.R. § 235.3(b)(ii). If an applicant for admission is determined to be inadmissible, the immigration officer "shall order the alien removed from the United States without further hearing or review unless the alien indicates . . . an intention to apply for asylum." 8 U.S.C. § 1225(b)(1)(A)(i).

33. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

34. A non-citizen is vested with the rights granted by Congress when DHS decides to place the non-citizen in § 240 removal proceedings instead of expedited removal. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 794 F.Supp.3d 128, 143 (W.D.N.Y. 2025). A non-citizen has a vested reliance interest when he pursues an application for asylum after being "invited" into the country through the grant of parole. *Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025); *see also Mata Velasquez*, 794 F.Supp.3d at 151-152 (distinguishing from *Thuraissigiam* and *Mezei*).

35. Where a non-citizen is granted parole through an individualized determination, he has a right to an individualized determination as to the revocation or cancellation of that parole. *Mata Velasquez*, 794 F.Supp.3d at 146; *see also Gabriel v. Bondi*, No. 25-CV-4298 (KMM/EMB), 2025 WL 3443584, at *6–7 (D. Minn. Dec. 1, 2025). Detention is unlawful if it followed the unlawful termination of parole. *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 792 F.Supp.3d 1123, 1143-1144 (D. Or. 2025); *see also Gabriel*, 2025 WL 3443584, at *6–7. Termination of parole for an asylum seeker is unlawful by virtue of being arbitrary and capricious where parole was granted to enable the pursuit of asylum and there is no formal determination that that "humanitarian" purpose

has been satisfied or exhausted. *Y-Z-L-H*, 792 F.Supp.3d at 1145-1147; *see also Gabriel*, 2025 WL 3443584, at *6–7.

36. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

37. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

38. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

39. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior

practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

40. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

41. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be deemed "applicants for admission" under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

42. On September 05, 2025, the Board of Immigration Appeals (BIA) adopted this same position in the case *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision holds that all noncitizens who entered the United States without admission or parole are considered

applicants for admission and are ineligible for immigration judge bond hearings.

43. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez v. Bostock,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025)*; see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 804 F.Supp.3d 265, 276-277 (D. Mass. 2025) (granting habeas petition based on same conclusion). The Eighth Circuit held in *Avila v. Bondi* that all applicants for admission present in the interior are subject to detention under § 1225. *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026). Petitioner intends to preserve arguments regarding the proper reading of §§1226 and 1225, and thus, the vast majority of federal district courts finding ICE's interpretation incorrect remain relevant for analysis. These arguments run parallel to his separate arguments regarding the treatment of formerly paroled non-citizens.

44. "The idea that a different detention scheme would apply to non-citizens 'already in the country,' as compared to those 'seeking admission into the country,' is consonant with the core logic of our immigration system." *Martinez v. Hyde*, CV 25-11613-BEM, 792 F.Supp.3d 211, 222 (D. Mass. 2025) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018)).

45. DHS and DOJ's interpretation defies the INA. As the *Rodriguez Vazquez* court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

46. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

47. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies. *Rodriguez v. Bostock,* 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025)

(citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

48. Section 1226(a) "arrest" authority is a practical necessity to facilitate the authority to "detain" a non-citizen present in the interior. *See* 8 U.S.C. § 1226(a).

49. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

50. There is a strong preference that immigration arrests be based on warrants. *See Arizona v. United States*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with only limited authority to conduct warrantless arrests. 8 U.S.C.§ 1357(a)(2). Specifically, an officer must have probable cause to believe the person is violating the immigration laws *and* that the person "is likely to escape before a warrant can be obtained," *i.e.*, is a flight risk. *Id.*; *see also Ramirez Ovando v. Noem*, 810 F.Supp.3d 1209, 1216 (D. Colo. 2025) (appeal filed, *Ramirez Ovando, et al v. Noem, et al*, 10th Cir., January 26, 2026). Federal regulations track the strict limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

51. "Congress has put in place a system in which state officers may not make warrantless arrests of aliens based on possible removability except

in specific, limited circumstances." *Arizona v. United States*, 567 U.S. 387, 410 (2012).

52. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

PAROLE

53. "The Secretary of Homeland Security may . . . in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." INA § 212(d)(5)(A); 8 U.S.C. § 1182(d)(5)(A).

54. On October 19, 2022, DHS issued a Notice in the Federal Register of the implementation of a new process "for certain Venezuelan nationals to lawfully enter the United States in a safe and orderly manner."

Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507-17 (Oct. 19, 2022). That policy was then extended to include Venezuelans, Cubans, Haitians, and Nicaraguans (collectively the "CHNV parole programs") on January 5, 2023. *Fact Sheet: Data From First Six Months of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans Shows That Lawful Pathways Work*, U.S. Department of Homeland Security, https://www.dhs.gov/archive/news/2023/07/25/fact-sheet-data-first-six-months-parole-processes-cubans-haitians-nicaraguans-and (July 25, 2023).[12]

55. Then, on March 25, 2025, DHS issued a notice in the Federal Register that it was terminating parole for anyone admitted through the parole program for Venezuelans, or the similar parole programs for Cubans, Haitians, and Nicaraguans. *See* Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans

[1] The official White House statement on the expansion of this policy appears to have been removed from the White House website. *See generally* https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/ (last visited Nov. 3, 2025).

[2] *See also* Implementation of a Parole Process for Cubans, 88 Fed. Reg. 1266 (Jan. 9, 2023); Implementation of a Parole Process for Haitians, 88 Fed. Reg. 1243 (Jan. 9, 2023); Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. 1255 (Jan. 9, 2023).

("Termination Notice"), 90 Fed. Reg. 13611-01, 2025 WL 894696 (Mar. 25, 2025).

56. A non-citizen is vested with the rights granted by Congress when DHS decides to place the non-citizen in § 240 removal proceedings instead of expedited removal. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at 9 (W.D.N.Y. July 16, 2025); *see also Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025). A non-citizen has a vested reliance interest when he pursues an application for asylum after being "invited" into the country through the grant of parole. *Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025); *see also Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *16 (W.D.N.Y. July 16, 2025) (distinguishing from *Thuraissigiam* and *Mezei*).

57. Where a non-citizen is granted parole through an individualized determination, he has a right to an individualized determination as to the revocation or cancellation of that parole. *Mata Velasquez,* 794 F.Supp.3d at 146.

58. Renewal of parole at the time of expiration of the original grant is the "default option, absent additional findings by the Department" per the Department's own regulations. *Martinez Gamez v. Easterwood*, No.

4:26CV3009, 2026 WL 295400, at *4 (D. Neb. Feb. 4, 2026). Where the government continues to subject a non-citizen to conditions of parole, such as ICE Check-Ins, after an expiration of parole status, it serves as indicia the government has either renewed parole or permitted the continued lawful presence of the non-citizen under another status. *Id.*

59. Detention is unlawful if it follows the unlawful termination of parole. *Y-Z-L-H*, 792 F.Supp.3d 1123, 1143-1144. Termination of parole for an asylum seeker is unlawful by virtue of being arbitrary and capricious where parole was granted to enable the pursuit of asylum and there is no formal determination that that "humanitarian" purpose has been satisfied or exhausted. *Y-Z-L-H*, 792 F.Supp.3d at 1145-1147; *see also Noori v. Larose*, 807 F.Supp.3d 1146, 1167-1168 (S.D. Ca. 2025). Indeed, where an asylum seeker was paroled, the purpose of parole has not been satisfied when an asylum seeker had not completed the asylum process. *Orellana v. Francis*, 2025 WL 2402780, 5 (E.D.N.Y. Aug, 19, 2025) (unpub). In such an instance, stripping that person of parole and re-detaining him is a violation of the Administrative Procedure Act. *Id.*

EXHAUSTION

60. 8 U.S.C. 1252(d) allows the Court to review a *final order of removal* only if "the alien has exhausted all administrative remedies available to

the alien as of right. "However, that subsection applies only to the review of a final order of removal." *Giron Reyes v. Lyons*, 801 F.Supp.3d 797, 802 (N.D. Iowa 2025).

61. "There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention." *J.O.E. v. Bondi*, 797 F.Supp.3d 957, 965 (D. Minn. 2025).

62. Awaiting exhaustion of administrative remedies would be futile. "Where the agency has already adopted a definitive position, exhaustion serves no purpose." *Eliseo A.A. v. Olson*, 811 F.Supp.3d 1021, 1032 (D. Minn. 2025) (*citing McCarthy v. Madigan*, 503 U.S. 140, 148 (1992)). Here, "administrative review would be futile in light of the BIA's recent decision in *Matter of Yajure Hurtado*" where the BIA "held that immigration judges 'lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.'" *Id.* Further, per Matter of C-, the BIA lacks jurisdiction to rule upon the Constitutionality of the act, making it futile for the Petitioner to raise Constitutional claims in those administrative proceedings. *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992).

CLAIMS FOR RELIEF

COUNT I

Violation of Procedural Due Process

63. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

64. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690, 121 S.Ct. at 150 (2001). Habeas corpus is a "critical check on the Executive, ensuring that it does not detain individuals except in accordance with the law." *Hamdi v. Rumsfeld*, 542 U.S. 507, 535 (2004).

65. The government's detention of Petitioner is unjustified. Respondents deprived the Petitioner of the opportunity to demonstrate he need not be detained. See *Zadvydas*, 533 U.S. at 690 (finding under the Government's analysis of it's own statute, immigration detention must further the twin goals of (1) ensuring the noncitizen's appearance during removal proceedings and (2) preventing danger to the community). The Supreme Court has been very clear civil detention is only authorized for "narrow" and "non-punitive" purposes. *Id.* Petitioner cannot present facts demonstrating that he can be safely released back

to his community when the Respondents illegally deprive any IJ of jurisdiction to hear his case.

66. Respondents' continued immigration detention of the Petitioner is disconnected from a "reasonable relationship" to any legitimate nonpunitive purpose. *Zadvydas*, 533 U.S. at 690. Petitioner has a fundamental interest in liberty and being free from official restraint. Unlike some legal rules, due process "is not a technical conception with a fixed content unrelated to time, place and circumstances"; instead, it is a critical liberty interest which must be considered in factual context. *Cafeteria & Rest. Workers Union v. McElroy*, 367 U.S. 886, 895 (1961) (quoting *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 162-163 (1951) (Frankfurter, J. concurring)).

67. Post-*Avila*, a Court in this Circuit found that detention without bond provided independent Constitutional grounds for immediate release where the Petitioner was also subject to an unlawful arrest. *Vladimir G. v. Easterwood, No. 26-CV-2971* (JMB/ECW), 2026 WL 1786418, at *4 n.3 (D. Minn. June 22, 2026). The Court specifically found that the *Mathews v. Eldridge* test favored the Petitioner as the government had minimal interest in mass incarceration of individuals who posed little or no risk of flight or danger to the community. *Id.*

68. Another Court in this Circuit granted immediate release post-*Avila* to cure the violation of the Petitioner's "most elemental of liberty interests" in being free from physical imprisonment. *Aureliano M.S. v. Bondi*, No. CV 26-1974 (JRT/DJF), 2026 WL 992445 (D. Minn. Apr. 13, 2026). Other Courts in this circuit granted immediate release to cure the Due Process violation on the grounds that a post-deprivation hearing would be inadequate to cure "the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause." *Abbas v. Schneider*, No. 4:26-CV-00132, 2026 WL 1079292, at *8 (S.D. Iowa Apr. 17, 2026) (citing to *Bonilla Chicas v. Warden*, No. 5:26-CV-00131, 2026 WL 539475, at *12 (S.D. Tex. Feb. 20, 2026)); *see also Aleksei M. v. Warden*, Lawrence County Jail, No. 5:26-CV-05030-RAL, 2026 WL 1133615, at *7 (D.S.D. Apr. 27, 2026).

69. Other Courts in this Circuit also determined the Petitioner's due process rights were violated by detention without a bond hearing. *Manuel G. v. Blanche*, No. 26-CV-2385 (SRN/ECW), 2026 WL 1256358, at *4 (D. Minn. May 7, 2026) ; *Axel J.M.C. v. Stanski*, No. CV 26-2281 (JRT/EMB), 2026 WL 1171344, at *4 (D. Minn. Apr. 29, 2026) . The Courts noted the "extent and velocity" of the Federal Respondents operations created an unacceptably high risk of erroneous deprivation. *Id.* In *Manuel G.*, the Court distinguished

the case from *Connecticut Department of Public Safety v. Doe*, 538 U.S. 1, noting that there, the Petitioner had a prior criminal proceeding at which he was afforded at least some opportunity to contest the basis for his detention. *Manuel G. v. Blanche*, at *4. A Court in this Circuit similarly granted a post-*Avila* Petitioner a bond hearing to cure his due process violation and balance his fundamental liberty interest in freedom of restraint and any government interest in detaining him. *Pedro A.D.L.O.O. v. Bondi*, No. CV 26 1959 (DWF/DJF), 2026 WL 948970, at *3 (D. Minn. Apr. 8, 2026).

70. The government's detention of Mr. Martinez Ramirez without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process. No legitimate government interest is served absent some determination his detention protects against such a danger or flight risk. Mathews factors weigh heavily in favor of immediate release where the weighty liberty interest of the Petitioner is balanced against the government's non-interest in unlawful detention.

71. The Court should thus issue a writ of habeas corpus directing Respondents to release Petitioner to safeguard his Fifth Amendment liberties.

COUNT II

Violation of Substantive Due Process

72. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

73. Former parolees have a vested "protected liberty interest in remaining out of custody during their removal proceedings" and are entitled to a pre-deprivation hearing even where they are subject to § 1225 detention. *E.V. v. Raycraft,* No. 4:25-CV-2069, 2025 WL 3122837, at *9-10 (N.D. Ohio Nov. 7, 2025).

74. Former parolees have been formally found to be neither a danger nor a flight risk and thus are "in a similar position to those who have been granted release after a bond hearing." *Osmel Gonzalez Arias v. Woodbury County Jail*, No. C26-4041-LTS-MAR, 2026 WL 1735035, at *3 (N.D. Iowa June 16, 2026); *see also Jesus Alejandro G. A. v. Blanche,* No. 26-CV-1932 (LMP/ECW), 2026 WL 1383138, at *12 (D. Minn. May 18, 2026). They are entitled to bond hearing. *Osmel Gonzalez Arias,* at * 4; see also *Jesus Alejandro G. A.,* at *12.

75. Redetention following release without cause can violate a petitioner's "significant liberty interest in being free from imprisonment" as well as creating "the unacceptable risk of erroneous deprivation

associated with detaining a person with no process whatsoever." *Barco Mercado v. Francis*, 811 F.Supp.3d 487, 504 (S.D.N.Y. 2025).

76. The government cannot modify its prior release determination without identifying a material change in circumstances. Courts have therefore required the government to justify redetention by showing, before a neutral decisionmaker, that circumstances have changes such that physical custody is now necessary. *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO (E.D. Cal. Sept. 18, 2025); *Jose B.M. v. Murray*, No. 1:25-cv-01584-KES-CDB (HC) (E.D. Cal. Jan. 3, 2026).

77. "[R]edetention of a person previously ordered released [...] without Respondents first formally revoking that order of release or following any procedures prior to making a decision that conflicts with an order of release violates due process." *Mahad S. v. Noem*, No. 26-CV-476 (JMB/JFD), 2026 WL 177860, *3 (D. Minn. Jan. 22, 2026); *Salazar v. Noem*, 0:26-CV-1040, 2026 WL 381889, *1 (D. Minn. Feb. 11, 2026) (collecting cases); *see also Pedro O. v. Noem*, No. 26-cv-361 (ECT/LIB), 2026 WL 608314, *3 (D. Minn. Feb. 27, 2026) *report and recommendation adopted by Pedro O. v. Noem*, 2026 WL 615415 (D. Minn. Mar. 04, 2026).

78. Once released from immigration detention, noncitizens acquire "a protectable liberty interest in remaining out of custody on bond." *Cuya-Priale v. Castro*, 2:25-cv-01166-KG-DLM, 2026 WL 74171, at *2 (D. N.M.

Jan. 9, 2026). This protected liberty interest includes individuals released on their own recognizance. *See Danierov v. Noem*, 2:25-cv-01215-KG-KRS, 2026 WL 45288, at *1–2 (D. N.M. Jan. 7, 2026). This is so because individuals released from immigration detention are able to "live at home, work, and be with family and friends and to form the other enduring attachments of normal life." *Garcia Domingo v. Castro*, 806 F. Supp. 3d 1246, 1252 (D. N.M. Oct. 15, 2025) (citing *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)) (citation modified).

79. Persons in the United States have a protected liberty interest in remaining in their homes, and to maintain community ties. *Wang v. Lyons*, No. 25-CV-10794-WHO, 2026 WL 147703, at *7-8 (N.D. Cal. Jan. 20, 2026).

80. Separation from community is a burden on a substantial private interest. *Gunaydin v. Trump*, No. 25-CV-01151 (JMB/DLM), 784 F.Supp.3d 1175, 1187 (D. Minn. 2025).

81. Petitioner retains a protected liberty interest because he was released on parole and established a life in the United States for two years.

82. Arbitrary detention interferes with this protected liberty interest in being free from restraint and associated rights and violates the Petitioner's Fifth Amendment Rights.

83. The government's arbitrary detention of Mr. Martinez Ramirez violates his substantive due process rights by infringing on the liberty he enjoyed as a person present in the United States. The court should issue a writ of habeas corpus directing Respondents to release Petitioner and enjoining Respondents from re-detaining him absent a constitutionally adequate pre-deprivation process to safeguard his Fifth Amendment liberties.

COUNT III

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Release on Bond

84. Petitioner incorporates by reference the preceding paragraphs.

85. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

86. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

87. Former parolees are not properly designated as "arriving" and are subject to §1226(a) procedures. *Bashir K. A. v. Klang*, No. 25-CV-4559 (KMM/DJF), 2026 WL 452353, at *5, 7 (D. Minn. Feb. 17, 2026); *Millan v. Voorhies*, No. 4:25-CV-02779, 2026 WL 248376, at *11 (N.D. Ohio Jan.

30, 2026); *De Andrade v. Moniz*, 802 F. Supp. 3d 325, 332 (D. Mass. 2025).

88. *Avila* did not consider a non-citizen who had been subject to prior conditional release. *Singh v. Arnott*, No. 6:26-CV-3281-MDH, 2026 WL 1454155, at *2 (W.D. Mo. May 22, 2026).

89. Former parolees are properly subject to only § 1226 on the basis of their prior conditional release. *Id.*

90. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

91. Mr. Martinez Ramirez's continuing detention is therefore unlawful, and Respondents should be ordered to immediately release him.

COUNT IV

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1 and 1003.19

Unlawful Denial of Release on Bond

92. Petitioner incorporates by reference the preceding paragraphs.

93. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") issued an

interim rule to interpret and apply IIRIRA. Specifically, IJs were vested with jurisdiction to conduct bond hearings to redetermine whether the service had properly taken a non-citizen into custody. 8 C.F.R. § 1003.19(c)(2). The agencies thus made clear that non-citizens were entitled bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

94. The application of § 1225(b)(2) to Mr. Martinez Ramirez unlawfully deprives the IJ of jurisdiction and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT V

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B), & (D)

95. Petitioner incorporates by reference the preceding paragraphs.

96. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B). The APA also requires a court to set aside and hold unlawful agency action that is "without observance of procedure required by law." *Id.* § 706(2)(D).

97. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, *any* law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

98. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

99. Per the *Accardi* Doctrine, government agencies are bound to make decisions in accordance with their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 74 S. Ct. 499, 98 L. Ed. 681 (1954).

100. Respondents' re-detention of Petitioner while he was discretionarily released was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

101. Discretionary re-detention is only lawful when justified by a material change in circumstances as to flight risk or dangerousness of a non-citizen. *Matter of Sugay*, 17 I. & N. Dec. 637 (BIA 1981). As there was no material change in circumstances with respect to the Petitioner's flight risk or dangerousness subsequent to the expiry of his parole, it is not possible for DHS to have made a valid individualized determination to re-detain him.

102. Courts have repeatedly found that failure to properly revoke discretionary release is improper. *Salazar v. Noem*, No. 0:26-CV-1040, 2026 WL 381889, at *1 (D. Minn. Feb. 11, 2026) (collecting cases.)

103. Accordingly, because ICE failed to comply with its own regulations, Mr. Martinez Ramirez 's re-detention should be held unlawful and set aside because it was (1) arbitrary, capricious, and not otherwise in accordance with law, *see* 5 U.S.C. § 706(2)(A); (2) contrary to the agency's constitutional authority, *see id.* § 706(2)(B); and (3) not in accordance with the INA and implementing regulations, *see id.* § 706(2)(D).

COUNT VI

Violation of the *Accardi* Doctrine

104. Petitioner incorporates by reference the preceding paragraphs.

105. Under the *Accardi* doctrine, Mr. Martinez Ramirez has a right to set aside agency action that violates agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

106. As Respondents' discretion was constrained by *Matter of Sugay* and no material change in circumstance warranted a re-detention of the

Petitioner, Respondents' re-detention of Petitioner was not consistent with their governing regulations.

107. Under *Accardi*, Respondents' actions should be set aside for violating agency procedures, rules, or instructions.

COUNT VII

Violation of the INA by Erroneously Categorizing Petitioner's Detention as Pursuant to 8 U.S.C. § 1225(b)(2)

108. Petitioner incorporates by reference the preceding paragraphs.

109. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country pursuant to a grant of parole and have already been placed in proceedings pursuant to the §1226(a) discretionary framework. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

110. As noted above, Courts in this Circuit and across the country have found former parolees are properly subject to § 1226(a). *Bashir K. A. v. Klang*, No. 25-CV-4559 (KMM/DJF), 2026 WL 452353, at *5, 7 (D. Minn. Feb. 17, 2026); *Singh v. Arnott*, No. 6:26-CV-3281-MDH, 2026 WL

1454155, at *2 (W.D. Mo. May 22, 2026); *Millan v. Voorhies*, No. 4:25-CV-02779, 2026 WL 248376, at *11 (N.D. Ohio Jan. 30, 2026); *De Andrade v. Moniz*, 802 F. Supp. 3d 325, 332 (D. Mass. 2025).

111. Upon information and belief, Petitioner has resided in the U.S. since April 09, 2024. He is therefore not an arriving alien and has already been placed in § 240 removal proceedings.

112. The application of § 1225(b)(2) to Mr. Martinez Ramirez unlawfully mandates his continued detention and violates the INA.

COUNT VIII

Violation of 8 U.S.C. § 1226(a)

Non-Compliance with the Warrant Requirement

113. Petitioner incorporates by reference the preceding paragraphs.

114. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a) or 8 U.S.C. § 1357.

115. The § 1226(a) statute requires the arrest be made pursuant to "a warrant issued by the Attorney general." 8 U.S.C. § 1226(a).

116. Respondents produced no contemporaneous warrant to demonstrate that the Petitioner's detention was authorized by the statutorily required warrant.

117. No authority to "arrest" a non-citizen is enumerated at 8 U.S.C. § 1225(b)(1) nor (b)(2).

118. Numerous courts have found that an individual properly detained under § 1226(a) whose arrest was not authorized by a contemporaneous warrant is entitled to immediate release. *Jorge H. M. O. v. Bondi*, No. CV 26-00609 (MJD/DLM), 2026 WL 323634, at *1 (D. Minn. Feb. 6, 2026); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025) ("To put it simply, Petitioner's detention is improper because there is no evidence in the record that he was arrested pursuant to a warrant.") (cleaned up); *Chiliquinga Yumbillo v. Stamper,* No. 2:25-CV-00479-SDN, 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025); *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025) [Dkt. No. 9] ("[A] bond hearing presupposes lawful detention authority under § 1226. Where that authority has not been invoked or established, ordering a bond hearing would treat the absence of statutory power as a mere procedural irregularity rather than a substantive defect."); *Lauro M. v. Bondi*, No. 26-CV-134 (SRN/DJF), 2026 WL 115022, at *3 (D. Minn. Jan. 15, 2026) ("But § 1226(a) requires, in the first instance, that Petitioner's arrest and detention are authorized by the issuance of a warrant"); *Anibal A. A. v. Bondi*, No. 26-00111 (MJD/LIB), 2026 WL 194041 (D. Minn. Jan. 23, 2026) (collecting

cases); *Edwin C. R. v. Bondi*, No. 26-00355 (MJD/JFD), 2026 WL 185068, at *2 (D. Minn. Jan. 25, 2026); *Miguel B. v. Bondi*, No. 26-630(DSD/DLM) [Dkt. No. 5] (D. Minn. Jan. 29, 2026) ("Petitioner must be immediately released from detention under 8 U.S.C. § 1226(a), as he was arrested without a warrant and is not alleged to have committed any crime").

119. As there was no valid statutory authority for the initial arrest of Petitioner, his detention is unlawful and he must be immediately released.

COUNT IX

Petitioner can only be lawfully arrested pursuant to § 1226(a) or § 1357(a)(2)

120. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

121. "The federal statutory structure instructs when it is appropriate to arrest an alien during the removal process." *Arizona v. United States*, 567 U.S. 387, 407–08 (2012).

122. Petitioner may be arrested, if at all, pursuant to 8 U.S.C. § 1226(a). "On a warrant issued by the Attorney General, an alien may be arrested and detained." 8 U.S.C. § 1226(a); *Arizona v. United States*, 567 U.S. 387, 407–08 (2012).

123. Alternatively, Petitioner may be arrested under the authority of § 1357(a)(2) provided the arresting officer has probable cause to believe the person is violating the immigration laws and that the person "is likely to escape before a warrant can be obtained." *Arizona v. United States*, 567 U.S. 387, 407–08 (2012).

124. No authority to "arrest" a non-citizen is enumerated at 8 U.S.C. §§ 1225(b)(1) nor (b)(2).

125. Should the Court find the Petitioner may be detained pursuant to §§ 1225(b)(2) pursuant to *Avila v. Bondi*, the arrest preceding detention must still have a lawful basis. Where ICE may detain a person transferred into their custody who was initially arrested by an authorized law enforcement agency, ICE must rely on some statutory authority to conduct an initial arrest themselves. Absent some statutory authority for the initial arrest, the subsequent detention lacks lawful predicate.

126. Respondents had no § 1226(a) warrant prior to arrest and lacked a lawful predicate for arrest under that statute.

127. There is no evidence Respondents made the pre-arrest flight risk determination required by § 1357(a)(2) for a warrantless arrest. Respondents also failed to comply with the post-arrest regulatory procedures governing those arrests. Respondents' initial arrest must be

set aside as unlawful where it fails to comply with enabling regulations. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

128. Where there is no lawful predicate for arrest, the Petitioner must be immediately released. *Jorge H. M. O. v. Bondi*, No. CV 26-00609 (MJD/DLM), 2026 WL 323634, at *1 (D. Minn. Feb. 6, 2026).

129. As there was no valid statutory authority for the initial arrest of Petitioner, his detention is unlawful and he must be immediately released.

COUNT X

Violation of the Right to Freedom from Unreasonable Seizure

130. Petitioner incorporates by reference the preceding paragraphs.

131. The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures ...." U.S. Const. amend. IV.

132. "Under the Fourth Amendment, the initial seizure of a person—even to effectuate detention under immigration law—must be reasonable." *Urquilla-Ramos v. Trump*, No. 2:26-CV-00066, 821 F.Supp.3d 603, 615 (S.D.W. Va. 2026).

133. "Therefore, "reasonableness" is the proper inquiry to consider the consistent masking of federal ICE agents. Fourth Amendment reasonableness considers the totality of the circumstances." *Id.* 627, (citing to *Barnes v. Felix,* 605 U.S. 73, 80, 145 S. Ct. 1353, 1358, 221 L. Ed. 2d 751 (2025)).

134. "The history of the Fourth Amendment confirms that the type of anonymized and indiscernible policing presented here is precisely what the Fourth Amendment was written to prevent. Proposed during the First Congress and ratified on December 15, 1791, the Fourth Amendment emerged directly from the Founding generation's experience with abusive search and seizure practices under British rule." *Id.* 620 (citing to *Carpenter v. United States*, 585 U.S. 296, 303 (2018)).

135. "The Fourth Amendment's enduring purpose of restraining arbitrary power governs searches, seizures, and identification demands across both criminal and civil contexts, including immigration enforcement." *Id.* at 621, (citing to *I.N.S. v. Delgado*, 466 U.S. 210, 216, 104 S. Ct. 1758, 1762, 80 L. Ed. 2d 247 (1984)).

136. "The rule is that a practice whose sole operational effect is the elimination of accountability, deployed as routine civil enforcement without warrant or articulable exigency, is unreasonable under the Fourth Amendment. In this case, masking combined with unmarked

vehicles, absence of identification, **absence of any warrant, and no post-seizure mechanism for attribution** is that practice." *Id.* 629 (emphasis added).

137. Respondents arrested Petitioner without a warrant and no post-seizure mechanism for attribution of arrest to identifiable detention officers. We have no contemporaneous record of whether the officers involved were identifiable or disclosed their identities.

138. The government's arrest of Mr. Martinez Ramirez without warrant or other post-seizure mechanism to identify the arresting officers violates his right to freedom from unreasonable seizure. The court should issue a writ of habeas corpus directing Respondents to release Petitioner to safeguard his Fourth Amendment liberties.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner out of the District of Minnesota pending the duration of these proceedings, or transport Petitioner back to Minnesota if he is moved out of state;
3. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner subject to the conditions of parole that existed prior to his detention;

4. In the alternative, issue a writ of habeas corpus requiring Respondents provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
5. Enjoin Respondents from re-detaining the Petitioner unless they provide him a bond hearing pursuant to 8 U.S.C. § 1226(a);
6. Enjoin Respondents from re-arresting the Petitioner unless on an 8 U.S.C. § 1226(a) warrant and with a subsequent bond hearing pursuant or pursuant to the procedures of 8 U.S.C. § 1357, including a post-arrest judicial determination;
7. If the Court sees fit to order Petitioner's release, include conditions to ensure Petitioner's safety, including that release be: (a) Inside the State of Minnesota; (b) At a safe time and place communicated in advance to counsel; and (c) With all of Petitioner's personal effects in Respondents' possession, such as driver's license, immigration papers, cell phone, and keys;
8. Enjoin Respondents from implementing any condition of release, including ICE's "Alternatives to Detention" measures, which include ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile Application;

9. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

10. Grant any other and further relief that this Court deems just and proper.

DATED this 14th day of July 2026.

s/Solomon Daniel Steen_____
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Attorney for Petitioner

28 U.S.C. § 2242 VERIFICATION STATEMENT

The undersigned counsel submits this verification on behalf of Petitioner. Undersigned Counsel has reviewed documents supporting this Petition for Habeas Corpus and, on the basis of those documents, verifies that the statements in the Petition are true and correct to the best of his knowledge and belief.

DATED: July 14, 2026

Respectfully submitted,

s/Solomon Daniel Steen_____

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