UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Omar Deronjic, Petitioner, v. Todd Blanche, Acting Attorney General, Markwayne Mullin, Secretary, U.S. Department of Homeland Security, David Venturella, Acting Director of Immigration and Customs Enforcement, David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, and Eric Tollefson, Sheriff of Kandiyohi County Jail. Respondents.	Case No. 26-3300 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Omar Deronjic ("Omar" or "Mr. Deronjic" or "Petitioner"), by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to immediately release Mr. Deronjic from ICE detention.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

3. 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.

4. 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).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Omar is detained within the District of Minnesota.

6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

PARTIES

7. Petitioner is a citizen of Bosnia and Herzegovina ("Bosnia"), who is upon information and belief currently being held at the Kandiyohi County Jail located in Willmar Minnesota by Immigration and Customs Enforcement. Petitioner is under the direct control of the Respondents and has no scheduled release date.

8. Respondent Todd Blanche is being sued in his official capacity as the acting Attorney General of the United States and the head of the Department of Justice. Attorney General Blanche shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Mullin. Attorney General Blanche is a legal custodian of Mr. Deronjic.

9. Respondent Markwayne Mullin is being sued in his official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Mullin is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Petitioner's detention and removal. As such, Respondent Mullin is a legal custodian of Mr. Deronjic.

10. Respondent David Venturella is the Acting Director ICE and is sued in his official capacity. Defendant Venturella is responsible for Petitioner's detention.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents

responsible for detaining Mr. Deronjic.The address for the Fort Snelling Field Office is 1 Federal Drive, Ste. 1601 Fort Snelling, Minnesota 55111.

12. Respondent Sheriff Eric Tollefson is being sued in his official capacity as the Sheriff responsible for the Kandiyohi County Jail located at 2201 23rd ST NE Willmar, MN 56201. Because Petitioner is detained in the Kandiyohi County Jail, Eric Tollefson has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

13. Petitioner is a twenty-three-year-old citizen of Bosnia who has lived in the United States since June 20, 2010 when he was seven years old.

14. The petitioner came to the United States with his parents and applied for asylum along with his parents.

15. An immigration judge granted asylum to Mr. Deronic and his family in June of 2019. Subsequently, the Department of Homeland Security Office of Principal Legal Advisor ("OPLA") filed an appeal with the Board of Immigration Appeals ("BIA") challenging the grant of asylum to Omar and his parents.

16. While this Department of Homeland Security Appeal was still pending, on, July 8, 2022, the Respondent, then nineteen years old, shot another man resulting in non-fatal injuries to his shoulder in Fargo, North Dakota. Mr. Deronjic's criminal case number in Grand Forks County, North Dakota for this crime is 18-2022-CR091478.

17. On July 3, 2023, the Petitioner plead guilty to aggravated assault and terrorizing. He was sentenced to five years in prison with 30 months suspended on both counts to be served concurrently.

18. At the time of his arrest, Mr. Deronjic had two U.S. citizen children, named [redacted] and [redacted]

19. While Mr. Deronjic was in prison, his son, E[redacted] died of neglect while under the care of baby-sitters on March 18, 2024. After this incident, Mr. Deronjic's parents, Adisa and Amir Deronjic sued for and were ultimately granted full physical and legal custody of Mr. Deronjic's remaining child, A[redacted]

20. During his prison sentence, Mr. Deronjic was a model prisoner who took steps to effectively rehabilitate himself in prison. He completed many self-improvement courses. He also did intensive counseling attending 39 group counseling sessions and completed his ASAM Level 2.1. Services on May 16, 2025. He received a reccomendation letter from his Licensed Clinical Social worker, Heather A. Gibbens of Evolution Counseling due to his mental health improvement efforts. Omar additionally completed high school in prison and took some college coursework. He completed a Job Service Career Readiness course on December 6, 2024 to prepare him to re-enter the workforce.

21. At the time of Omar's transfer to ICE custody from prison, in May of 2025, the Department of Homeland Security's appeal with the BIA was still ongoing and therefore Omar could not be deported at that time as he still had a pending application for asylum. Omar understood the gravity of his conviction and promptly made the

decision to sever his own asylum case from that of his parents so that he could be ordered removed to his native Bosnia as promptly as possible and that he would not affect his parents' case negatively.

22. On June 18, 2025, the undersigned counsel filed motions with the Board of Immigration Appeals ("BIA") to sever Omar's case and to for him to be ordered removed from the United States. In the interest of expediting Mr. Deronjic's removal from the United States, prior to filing the motion, the undersigned reached out to the Fort Snelling OPLA office to inquire about whether they would be willing to join Mr. Deronjic's motion for removal or at least agree to a non-oppositon position. The OPLA office declined to do either on June 9, 2025, and the undersigned filed the motions without cooperation from the DHS OPLA office.

23. Omar made several attempts to reach out to the Board of Immigration Appeals and others in an attempt to expedite his removal.

24. On August 11, 2025, the undersigned received an e-mail from the OPLA office stating that the undersigned needed to "file something" with the BIA since Omar had not yet been ordered removed.

25. On August 12, 2025, the undersigned responded to this e-mail and reiterated that a motion to have Omar removed had previously been filed with the BIA and that it had been requested that the OPLA office join in this motion, or at least not oppose it, to help expedite this process. The OPLA office did not file their own motion or non-opposition motion and instead stated there was "nothing for them to do" to expedite this process.

26. On August 18, 2025, the undersigned filed a motion with the BIA to expedite a decision on Mr. Deronjic's previously filed motion so that he could be ordered removed from the United States. When no decision was made, on October 13, 2025, the undersigned filed a second motion to expedite a decision on Omar's motion so he could be ordered removed.

27. On December 30, 2025, Omar's case remained pending and the undersigned received another e-mail from the OPLA office about the petitioner's case. This one demanded an explanation for why the undersigned had not withdrawn Mr. Deronjic's appeal since he had been sitting in ICE custody for five months wishing to return home. This e-mail correspondence was attached to a forwarded e-mail from a Fort Snelling deportation officer which had asked the OPLA office if they "had any contacts they could utilize at the BIA" for Omar's case since he was still in custody and Omar had been requesting removal since August of 2025.

28. On December 31, 2025, the undersigned responded to this OPLA email. The responsive e-mail pointed out that Mr. Deronjic had no ability to withdraw the BIA appeal since the appeal in his case was filed by the Department of Homeland Security and not by Mr. Deronjic himself. The undersigned reiterated that numerous attempts to expedite Mr. Deronjic's order of removal had been made by the undersigned's office and that perhaps, the OPLA office could help if they filed a short motion not-opposing Mr. Deronjic's removal.

29. The DHS did not file a motion in Mr. Deronjic's BIA case, however, shortly after this e-mail exchange, on January 8, 2026, the BIA ordered Omar removed from the United States. Omar's removal order became final at that time.

30. Since this time, Omar has attempted to facilitate his removal from the United States to Bosnia to the extent that he has been asked to do so.

31. At the present time, more than six months have lapsed since Mr. Deronjic's final removal order and there is no indication that Mr. Deronjic's removal from the United States is reasonably forseeable. Indeed, it appears that Mr. Deronjic is missing several documents required to deport him from the United States.

32. On or about May 1, 2026, Mr. Deronjic was told by ICE officials that he needed a current, valid photo ID to obtain a travel document from Bosnia and Herzegovina. Specifically, Omar was told he needed to complete paperwork to obtain an employment authorization document from USCIS (Form I-765).

33. Mr. Deronjic completed Form I-765 to the best of his ability and signed the form on May 1, 2026. Subsequently, Mr. Deronjic had communication with the ICE office on May 7, 2026 regarding the employment authorization paperwork. On this date, Omar was informed that the office had everything they needed to submit the employment authorization application but inquired whether Omar's family would be able to pay the $520 filing fee.

34. Mr. Deronjic responded on May 8, 2026 and stated his mother, Adisa, could pay the fee. The ICE representative asked for Mr. Deronjic's mother's contact information. On May 12, 2026, Mr. Deronjic asked an ICE official if there was any way

his mother could send a check to pay the fee in order to speed up the work authorization application process. The ICE official responded that they could call Mr. Deronjic's mother over the phone to take payment. Also on May 12, 2026, Mr. Deronjic responded that he was concerned about his mother being able to make payment over the phone since his mother doesn't speak the best English. Mr. Deronjic was told that USCIS would not accept a check for payment and it would have to be a credit card. He told Omar his mother could call 612-409-7799 to make this payment.

35. Mr. Deronjic's mother made several attempts to pay the $520 filing fee over the phone but was unable to do so using the phone number provided.

36. On May 15, 2026, Mr. Deronjic reached out to the undersigned via telephone and asked for assistance executing this filing fee payment since his mother had been unable to pay the fee.

37. The undersigned then engaged in e-mail correspondence with the Fort Snelling ICE Enforcement and Removal Operations ("ERO") commencing on May 18, 2026 regarding this proposed work authorization application.

38. The undersigned inquired into which category of work authorization the ICE office intended to apply for on Mr. Deronjic's behalf since it was unclear to the undersigned which work authorization eligibility category would apply to Mr. Deronjic. While there is a work authorization eligibility category for persons with final removal orders "(c)(18)" work authorization, an Order of Supervision ("OSUP") issued by ICE is typically required by USCIS in order to issue this type of work authorization document. Mr. Deronjic does not have an OSUP since he is in custody. The undersigned

also inquired into how Mr. Deronjic's mother was supposed to pay the filing fee for the work authorization document since she was having trouble doing so. The undersigned was also unable to pay the fee using the same number given to Mr. Deronjic.

39. The Fort Snelling ICE ERO field office confirmed that they were planning on filing a (c)(18) work permit for Omar and that he does not have an OSUP.

40. After some back-and-forth correspondence about the logistics of filing for this work authorizaton document; It was eventually decided by the ICE ERO office on June 6, 2026 that the ICE ERO office would apply for the work authorization document on their end and that the undersigned would facilitate payment of the $520 filing fee by collecting the money from Mr. Deronjic's family and then completing USCIS form G-1450 authorizing payment of the $520 filing fee. This G-1450 form was completed and sent to the ICE ERO office on June 8, 2026. On June 9, 2026, the $520 filing fee was processed.

41. On June 16, 2026, the undersigned requested confirmation that Mr. Deronjic's work authorization application was underway. On June 19, 2026, it was confirmed by the local ICE office that Omar's work authorization document was being processed and that they expected the document to be issued within two weeks.

42. It has now been more than a month since Mr. Deronjic's work authorization filing fee was collected. Mr. Deronjic has also been detained, in ICE custody, in excess of six months since his final order of removal. There have since been no updates about the status of Mr. Deronjic's work authorization document which is purportedly required

for Bosnia to issue Omar's travel document. There has also not been any update about when a travel document can be obtained from Bosnia for Mr. Deronjic, if at all.

43. Despite his pending work authorization application, the undersigned remains concerned that Mr. Deronjic is not eligible for a (c)(18) work authorization document pursuant to federal regulations and that Mr. Deronjic's pending application with USCIS might ultimately be denied.

44. According to 8 CFR 274a.12(c)(18), "An alien against whom a final order of deportation or removal exists **and who is released on an order of supervision under the authority contained in section 241(a)(3) of the INA** may be granted employment authorization at the discretion of the district director only if the alien cannot be removed because of the refusal of all countries designated by the alien or under section 241 of the INA to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest."

45. The undersigned specifically inquired into whether the ICE ERO office has issued or planned to issue and Order of Supervision (OSUP) which is a pre-requisite for a (c)(18) categroy work authorizaton document (among other criteria) and there is no indication that ICE has done so or intends to do so. Because there is no OSUP, it appears that Mr. Deronjic is not eligible for work authorization and cannot be issued a work authorization document from USCIS. By extension, Omar will not be able to obtain a travel document from Bosnia since this work authorization document is purportedly required. Even if the employment authorization document can be obtained, such an occurrence could take many months per normal employment authorization

processing times. Additionally, the Fort Snelling ICE ERO office has expressed a desire to deport Omar since at least December 30, 2025 per their correspondence with OPLA. It does not make sense that the ERO wouldn't have already effected Omar's removal, seven months later, if they had the ability to do so. For these reasons, it appears that Mr. Deronjic's deportation to Bosnia is not reasonably forseeable.

LEGAL FRAMEWORK

46. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." 28 U.S.C. § 2243 (emphasis added).

47. "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)). "Freedom 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).

48. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

49. Furthermore, 8 U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during "the removal period," which is defined as the 90-day period beginning on "the latest" of either "[t]he date the order of removal becomes administratively final"; "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court's final order"; or "[i]f the [noncitizen]is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement."

50. Although 8 U.S.C. § 1231(a)(6) permits detention "beyond the removal period" of noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme Court held that "the statute, read in light of the Constitution's demands, limits [a noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." 533 U.S. at 689. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

51. In determining the reasonableness of detention, the Supreme Court recognized that, if a person has been detained for longer than six months following the initiation of their removal period, their detention is presumptively unreasonable unless deportation is reasonably foreseeable; otherwise, it violates that noncitizen's due process right to liberty. 533 U.S. at 701. In this circumstance, if the noncitizen "provides good reason to believe that there is no significant likelihood of removal in the reasonably

foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.*

52. The Court's ruling in *Zadvydas* is rooted in due process's requirement 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 detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any other justification.

53. The first justification of preventing flight, however, is "by definition . . . weak or nonexistent where removal seems a remote possibility." *Zadvydas*, 533 U.S. at 690. Thus, where removal is not reasonably foreseeable and the flight prevention justification for detention accordingly is "no longer practically attainable, detention no longer 'bears [a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). As for the second justification of protecting the community, "preventive detention based on dangerousness" is permitted "only when limited to specially dangerous individuals and subject to strong procedural protections." *Zadvydas*, 533 U.S. at 690–91.

54. Thus, under *Zadvydas*, "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." *Id.* at 699–700. If removal is reasonably foreseeable, "the habeas court should consider the risk

of the [noncitizen's] committing further crimes as a factor potentially justifying the confinement within that reasonable removal period." *Id.* at 700.

55. At a minimum, detention is unconstitutional and not authorized by statute when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533 U.S. at 701 (stating that "Congress previously doubted the constitutionality of detention for more than six months" and, therefore, requiring the opportunity for release when deportation is not reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

56. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

57. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. Amend. V.

58. Petitioner has been detained by Respondents for over a year. More than 6 months of this prolonged detention has taken place *after* his removal period began.

59. Petitioner's removal order became administratively final January 8, 2026, The removal period began on that day and thus elapsed on July 8, 2026.

60. Petitioner's prolonged detention is not likely to end in the reasonably foreseeable future. This is due in part to Petitioner's lack of travel document for Bosina

and Herzegovina as well as his ineligibility for the documentary pre-requisite for obtaining said travel document, a work authoriation document from USCIS.

61. Where, as here, removal is not reasonably foreseeable, detention cannot be reasonably related to the purpose of effectuating removal and thus violates due process. *See Zadvydas*, 533 U.S. at 690, 699–700.

62. For these reasons, Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1231(a)

63. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

64. The Immigration and Nationality Act at 8 U.S.C. § 1231(a) authorizes detention "beyond the removal period" only for the purpose of effectuating removal. 8 U.S.C. § 1231(a)(6); s*ee also Zadvydas*, 533 U.S. at 699 ("[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute."). Because Petitioner's removal is not reasonably foreseeable, his detention does not effectuate the purpose of the statute and is accordingly not authorized by § 1231(a).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Enjoin the removal of Petitioner from this District during the pendency of this case to maintain this court's jurisdiction over this matter;

(3) Declare that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1231(a);

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(5) Require the undersigned to notify the undersigned counsel via e-mail of the approximate time and place of Omar's release so his family can arrange transport back to North Dakota;

(6) Require the Respondents to return any property of the Respondent in their possession including all identification documents immediately;

(7) 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;

(8) Retain jurisdiction over this matter to decide any future motion for an award of reasonable attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, Local Rule 54.3(a), and on any other basis justified under law;

(9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Rachel Petersen

Rachel Michelle Petersen
MN#0391476
825 Nicollet Mall Ste. 1600
Minneapolis, MN 55402
rachel@pfflegal.com
612-729-2009

Attorney for Petitioner

Dated: July 14, 2026

Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have discussed the factual assertions in this petition with Petitioner and his family, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: 07/14/2026

/s/Rachel Petersen

Rachel Michelle Petersen
MN#0391476
825 Nicollet Mall Ste. 1600
Minneapolis, MN 55402
rachel@pfflegal.com
612-729-2009

Attorney for Petitioner