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-cv-03300 **PETITIONER'S REPLY TO RESPONDENTS SECOND RESPONSIVE FILING** Expedited Handling Requested

Petitioner's Reply to Respondent's Second Responsive Filing

Introduction

Petitioner, Mr. Omar Deronjic ("Omar" or "Petitioner"), by and through the undersigned attorney, hereby files this reply to the Respondents' filings in the above-captioned matter on August 10, 2026 which was responsive to the Court's Order dated August 3, 2026. The DHS response largely failed to comply with the Court Order that precipitated it and did not meet their burden to prove Omar's deportation was reasonably

foreseeable. Additionally, this new response by DHS raises new questions about the foreseeability of the Petitioner's deportation given that there are discrepancies in the shipping data from Omar's work authorization document. The DHS response does not meet their burden to prove Omar's deportation is reasonably foreseeable or that his detention is lawful. The Respondent's continued detention is unlawful and the Respondent should be ordered released, immediately. At a minimum, DHS should be required to submit additional documentation to verify their claims.

Procedural Background

The First ICE Declaration by Officer Ivan Sabin Submitted July 30, 2026

In response to the instant *habeas* petition and this Court's order, Respondents submitted an ICE Declaration by ICE/ERO officer Ivan Sabin on July 30, 2026, he stated that:

> *"To issue travel documents, the Government of Bosnia and Herzegovina requires a U.S. Identification card for Petitioner. On July 14, 2026, ICE/ERO received an Employment Authorization Document for Petitioner from U.S. Citizenship and Immigration Services. On the same day, ICE/ERO officer mailed the request and supporting documentation to the Government of Bosnia and Herzegovina for travel documents for Petitioner. Based on previous requests to the Government of Bosnia and Herzegovina, ICE/ERO anticipates having Petitioners travel documents by August 7, 2026, After ICE/ERO receives travel documents, it typically takes two to three weeks to execute removal."* **(Dkt. 7 ¶¶ 8-9).**

The Court's August 3, 2026 Order

In the Court's August 3, 2026 order, the Magistrate Judge gave Respondents an additional week of time to provide several additional things to the court. These things were:

1) A copy of the Employment Authorization Document referenced in the Sabin Declaration; 2) A sworn affidavit stating whether Respondents have received a travel document for Petitioner from Bosnia and Herzegovina; 3)If Respondents have not received the travel document, the affidavit should state the reason Respondents anticipated receiving the document by August 7, including any communications with Bosnia and Herzegovina, and describe the "previous requests" to Bosnia and Herzegovina referenced in the Sabin Declaration, including the number of requests that were made, the number that were granted, and the amount of time it took for Bosnia and Herzegovina to respond to the requests; 4)If Respondents have received the travel document, the affidavit must attach a copy of the travel document. Respondent's must also update the Court as to their plans to effectuate the Petitioner's removal, including the anticipated date of removal. When the DHS issued its response on August 10, 2026, Dkt. 10, they submitted a Declaration by an Officer Patrin. The response did the first of the four things requested by the court order: they attached what appears to be a work authorization document with the Respondent's name, birthday, and alien number on it. **Dkt. 10; Dkt. 10-1.** The other three items were not completed on the date specified by the Court Order.

Argument

1. The Second ICE Declaration Submitted by Officer Seth Patrin on August 10, 2026 Fails to Comply with the August 3, 2026 Court Order and is not sufficient to Prove the Respondent's Deportation is Reasonably Foreseeable

The Respondent's August 10, 2026 response to this Court's August 3, 2026 order failed to comply with the Order in several important respects.

The Requirement of a Sworn Affidavit

The August 10, 2026 response by the DHS failed to respond to the Court's second August 3 Order requirement that the Respondents submit an Affidavit. Instead the DHS submitted a Declaration. **Dkt. 10.** Affidavits provide additional safeguards as to the identity of the writer and therefore carry more weight. The DHS did not explain their failure to submit an affidavit as required by the court order. Not only was an affidavit not submitted, but a new ICE officer provided this declaration. The fact that a new ICE officer wrote this declaration a few days after the first Declaration was written was also not explained. While the Judge's Order did not say expressly that the *same* ICE Officer should write the affidavit, the Judge's order did go on to request additional clarification about content contained in the first ICE Officer's statement written on July 30th. As such, the fact that a second ICE officer inexplicably provided this clarifying information relieves the initial officer of any sworn responsibility for his prior statement. Additionally, the new ICE officer does not explain how he knows what the first ICE Officer meant to say in the first ICE Declaration. Because a new ICE officer provided an explanation for statements made by a different individual, the contents of this Declaration should be given little weight.

The Requirement of an Explanation for August 7, 2026 Estimate

In addition to failing to comply with the court order with regard to submitting a sworn affidavit, the Patrin Declaration did not meaningfully address the Court's third requirement that ICE Officer Sabin provide an explanation for why he wrote in his declaration that the Respondents expected Omar's travel document to be received by August 7, 2026 based on "previous requests." The Court specifically requested that the Respondents include information about the total number of requests that were made, the

number that were granted, and the amount of time it took for Bosnia and Herzegovina to respond to its requests.

Patrin's declaration states, "The previous declaration submitted in this case mistakenly referred to "previous requests." **Dkt. 10 ¶ 9.** Instead, Patrin says that Sabin's estimate that Omar would receive his travel document by August 7, 2026 was based on *one* case involving a national from Bosnia who applied for a travel document on May 26, 2026 and received a travel document on June 16, 2026. **Dkt. 10 ¶ 9.** Patrin does not explain how he knows Sabin made a mistake or how he knows what Sabin based his August 7, 2026 estimate on. The logical person to provide this information would be Sabin himself. Since that didn't occur, this information is likely hearsay. Additionally, this Declaration does not directly say how many people have applied for travel documents from Bosnia, how many have been approved, and how long responses took. The Declaration seems to say that, as far as both responding ICE officers know, only one application[1] for a Bosnian travel document has ever been submitted to Bosnia and that one case was approved. Both ICE officers claim long careers at the DHS as Deportation Officers. Patrin indicates he has worked with DHS since 2020 and Sabin indicates he has worked there since 2016. **Dkt. 10 ¶ 1; Dkt. 7 ¶ 1.** If it is true that only one person has applied for and been granted a Bosnian travel document since 2016, it is not likely that Omar will get one and therefore his deportation is not reasonably foreseeable.

[1] Other than, apparently, Omar's own application for a travel document which Patrin states was rejected on February 7 of 2026. Dkt. 10 ¶ 6.

While Patrin does say he reached out to the ICE/ERO HQ RIO office to "obtain an estimate based on a larger set of cases," **Dkt. 10 ¶ 12,** he did not provide any information about how many travel requests have been made to Bosnia or the number of Travel Documents granted as required by the Court. Patrin, seems to indicate he has no way of knowing how many travel documents are applied for and issued by Bosnia since it is the ICE/ERO HQ RIO Office who directly communicates with the Bosnian embassy and not field offices, **Dkt. 10 ¶ 5,** however, it is unclear why he can't learn this information from the HQ RIO office and why the HQ RIO office cannot provide an affidavit or declaration to respond to this Court Order if they are the office within DHS that has access to this information. The Patrin Declaration does declare that the HQ RIO indicated on August 6, 2026, that a "typical case" generally takes 30 to 90 days to complete which somewhat responds to the court order. **Dkt. 10 ¶ 10.** However, without information about the probability of success for these travel documents, AKA the percentage approved, this says nothing about the foreseeability of Omar's removal. This time estimate is for "completion" rather than approval. Additionally, there is no indication whether Omar is a "typical case." The court has now given the government two opportunities and an additional month and 10 days past the six-month removal period to provide detailed evidence to prove Omar's removal is reasonably foreseeable. They have failed to do so and have not met their burden.

Attachment of a Travel Document

The final document requested by the August 3 Court Order is a Travel Document for Omar from Bosnia if it has been issued. The government failed to attach this document since the Travel Document has not been issued. The Declaration by Officer Patrin states

only that this application is "pending" as of August 3, 2026. There is no status update about how soon Omar's application, in particular, is likely to be processed. **Dkt. 10 ¶ 8.** For this reason, the government has not met their burden to prove Omar's removal is reasonably foreseeable.

2. The Respondent's August 10, 2026 Response raises new questions about the foreseeability of Respondent's removal.

Ambiguity Surrounding the Respondent's work permit

The one component of the DHS Response which appears to comply with this Court's August 3, 2026 order, is they did attach a black and white copy of the front side of a work authorization document. **Dkt. 10-1.** The work permit is dated June 23, 2026 and contains the card number: **MSC2618450003**. **Dkt. 10-1.** The card numbers printed on USCIS work permits are also the same as the employment authorization application receipt number. USCIS has a publicly available case status tool that can be used on their website by entering the appropriate receipt number for a case. This tool is available here: https://egov.uscis.gov/ . The undersigned went to this site to see if the case status roughly corresponded with the DHS claim that Omar's work permit was received by ICE ERO on July 14, 2026. Upon entering the receipt number for this case on August 17, 2026, the undersigned found the following case status update:

> *On June 29, 2026, the Post Office picked up mail containing your new card for Receipt Number MSC2618450003. We mailed your card to the address you gave us. The tracking number assigned is 9205590153708656814073. You can use your tracking number at www.USPS.com in the Quick Tools Tracking section. If you did not receive the card, please go to www.uscis.gov/e-request to request that we resend the card*

> *to you. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.* **Exh. 1.**

The undersigned next went to the United States Postal Service Website to check the delivery status of the above-referenced postal tracking number:

[redacted] **Exh. 2.**

According to the most recent US Postal records, there was a failed delivery attempt for this item on July 7, 2026. As of August 17, 2026, US Postal records indicate that the current status of the package is that the customer is reminded to schedule a re-delivery for this item to avoid it being returned to sender. **Exh. 2.** There is nothing in the record to show that the employment authorization document was actually delivered to the ICE Office on July 14, indeed the United States Postal Service Records indicate that this is not the case. Additionally, USCIS can normally tell when a work authorization card has been delivered, and the USCIS case tracker does not indicate that this has occurred in Omar's case. [2]

The undersigned has applied for and received hundreds of work authorization cards and similar immigration documents from USCIS. These cards come mounted on a paper mailer with the recipient's name, alien number, application number, address, as well as several bar codes and a QR code. This form was not submitted by DHS along with the copy of the front of the work permit. Nor was the backside of the card, which also

[2]See https://www.uscis.gov/forms/filing-guidance/how-to-track-delivery-of-your-notice-or-secure-identity-document-or-card

contains a bar code, submitted. Moreover, at no point in this habeas process has the DHS stated that Omar's work authorization document which is allegedly required for Omar's travel document to be issued has in fact been mailed to the Bosnian embassy by ICE. Both the Sabin Declaration and the Patrin Declaration only state that the card was received by DHS and that a *travel document* request was sent to Bosnia. **See Dkt. 10 ¶ 7 and Dkt. 7 ¶ 8.** It is unclear why DHS is avoiding saying they have already mailed the required work authorization document to the Bosnian embassy, especially when the undersigned raised this same question in the Respondent's previous reply. The questions related to the receipt and shipment of the Respondent's employment authorization document raised by the most recent DHS response is even more reason that the DHS has failed to meet their burden to show that the Respondent's deportation is reasonably foreseeable.

Conclusion

No one contests that Mr. Deronjic's Order of Removal was final as of January 8, 2026, more than seven months ago. No one contests that the Respondents have been unable to secure the Respondent's travel document or schedule his removal due to their own internal issues. The DHS has not complied with a very succinct, clear August 3, 2026 Court Order which contained specific instructions on how they should meet their burden. The government has not only failed to meet their burden, but their most recent response raises further questions about the status of Omar's work authorization document and whether it has been received by ICE and mailed to the Bosnian embassy for the

purpose of processing his travel document. The appropriate remedy for the unlawful detention of Omar Deronjic is immediate release.

Barring that, at a minimum, the DHS should be required to provide a prompt explanation for the tracking issue regarding Omar's work permit including a copy of the shipping mailer the card came on and a copy of the back of the card. Additionally, they should be required to submit an affidavit including: the address the card was mailed to, under whose care the card was mailed, and who received the Employment Authorization card from the ICE office. The DHS should also submit a sworn affidavit that verifies that Omar Deronjic's work authorization document has in fact been sent to the Bosnian Embassy along with his second request for a travel document. The DHS should also attach a copy of the Bosnian embassy's rejection of Omar's February 2026 travel document application so this court can verify that the Employment Authorization Document will remedy the issue that prevented the travel document from being issued in the first place. The DHS should also be required to provide an affidavit from the ICE/ERO RIO HQ office with real information about the frequency with which Bosnian travel documents are requested and approved as well as what the estimated time frame for a decision on Omar's own case, given his criminal record. The DHS still has more than 11 days to comply with the prior August 17, "update" request from this Court. The undersigned believes this should be more than a sufficient time period to Respond given this is the third opportunity the DHS has had to provide proof of their ability to remove the Petitioner in the foreseeable future.

Respectfully submitted,

/s/Rachel Petersen

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