UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Epifanio Sosa Vargas Petitioner v. **David Easterwood**, Acting Director of St. Paul Field Office, U.S. Immigration and Customs Enforcement; **David Venturella**, Acting Director, U.S. Immigration and Customs Enforcement; **Markwayne Mullin**, Secretary of the U.S. Department of Homeland Security; **Mike Stasko**, Warden of the Freeborn Adult Detention Center; Respondents	**PETITION FOR WRIT OF HABEAS CORPUS**

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INTRODUCTION

1. Petitioner Epifanio Sosa Vargas (Mr. Sosa Vargas) is a forty-six-old Mexican citizen who is eligible for Withholding of Removal, and he also has a pending U-Visa application.
2. The Alien Number for the Petitioner is [redacted]
3. Petitioner most recent entry in the United States on January 1st, 2018, through the U.S. border with Mexico at an unknown location in Texas.

4. Petitioner was never arrested upon arrival.
5. Petitioner has lived in the State of Minnesota, near Minneapolis-MN, ever since his last arrival in 2018.
6. Ever since his arrival in 2018, Mr. Sosa Vargas has been continuously employed as a roofer.
7. Mr. Sosa Vargas is a family-oriented man; he is married and has three children, one of them being an American Citizen.
8. On July 9th, 2026, he was arrested alongside his coworkers after a traffic stop was illegally conducted by ICE.
9. DHS has disclosed on legal filings on another case related to this one, that they were able to relate the vehicle plate to an undocumented person, and therefore they initiated the stop soon after that.
10. ICE conducted a warrantless arrest on the Petitioner, such actions shall be condemned as
11. There is no formal agreement between the Government of Minnesota regarding the sharing of such data with DHS.
12. Although Mr. Sosa Vargas was not the one whom the car was registered to, ICE agents interrogated him and he disclosed his immigration status and was arrested shortly after that.
13. Given his past express removal from the United States in the early 2000s (unknown data is available at this moment), Petitioner is unable to be directly referred to the Immigration Court.
14. However, on July 28th, 2026, Petitioner was screened for Credible Fear by the Asylum Screening Office. Although a negative finding was issued, it is expected that Petitioner be referred to an Immigration Judge by August 4th, for further review of his claim.

15. Parallel to his asylum claim, Petitioner was a victim of a violent crime, and he sought certification from the Hennepin County Attorney`s Office.
16. On July 17th, his U-Visa petition was certified as he has helped the local authorities in prosecuting the case, and shortly after it was filed with USCIS and the application remains pending as today.
17. Throughout all his residence in the United States, Mr. Sosa Vargas has not committed nor charged for any crime.
18. He had been at liberty in the United States for over seven years prior to his detention.
19. Additionally, pursuant Petitioner`s application for the U-Visa, he is barred from removal from the United States, up and until DHS conducts the mandatory Bonafide inquire of his petition, as he is a class member of the Pending Petition Class, See *I.C.W.C. v. Noem, et al* 2:25-cv-09848-AB-AS (CD. Cal May 20, 2026).
20. This very same Honorable Court has sided with multiple other in similar situation, that their arrest and the impossibility of release on Bond are in violation of the Fifth Amendment, See *Flores Monrroy v. Blanche et al* 0:26-cv-02749 (D. Min. Jul. 8, 2026); See also: *Juarez Moya v. Blanche et al* 0:26-cv-02944 (D. Min. Jul. 8, 2026); *Ulloa Gonzales v. Mullin et al* 0:26-cv-03051 (D. Min. Jul. 1, 2026); and multiple others.
21. In order to vindicate Petitioner`s constitutional, statutory and regulatory rights, this Honorable Court should grant this instant petition for a writ of habeas corpus to ensure his continued freedom.
22. Petitioner humbly asks this Honorable Court to find that his detention to be unlawful and to order ICE to release him.

JURISDICTION

23. This instant action is rooted in the United States Constitution and the Immigration and Nationality Act (INA).

24. This Honorable court has jurisdiction over this matter under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause)

VENUE

25. Venue is proper because the petitioner is currently detained at the Freeborn Adult Detention Center, located at 411 South Broadway Avenue, Albert Lea, MN 56007, therefore, the Petitioner remains detained in the District of Minnesota.

REQUIREMENTS SET FORTH ON 28 U.S. U.S.C. § 2243

26. The Honorable Court must grant this instant petition for writ of habeas corpus or issue an order to show-cause to the respondents "forthwith", unless the petitioner is not entitled to relief, 28 U.S.C § 2243. If an order to show cause is issued, the Honorable Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed"

PARTIES AND FACTS ALLEGED

27. The Petitioner, Epifanio Sosa Vargas, upon information provided by ICE, is currently detained at the Freeborn Adult Detention Center.

28. Respondent David Easterwood is sued in his official capacity as the Acting Director of St. Paul Field Office for U.S. Immigration and Customs Enforcement (ICE).

29. Respondent David Venturella is sued in his capacity as the Acting Director for the U.S. Immigration and Customs Enforcement (ICE).

30. Respondent Markwayne Mullin is sued in his capacity as the Secretary of the U.S. Department of Homeland Security (DHS).

31. Respondent Mike Stasko is sued in his capacity as the Warden of the Freeborn Adult Detention Center.

32. All respondents are named in their official capacities.

CLAIMS FOR RELIEF

COUNT ONE

Petitioner`s Arrest and Detention Without Consideration for Release on Bond is a Violation of Fifth Amendment Right to Due Process Clause

33. The government's infringement upon Sosa Vargas's liberty interest triggers a right to meaningful process to contest that infringement, for example, to a hearing before that right is deprived. See *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972).

34. "The determination of what procedures are required under the Fifth Amendment requires consideration of: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest through the procedures used; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail." *Mathews v. Eldridge*, 424 U.S. 319 (1976) at 335.

35. The Fifth Amendment provided that "no person shall be deprived of life, liberty, or property without due process of law"

36. "[t]he Due Process clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent" *Zadvydas v. Davis*, 533 U.S. 693 (2001)

37. "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*, 533 U.S. at 690. Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a "sufficiently strong special justification" to outweigh the significant deprivation of liberty. *Id.*

38. Mr. Sosa Vargas should not be detained as he is neither at flight risk nor a dangerous person to society. Respondents cannot show any valid justification, let alone a "sufficiently strong special justification", for depriving Mr. Sosa Vargas of his fundamental rights

39. Respondent mandatory detention without consideration for release on bond or access to a bond hearing violates his due process rights.

40. For these reasons, Mr. Sosa Vargas `s ongoing detention is unconstitutional. He should accordingly be released.

COUNT TWO

Petitioner's Warrantless Arrest Violates his Fourth Amendment Protections Against Unreasonable Seizures

41. The Fourth Amendment protection against "unreasonable searches and seizures" is a protection against "arrest without probable cause." *Club Retro, L.L.C. v. Hilton*, 568 F.3d 181, 206 (5th Cir. 2009).

42. Section 1357(a)(2)'s requirements for a warrantless arrest are (1) a probable-cause showing that the individual violated immigration law and (2) a showing that the individual is likely to escape before a warrant can be issued See *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010). .

43. "[A] warrantless arrest under 8 U.S.C. § 1357(a)(2) is a threshold exception to arrest by warrant and, after the arrest, detention may proceed under Sections 1225, 1226 and 1231." *Fernando C.C. v. Bondi*, No. 26-cv-1235 (LMP/JFD), 2026 WL 446408, at *2 (D. Minn. Feb. 17, 2026). Therefore Petitioner`s warrantless arrest is clearly unlawful because it did not comply with § 1357(a)(2)

44. Petitioner was arrested by federal immigration agents without justification, as he was not the target of the operation conducted at the worksite.

45. Additionally, it is unknown how DHS had access to the vehicle database from the State of Minnesota as no formal agreement between the State Government and DHS exists.

46. The government lacked any information of changed or exigent circumstances that would justify Petitioner`s sudden detention

47. His arrest was therefore an unreasonable seizure that violated his right to be secure in his person.

COUNT THREE

Violation of *I.C.W.C. v. Noem, et al* 2:25-cv-09848-AB-AS (CD. Cal May 20, 2026), Detention of a Member of the Pending Petition Class and/or Stay of Removal Class

48. On May 20th, 2026, the U.S. District Court for the Central District of California granted the Plaintiffs Motion for Class Certification.

49. On such decision, the District Court certified the following classes: (1) *Pending Petition Class*: All individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement. (2) *Deferred Action Class*: All individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status. (3) *Stay of Removal Class*: All individuals with a pending U or T visa petition who, since January 30, 2025, have been, are, or will be detained by ICE and who request or requested a stay of a final removal order prior to enforcement of that removal order.

50. Additionally, pursuant to 5 U.S.C. § 705, the District Court for the Central District of California also stayed the "*Blid Removal Policy*", and therefore it forbids DHS from removing aliens from the country up, and until, any conducting the statutory-required inquiry into whether the petition presents a prima facie case for approval.

51. Petitioner is a member of the Pending Petition Class, as he has a currently pending U-Visa petition filed with USCIS.

52. Petitioner was a victim of a violent crime in Hennepin County, more specifically, Petitioner was the victim of a felonious assault pursuant to Minn. Stat. § 609.222, subd. 1.

53. Petitioner's U-Visa petition was certified by the Hennepin County Attorney's Office on July 17th, 2026, and shortly after it was filed with USCIS.

54. Although petitioner has been previously removed from the United States previously, the pending of a U-Visa application with USCIS renders his removal unlawful until further adjudication of the aforementioned petition.

COUNT FOUR

Violation of 8 U.S.C. § 1231, Removal of Petitioner is Unlikely to Occur Within the Statutory Period

55. Pursuant to § 1231(a)(1)(A), Government has up to 90-days to complete the removal of an alien ordered removal.

56. Petitioner is clearly a member of the Pending Petition Class under *I.C.W.C. v. Noem, et al.* and therefore, it is unlikely for ICE to be able to remove Petitioner from the United States while USCIS engages in the statutory-required inquiry into whether the petition presents a prima facie case for approval.

57. USCIS itself has provided public information, in which it stated that, in regards to processing time for U-Nonimmigrant Status up to "80% of the cases are completed within 20 months", DHS on itself has recognized that time necessary for adjudication is well above 90-days.

58. Hence, this warrantless arrest is not only unlawful under the Fourth Amendment, and a severe violation of Petitioner's Fifth Amendment rights, but it is also inhumane, as the agency knows that they cannot fulfill the removal period as mandated under the INA.

59. Therefore, in light of the incompatibility of the timelines for adjudication for the U-Visa petition and the mandatory period for removal, Petitioner must be released while he awaits for further adjudication.

PRAYER FOR RELIEF

1) Wherefore, Petitioner respectfully requests this Court to grant the following:
2) Assume jurisdiction over this matter;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
4) Order that Defendants not remove Petitioner from the State of Minnesota;
5) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment as well as the relevant statute and regulations governing detention of noncitizens;
6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
8) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

Epifanio Sosa Vargas
Petitioner

By and through undersigned counsel.

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Dated: July 31st, 2026

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VERIFICATION PURSUANT TO 28 U.S.C. §. 2242

I represent Petitioner, **Epifanio Sosa Vargas** and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Stephen A. Pegnam
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Dated: July 31st, 2026