IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Kong Lee,
Petitioner,

v.

David Easterwood, Director of St. Paul Enforcement and Removal Operations, Immigration and Customs Enforcement;
Markwayne Mullin, Secretary of the Department of Homeland Security;
Dave Isais, Jail Commander of the Sherburne County Jail;
David J. Venturella, Acting Director, U.S. Immigration and Customs Enforcement;
Todd Blanche, Attorney General of the United States.

PETITION FOR WRIT OF HABEAS CORPUS

Case No. 0:26-cv-03669

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241, THE FIFTH AMENDMENT, THE IMMIGRATION AND NATIONALITY ACT, AND THE ADMINISTRATIVE PROCEDURE ACT

INTRODUCTION

1. Petitioner Kong Lee is a longtime Minnesota resident whom Immigration and Customs Enforcement ("ICE") permitted to live in the community for years under an Order of Supervision ("OSUP") following an old final order of removal.

2. Petitioner was born in a refugee camp in Thailand to parents who were born in Laos. His removal order dates to approximately 2009. Yet the Government did not

remove him. Instead, ICE released Petitioner into the community and required him to report periodically under supervision.

3. Petitioner complied with that supervision over the ensuing years. At various times ICE required him to report annually, every several months, and as frequently as every two months. Petitioner appeared as required, including at his immediately preceding check-in, which concluded without incident.

4. On August 18, 2026, Petitioner again did exactly what ICE required: he voluntarily appeared at a scheduled ICE reporting appointment. ICE arrested him at that appointment.

5. Petitioner attended the appointment alone. No arrest warrant, warrant of removal, Notice of Revocation, custody determination, or other detention paperwork has been provided.

6. Upon information and belief, and based on the information presently available to Petitioner and counsel, ICE did not obtain a new and valid Form I-205 Warrant of Removal before taking Petitioner into custody and has not complied with any of the other regulatory requirements for revoking supervision or re-detaining the Petitioner.

7. Nor has ICE identified any new violation of Petitioner's supervision, new criminal conduct, attempt to abscond, refusal to cooperate, or other intervening conduct that

would explain the abrupt decision to imprison a person whom ICE itself had successfully supervised for years.

8. Petitioner's historical convictions long predate his present detention and were already known to immigration authorities when his removal proceedings occurred and when ICE thereafter permitted him to live under supervision. Whatever effect those convictions may have had on the former removal proceedings, they are not newly occurring conduct in 2026.

9. The Government cannot transform a scheduled compliance appointment into an opportunity for arbitrary imprisonment. If ICE wished to arrest Petitioner on a final removal order, its regulations provided a mechanism for obtaining a Form I-205 before the scheduled appointment. And if ICE wished to revoke Petitioner's supervised release, its own regulations required it to comply with the governing revocation procedures.

10. Recent decisions from this District address precisely these circumstances. In *Ahmed S. v. Blanche*, No. 26-cv-2265 (KMM/DLM) (D. Minn. July 10, 2026), the Court ordered immediate release after ICE arrested a longtime OSUP recipient at a scheduled check-in without a valid pre-arrest warrant. The Court held that an I-200 created after arrest could not retroactively authorize the seizure, an old previously executed I-205 could not be used in perpetuity, and criminal history did not dispense with 8 U.S.C. § 1357(a)(2)'s independent requirement that the person be likely to escape before a warrant could be obtained.

11. Likewise, *Vang v. Bondi*, No. 26-cv-1381 (D. Minn. Feb. 18, 2026), *Xiong v. Noem*, No. 26-cv-1399 (D. Minn. Feb. 18, 2026), and *Ly v. Mullin*, No. 26-cv-2947 (D. Minn. July 1, 2026), ordered individuals released to their preexisting Orders of Supervision when ICE re-detained them without complying with the regulatory procedures governing revocation.

12. Petitioner seeks the same basic relief: restoration of the lawful status quo that existed immediately before his arrest—release into Minnesota subject to the conditions of his preexisting Order of Supervision.

JURISDICTION

13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in federal immigration custody in violation of the Constitution and laws of the United States.

14. Federal district courts retain jurisdiction to adjudicate statutory and constitutional challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Shah v. Reno*, 184 F.3d 719, 724 (8th Cir. 1999).

15. This Court also has jurisdiction under 28 U.S.C. § 1331 because Petitioner raises claims arising under the Fifth Amendment, the Immigration and Nationality Act ("INA"), federal regulations governing post-order detention and release, and the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706.

16. Petitioner does not ask this Court to vacate or review the merits of his approximately 2009 removal order.

17. Petitioner instead challenges the Government's present authority and procedure for physically imprisoning him in 2026 after years of supervised release.

18. Sections 1252(a)(5) and 1252(b)(9) therefore do not foreclose this Court's habeas jurisdiction. See *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018); *Zadvydas*, 533 U.S. at 687–88.

VENUE

19. Petitioner was arrested by ICE at a scheduled reporting appointment within the District of Minnesota.

20. At the time Respondents seized Petitioner, ICE officials operating through the St. Paul Field Office exercised direct custody and control over him.

21. Petitioner is presently confined at Sherburne County Jail, Minnesota.

22. Venue is therefore proper under 28 U.S.C. § 2241 and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

23. Venue is additionally proper under 28 U.S.C. § 1391(e) because substantial events giving rise to this Petition occurred within this District and Respondent Easterwood exercises authority here.

PARTIES

24. Petitioner Kong Lee resides in Minnesota and was living in the community under an ICE Order of Supervision immediately before the arrest challenged here.

25. Respondent David Isais, Sherburne County Jail, is Petitioner's immediate physical custodian and is sued in his official capacity.

26. Respondent David Easterwood is Acting Director of the St. Paul Field Office of ICE and exercises authority over immigration detention, supervision, and removal operations affecting Petitioner in this District.

27. Respondent David Venturella is Acting Director of ICE and is responsible for ICE policies and practices concerning detention, supervision, arrest, and removal.

28. Respondent Markwayne Mullin is Secretary of the Department of Homeland Security and exercises supervisory authority over ICE.

29. Respondent Todd Blanche is Attorney General of the United States.

FACTUAL BACKGROUND

A. Petitioner came to the United States from a refugee background and has an old final removal order.

30. Petitioner was born in a refugee camp in Thailand. His parents were born in Laos.

31. Petitioner subsequently came to the United States and established his life here as a refugee.

32. Petitioner has two historical burglary convictions arising from criminal proceedings in which he entered pleas in around 2009.

33. Those convictions occurred many years ago and predate the supervised-release arrangement at issue in this Petition.

34. In approximately 2009, Petitioner was placed in removal proceedings or otherwise became subject to an order directing his removal. Petitioner recalls being advised at the time that he needed to sign the deportation paperwork in order to be released from custody. Petitioner complied.

35. Nothing in this Petition asks the Court to adjudicate the validity of those criminal convictions or the underlying removal order.

B. ICE did not remove Petitioner and instead supervised him in the community for years.

36. Despite Petitioner's old removal order, ICE did not effect his removal. ICE instead released Petitioner from immigration detention subject to an Order of Supervision.

37. Petitioner possesses documentation reflecting his ICE supervision and reporting requirements. Over the years, ICE changed the frequency of Petitioner's reporting obligations.

38. At times Petitioner reported annually. At other times ICE directed him to appear every two or three months. Petitioner continued appearing as instructed.

39. His immediately preceding ICE reporting appointment concluded successfully and without detention.

40. ICE therefore knew how to locate Petitioner and knew when he would next place himself voluntarily in ICE's physical presence.

41. The Government's own supervision regime made a warrantless arrest unnecessary. If ICE wished to obtain a warrant, it knew in advance the date, time, and location at which Petitioner would appear.

C. ICE arrested Petitioner when he voluntarily appeared for his scheduled check-in.

42. On August 18, 2026, Petitioner reported for his scheduled ICE appointment in St. Paul, Minnesota. He appeared voluntarily and pursuant to ICE's reporting instructions. He did not flee. He did not fail to report. He did not need to be located through an enforcement operation. ICE instead knew precisely where Petitioner would be because ICE itself required him to appear there.

43. ICE officers nevertheless took Petitioner into custody. Petitioner attended the appointment alone. No Form I-205, Form I-200, Notice of Revocation of Release, written custody determination, or other contemporaneous document identifying the legal and factual basis for Petitioner's arrest has been provided.

44. Upon information and belief, ICE has followed none of the requisite procedures associated with this arrest.

45. Upon information and belief, no contemporaneous determination preceded the arrest finding that Petitioner had violated his Order of Supervision or that changed circumstances rendered his removal significantly likely in the reasonably foreseeable future.

46. These allegations are based on the information presently reasonably available to Petitioner and counsel. The relevant warrants, issuance records, custody records, revocation notices, travel-document records, and internal determinations are exclusively or principally within Respondents' possession.

D. No presently known circumstance explains the abrupt reversal from supervision to incarceration.

47. Counsel is presently aware of no new criminal conduct by Petitioner identified by ICE as a basis for the arrest. According to ICE, Petitioner will be removed to Laos, but ICE has provided no date or other solid information confirming this, and Laos previously refused to accept Petitioner.

48. Counsel is presently aware of no missed reporting appointment identified by ICE as the basis for the arrest. Counsel is presently aware of no attempt by Petitioner to abscond from ICE supervision. To the contrary, his arrest occurred because he appeared as directed.

49. Petitioner's historical criminal convictions existed before the final removal order and throughout the years ICE chose supervised release rather than incarceration.

Those old convictions therefore cannot themselves constitute newly arising conduct occurring immediately before this arrest.

50. Petitioner's international circumstances are also longstanding. He was born in a refugee camp in Thailand to parents born in Laos.

51. Counsel presently possesses no evidence showing that Thailand or Laos has recently issued travel documents for Petitioner or that either country has newly agreed to accept him.

LEGAL FRAMEWORK

A. Post-order detention is governed by § 1231 and Part 241.

52. Section 1231 establishes a ninety-day removal period after an order becomes administratively final. 8 U.S.C. § 1231(a)(1).

53. Detention is mandatory during that initial period. *Id.* § 1231(a)(2). Petitioner's removal period expired many years ago.

54. Post-removal-period custody is therefore governed by § 1231(a)(6), *Zadvydas*, and the regulations governing continued custody and supervised release at 8 C.F.R. §§ 241.4 and 241.13.

55. Section 241.13 applies where ICE has determined that there is no significant likelihood of removal in the reasonably foreseeable future. Where an individual was released under that provision, ICE may return him to custody for violation of a condition of release. 8 C.F.R. § 241.13(i)(1).

56. ICE may also revoke release for removal when, "on account of changed circumstances," it determines "that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." *Id.* § 241.13(i)(2).

57. Upon revocation, ICE must notify the individual of the reasons for revocation and promptly conduct an informal interview affording an opportunity to respond. *Id.* § 241.13(i)(3).

58. That process must permit the individual to submit evidence disputing the alleged violation or demonstrating that removal remains unlikely, and ICE must evaluate contested facts relevant to whether revocation and continued detention are justified. *Id.*

59. If Petitioner's original release instead arose under § 241.4, § 241.4(l) likewise requires notice of the reasons for revocation and a prompt informal interview permitting the individual to respond, followed by the applicable custody-review process if detention continues.

60. Respondents possess the historical custody file establishing whether Petitioner's release arose under § 241.13 or § 241.4. Petitioner should not be deprived of relief merely because that administrative determination remains exclusively within the Government's records.

61. Under either framework, ICE is required to follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954).

B. A final-order arrest is governed by the warrant-of-removal framework, and warrantless immigration arrests are narrowly limited.

62. DHS regulations provide that a Form I-205 Warrant of Removal may issue based upon a final administrative removal order. 8 C.F.R. § 241.2(a).

63. Section 241.3(a) further provides that once the removal period begins, a noncitizen in the United States "will be taken into custody pursuant to the warrant of removal."

64. Where ICE instead relies upon warrantless-arrest authority, 8 U.S.C. § 1357(a)(2) permits such an arrest only if the officer has reason to believe both that the person is present in violation of immigration law and "is likely to escape before a warrant can be obtained for his arrest."

65. The Eighth Circuit equates § 1357(a)(2)'s "reason to believe" requirement with probable cause. *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010).

66. Both statutory requirements must be satisfied. *Ahmed S. v. Blanche*, No. 26-cv-2265 (KMM/DLM) (D. Minn. July 10, 2026).

C. The Fifth Amendment protects Petitioner's established liberty.

67. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by due process. *Zadvydas*, 533 U.S. at 690.

68. Conditional release into the community carries a constitutionally significant liberty interest. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Young v. Harper*, 520 U.S. 143, 147–52 (1997).

69. What process is constitutionally required turns on the factors identified in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): the private interest at stake, the risk of erroneous deprivation and value of additional safeguards, and the Government's interest.

70. The Government's own regulations provide the minimum procedural mechanisms designed to reduce the risk of arbitrary OSUP revocation.

ARGUMENT AND APPLICATION

I. Petitioner's arrest was unlawful without a valid, preexisting arrest predicate before taking him into custody.

71. Petitioner was not apprehended while fleeing ICE. He was arrested at a reporting appointment scheduled by ICE itself. Respondents therefore had advance knowledge of precisely where and when Petitioner could be found.

72. Upon information and belief, no new Form I-205 or I-200 was issued, served or otherwise produced before that arrest.

73. *Ahmed S.* rejected the same. There, ICE arrested a final-order OSUP recipient at a scheduled check-in. The Government later relied upon an I-200 generated after the

arrest. The Court held that an administrative warrant issued after the seizure could not retroactively authorize it. No. 26-cv-2265.

74. *Ahmed S.* further held that an I-200 is not interchangeable with the I-205 contemplated for a person whose removal proceedings were completed long ago. *Id.*

75. Nor may Respondents simply locate an archival I-205 from the original removal proceedings and declare it sufficient without establishing that Petitioner's present arrest was actually made pursuant to a valid, unexecuted warrant. *Id.*

76. In *Ahmed S.*, the Court rejected reliance on an approximately decade-old I-205 that had apparently already been executed when the petitioner was originally taken into post-order custody. *Id; see also Ger V. v. Mullin*, No. 26-cv-2543 (KMM/DTS), 2026 WL 1847044, at *4 n.5 (D. Minn. June 26, 2026).

77. The same concern applies here. Any I-205 generated around Petitioner's 2009 removal proceedings would be approximately seventeen years old and, upon information and belief, associated with the original period of post-order custody preceding his release on supervision.

78. If Respondents possessed no valid pre-arrest I-205, they must satisfy § 1357(a)(2). They cannot. Whatever Petitioner's immigration status, there was no objectively reasonable basis to believe he would escape before a warrant could be obtained. ICE had supervised Petitioner for years. Petitioner repeatedly appeared when

instructed. ICE knew the date and location of the very appointment at which it arrested him. He has lived in the United States for a long time and has stable community ties and history. There are no negative inferences on the matter of flight. If ICE believed custody had become necessary, it could have obtained the appropriate warrant before Petitioner arrived. Petitioner's old burglary convictions do not establish otherwise.

79. *Ahmed S.* specifically rejected the argument that criminal history alone satisfies § 1357(a)(2)'s escape requirement and emphasized that the relevant inquiry is whether ICE could locate the individual long enough to obtain a warrant. No. 26-cv-2265. Here, there was no need even to locate Petitioner. ICE had already told him exactly where to appear, and Petitioner complied.

80. The arrest therefore lacked lawful authority unless Respondents establish a valid pre-arrest warrant.

II. Respondents could not lawfully extinguish Petitioner's longstanding supervised release without complying with the regulations governing revocation.

81. The arrest defect is independently sufficient for relief, but Petitioner's detention also fails because it followed the unexplained revocation of longstanding supervised release.

82. The precise administrative provision under which ICE originally released Petitioner is presently contained within DHS's own historical custody records.

83. The known facts strongly establish at minimum that ICE failed to remove Petitioner after his old final order and instead permitted him to live in the community subject to an OSUP for years.

84. If ICE released Petitioner following a determination under § 241.13 that removal was not significantly likely in the reasonably foreseeable future, *Vang* controls the regulatory analysis.

85. Under § 241.13(i), ICE could revoke that release because Petitioner violated a condition of supervision or because changed circumstances rendered removal significantly likely in the reasonably foreseeable future. Neither basis can be manufactured after arrest.

86. In *Vang*, ICE detained an individual who had lived under an OSUP for years and later attempted to rely on travel documents obtained after re-detention. The Court rejected the Government's sequence: detention first and justification later did not comply with § 241.13. The Court ordered immediate restoration to the preexisting OSUP.

87. *Xiong* reached the same result where the supposed changed circumstance, travel documentation, materialized only after detention and the agency failed to comply with the notice-and-interview process.

88. Petitioner's current record presents the same threshold concern. No new violation has been identified. No changed circumstance has been identified. No evidence of

current travel documents has been provided. No Notice of Revocation has been provided. And no document presently demonstrates that the predicate for revocation existed before ICE took Petitioner's liberty.

89. Even if Respondents possessed an otherwise adequate substantive reason for revocation, they were still required to comply with the procedures governing revocation.

90. *Ly* is particularly instructive. There, the Government had substantial evidence that the petitioner had actually violated his OSUP, including missed reporting and new criminal conduct. Nevertheless, the Court ordered release because ICE failed to provide the required revocation notice before conducting the purported informal interview.

91. The Government's substantive ability eventually to revoke supervised release does not excuse procedural noncompliance now.

92. If Respondents instead establish that Petitioner's release arose under § 241.4 rather than § 241.13, § 241.4(l) still required notice of the reasons for revocation, a prompt opportunity to respond, and the applicable custody-review process.

93. The Government cannot avoid judicial review by withholding the administrative record and then relying upon uncertainty over which of its own regulations governed Petitioner's release.

94. ICE has complied with none of the revocation requirements under either theory, and therefore, is in violation of its own regulations.

III. Petitioner's re-detention without meaningful process violates the Fifth Amendment.

95. Petitioner did not merely hope ICE would tolerate his presence in the community. The Government affirmatively released him and imposed a formal supervision regime. Petitioner thereafter spent years living outside physical custody subject to that regime. His interest in remaining free from imprisonment is profound. The first *Mathews* factor therefore weighs heavily in his favor.

96. The second does as well. The risk of erroneous deprivation is substantial where ICE may call an individual to a reporting appointment, incarcerate him, and only afterward attempt to determine or document why his supervised release should have been revoked.

97. The facts presently available illustrate that danger. Petitioner complied with ICE's instruction to appear, yet counsel has been provided no notice explaining what changed between his prior successful reporting appointment and the decision to imprison him. The required safeguards are neither novel nor burdensome. ICE already maintains procedures requiring identification of the basis for revocation, notice, an opportunity to respond, and consideration of contested facts. Moreover, there was no emergency making meaningful process impracticable. ICE controlled the time and place of the encounter. ICE knew Petitioner would appear.

98. Nothing prevented the agency from conducting whatever review it believed necessary, generating the appropriate warrant, identifying the regulatory basis for revocation, and providing the required process before or contemporaneously with the deprivation.

99. Re-detention first and justification later violates the Fifth Amendment for the same fundamental reason it violates the regulations: it permits physical liberty to turn entirely on unexplained executive action.

IV. Immediate restoration to the preexisting OSUP is the appropriate remedy.

100. Release is the ordinary habeas remedy for custody lacking a lawful predicate. See *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

101. Courts in this District have repeatedly ordered immediate release where ICE arrests a person without satisfying § 1357(a)(2). *See Ahmed S.*, No. 26-cv-2265; *Jairo L.U.G. v. Mullin*, No. 26-cv-3051 (JRT/SGE), 2026 WL 1893624, at *2 (D. Minn. July 1, 2026); *Carlos L.V.B. v. Bondi*, No. 26-cv-898 (JWB/DJF), 2026 WL 1231286, at *3 (D. Minn. Mar. 20, 2026).

102. Courts in this District have likewise restored petitioners to their preexisting Orders of Supervision when ICE failed to comply with the regulations governing revocation. *Vang*, No. 26-cv-1381; *Xiong*, No. 26-cv-1399; *Ly*, No. 26-cv-2947.

103. *Beng v. Mullin*, No. 26-cv-3192 (PAM/EMB) (D. Minn. Aug. 11, 2026), does not compel a different result.

104. There, the evidentiary record established that ICE had issued a new I-205 before taking the petitioner into immigration custody. The petitioner had also accumulated convictions after his OSUP release, had recently been arrested on a state bench warrant, received a Notice of Revocation, and was afforded the regulatory interview.

105. The court therefore had an actual administrative record demonstrating a contemporaneous warrant, post-release violations, notice, and revocation process. Those facts underscore what is absent here.

106. On the presently available record, Respondents have produced no new pre-arrest I-205, identified no new supervision violation, produced no contemporaneous revocation determination, and provided counsel no notice explaining the present detention. Petitioner should not remain imprisoned while the Government attempts to construct a lawful predicate after the fact.

107. Immediate release to Petitioner's preexisting OSUP restores the status quo without invalidating his removal order or preventing ICE from acting in the future if lawful grounds arise and the agency complies with the procedures Congress and DHS itself require.

CLAIMS FOR RELIEF

COUNT I VIOLATION OF 8 U.S.C. § 1357(a)(2), 8 C.F.R. §§ 241.2–241.3, AND THE FOURTH AMENDMENT — UNLAWFUL ARREST

108. Petitioner incorporates the preceding paragraphs.

109. Upon information and belief, Respondents did not possess a new, valid Form I-205 issued before Petitioner's arrest.

110. Any post-arrest warrant cannot retroactively authorize the seizure, and an old previously executed warrant from Petitioner's original post-order custody cannot automatically serve as perpetual authority for re-arrest years later.

111. Petitioner was not likely to escape before a warrant could be obtained. He appeared voluntarily at ICE's own office pursuant to ICE's instructions.

112. To the extent Respondents arrested Petitioner without a valid warrant, the arrest exceeded the authority conferred by § 1357(a)(2) and lacked a lawful predicate.

COUNT II VIOLATION OF 8 C.F.R. §§ 241.13 AND 241.4 AND THE ACCARDI DOCTRINE — UNLAWFUL REVOCATION OF SUPERVISED RELEASE

113. Petitioner incorporates the preceding paragraphs.

114. Petitioner had been released from post-order immigration custody and permitted to live under an Order of Supervision for years.

115. On the presently available record, ICE did not identify before re-detention a supervision violation or legally sufficient changed circumstance warranting revocation under § 241.13, nor did it provide the notice and meaningful opportunity to respond required by § 241.13(i)(3).

116. Alternatively, if § 241.4 governed Petitioner's release, Respondents were still required to comply with § 241.4(l)'s revocation procedures.

117. Respondents' failure to comply with the regulations governing Petitioner's established supervised release renders his present detention unlawful under *Accardi*.

COUNT III FIFTH AMENDMENT PROCEDURAL DUE PROCESS — DEPRIVATION OF ESTABLISHED LIBERTY WITHOUT ADEQUATE PROCESS

118. Petitioner incorporates the preceding paragraphs.

119. Petitioner possessed a substantial liberty interest after years of Government-authorized release into the community.

120. Respondents deprived him of that liberty without meaningful advance notice, an adequate opportunity to contest the basis for revocation, or a neutral determination that physical confinement was presently necessary.

121. The risk of erroneous deprivation was especially high because ICE controlled the encounter, knew Petitioner would appear, and faced no emergency requiring immediate warrantless re-detention.

122. Petitioner's re-detention therefore violates the Due Process Clause of the Fifth Amendment.

COUNT IV ADMINISTRATIVE PROCEDURE ACT — AGENCY ACTION CONTRARY TO LAW, IN EXCESS OF STATUTORY AUTHORITY, ARBITRARY AND CAPRICIOUS, AND WITHOUT OBSERVANCE OF REQUIRED PROCEDURE

123. Petitioner incorporates the preceding paragraphs.

124. The APA requires a reviewing court to hold unlawful and set aside agency action that is arbitrary, capricious, contrary to law, in excess of statutory authority, or taken "without observance of procedure required by law." 5 U.S.C. § 706(2)(A), (C), (D).

125. Respondents acted contrary to law and without required procedure by arresting Petitioner without a presently established lawful warrant or statutory basis and by revoking his longstanding supervised release without demonstrated compliance with 8 C.F.R. §§ 241.13 or 241.4.

126. Respondents additionally acted arbitrarily by replacing a supervision regime that had operated for years with physical incarceration without identifying

to Petitioner any new conduct or contemporaneous circumstance warranting that change.

127. The detention decision should be set aside and Petitioner restored to his prior supervised release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Issue an Order to Show Cause as to why the Writ should not issue within three (3) days;

b. Issue a writ of habeas corpus and order Petitioner's immediate release from immigration detention in Minnesota subject to and in accordance with the conditions of his preexisting Order of Supervision;

c. If Petitioner has been transferred outside Minnesota before relief can issue, order Respondents to return him immediately to the District of Minnesota for release;

d. Order that Petitioner is not to be transferred or moved from the District of Minnesota until further order of the Court;

e. Declare that Petitioner's arrest was unlawful unless Respondents establish that a valid Form I-205 was issued before his seizure or that the requirements of 8 U.S.C. § 1357(a)(2) were satisfied at the time of arrest;

f. Declare that Respondents violated the regulations governing revocation of Petitioner's supervised release, including 8 C.F.R. § 241.13 or, alternatively, § 241.4;

g. Declare that Respondents violated the Fifth Amendment of the United States Constitution;

h. Enjoin Respondents from re-detaining Petitioner on the same factual basis absent lawful arrest authority and compliance with the applicable revocation procedures;

i. Order Respondents upon release to return Petitioner's identification documents, immigration documents, personal property, and effects;

j. Award Petitioner reasonable attorneys' fees and costs to the extent authorized by law; and

k. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

DATED: August 18, 2026

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