UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Abdulai Sule,

Petitioner

v.

Todd Blanche, Attorney General; Markwayne Mullin, Secretary of Homeland Security; David Venturella, Senior Official Performing the Duties of the Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; David Easterwood, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; Eric Klang, Sheriff of Crow Wing County Jail

Respondents.

Case No.: 26-CV-3942

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

EXPEDITED HANDLING REQUESTED PURSUANT TO 28 U.S.C. § 1657

INTRODUCTION

1. Petitioner Abdulai Sule ("Petitioner") remains detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Crow Wing County Jail in Brainerd, Minnesota, following his arrest by ICE officers at a scheduled ICE check-in in Grand Forks, North Dakota, on July 15, 2026.

2. **This Petition concerns the limits Congress placed on the Executive's authority to deprive a person of physical liberty.** Petitioner does not challenge his

removability or seek suppression of evidence in his immigration proceedings. Nor does he ask this Court to review a discretionary custody determination. This Petition instead challenges Respondents' present statutory authority to continue depriving Petitioner of his physical liberty where ICE obtained custody over him through an arrest that failed to comply with the statutory requirements Congress imposed upon immigration arrests.

3. Congress defined the circumstances under which immigration officers may exercise the extraordinary power to arrest a person without judicial process. *See* 8 U.S.C. §§ 1226(a), 1357(a)(2). Section 1357(a)(2) delegates warrantless-arrest authority only where an immigration officer has reason to believe both that the individual is present in violation of immigration law and that the individual "is likely to escape before a warrant can be obtained for his arrest." Those requirements define the scope of the authority Congress delegated; they are not procedural formalities that the agency may dispense with after taking a person into custody.

4. Respondents did not satisfy those requirements here. ICE directed Petitioner to appear at its Grand Forks office for a scheduled check-in on July 15, 2026, and Petitioner appeared as directed. ICE then placed Petitioner under arrest. No administrative warrant was presented to Petitioner before his arrest. If Respondents contend that an administrative warrant authorized that seizure, they bear the burden of establishing the authority upon which his present custody rests.

5. Alternatively, the circumstances did not satisfy § 1357(a)(2)'s narrow authorization for warrantless arrest. ICE knew in advance exactly where and when Petitioner

would appear because ICE itself directed him to report there, and Petitioner complied.

6. Those statutory limitations have independent force. An executive agency possesses only the authority Congress has delegated to it and must exercise that authority within the boundaries Congress prescribed. Where ICE proceeds without preexisting warrant authority, the arrest must therefore fall within § 1357(a)(2). Post-arrest charging, custody determinations, or issuance of an administrative warrant do not eliminate the antecedent question whether ICE possessed statutory authority to effect the warrantless arrest through which it obtained custody.

7. This Petition therefore presents a narrow question of statutory authority. It does not ask whether Petitioner may ultimately be removed from the United States. It asks whether Respondents may continue physically detaining him where ICE arrested him without valid preexisting warrant authority and without satisfying § 1357(a)(2)'s statutory requirements for a warrantless arrest.

8. Habeas corpus exists "at its core" as a remedy for unlawful executive detention. *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Because Respondents failed to satisfy the statutory prerequisites necessary to lawfully obtain custody over Petitioner, his continued detention lacks a lawful statutory predicate. Petitioner respectfully requests that this Court grant the writ and order his immediate release.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241. A writ of habeas corpus may issue where a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Federal district courts retain jurisdiction under § 2241 to determine the legality of immigration detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 293–95 (2018).

10. Petitioner challenges the legality of his present physical custody under the Constitution and laws of the United States. He does not challenge his removability, seek suppression of evidence in his removal proceedings, or ask this Court to review an Immigration Judge's discretionary custody determination. Rather, Petitioner presents the antecedent legal question whether Respondents possessed statutory authority to arrest him and thereby place him into the civil immigration detention that continues today.

11. Petitioner's claim presents a question of statutory authority, not immigration-enforcement discretion. Congress prescribed the circumstances under which immigration officers may effect an arrest through 8 U.S.C. § 1357(a). Petitioner alleges that Respondents failed to satisfy those statutory requirements before taking him into custody and that his resulting detention therefore lacks a lawful statutory predicate. Whether Respondents acted within the authority Congress delegated to them is a legal question properly resolved in habeas.

12. The limitations on judicial review of discretionary immigration determinations do not preclude review of these claims. *See* 8 U.S.C. §§ 1226(e), 1252; *Jennings*, 583 U.S. at 295–96. Petitioner does not ask this Court to undertake a discretionary determination concerning whether he should be detained. He asks whether Respondents possessed statutory authority to deprive him of his physical liberty in the first instance and whether they may lawfully continue that detention.

13. Venue is proper in this District because Petitioner is presently confined at the Crow Wing County Jail in Brainerd, Minnesota, within the District of Minnesota, and his immediate custodian is located within this District. *See* 28 U.S.C. § 2241(a); *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35, 442–43 (2004).

PARTIES

14. Petitioner Abdulai Sule is a native and citizen of Ghana who has resided in the United States since July 2021. Prior to his detention, Petitioner resided in Grand Forks, North Dakota. He is presently detained at the Crow Wing County Jail in Brainerd, Minnesota. His alien registration number ("A-Number") is A[redacted]

[redacted]

15. Respondent Todd Blanche is being sued in his official capacity as the 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 Petitioner.

16. 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 Petitioner.

17. Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Respondent Venturella is responsible for Petitioner's detention.

18. Respondent Marcos Charles is being sued in his official capacity as the Acting Executive Associate Director for Enforcement and Removal Operations. Respondent Charles is responsible for Petitioner's detention.

19. 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 Petitioner. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

20. Respondent Sheriff Eric Klang is being sued in his official capacity as the Sheriff responsible for the Crow Wing County Jail. Because Petitioner is detained at the Crow Wing County Jail, Sheriff Klang has immediate day-to-day control over Petitioner.

21. Respondent Immigration and Customs Enforcement (ICE) is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.

22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

EXHAUSTION

23. No statutory exhaustion requirement applies to Petitioner's challenge to the lawfulness of his immigration detention under 28 U.S.C. § 2241. *See, e.g., Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.").

24. To the extent prudential exhaustion may apply in some circumstances, it should not be required here. Petitioner does not seek review of an Immigration Judge's discretionary weighing of the evidence or ultimate custody determination. Rather, Petitioner challenges Respondents' present statutory authority to continue detaining him, including whether Respondents satisfied the statutory prerequisites Congress imposed before exercising arrest authority under 8 U.S.C. § 1357(a)(2), and whether his resulting detention violates the Constitution. Those are legal questions properly resolved in habeas.

25. Prudential exhaustion is not required where the administrative agency lacks authority to resolve the issues presented. *McCarthy v. Madigan*, 503 U.S. 140, 147–48 (1992), superseded by statute on other grounds as stated in *Woodford v. Ngo*, 548 U.S. 81 (2006). Immigration Judges and the Board of Immigration Appeals lack jurisdiction to decide Petitioner's constitutional claims and cannot grant habeas relief. *See Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012).

26. Further administrative review would likewise be futile as to the relief sought here. Neither the Immigration Judge nor the Board of Immigration Appeals can grant a writ of habeas corpus ordering relief from detention on the claim presented in this action. Administrative review of Petitioner's custody classification or an individualized release determination would address a different question: whether Petitioner should remain detained within the applicable immigration-custody framework, not whether Respondents may maintain the physical custody challenged here.

27. Requiring Petitioner to pursue further administrative proceedings would therefore prolong the very detention challenged in this action without providing meaningful relief. *See McCarthy*, 503 U.S. at 147–48. Every additional day of Petitioner's allegedly unlawful detention constitutes an ongoing deprivation of liberty that cannot be remedied after the fact. *See Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018).

28. Because Petitioner's claims present legal and constitutional questions outside the authority of the immigration courts to remedy, and because further administrative proceedings would neither resolve the legality of ICE's exercise of arrest authority nor provide the habeas relief Petitioner seeks, this Court should excuse any prudential exhaustion requirement.

LEGAL FRAMEWORK

Habeas Corpus

29. A writ of habeas corpus may issue when a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The "essence of habeas corpus is an attack by a person in custody upon the legality of that custody," *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973), and habeas remains "at its core, a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

30. Habeas review therefore permits a federal court to determine whether the Executive possesses lawful authority for a person's present physical confinement. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). That inquiry is distinct from review of a discretionary immigration custody determination. *See Jennings v. Rodriguez*, 583 U.S. 281, 295–96 (2018). Petitioner challenges the former: Respondents' statutory authority to maintain his present physical custody.

Congress Defines the Scope of the Executive's Immigration-Arrest Authority

31. Federal agencies possess only the authority Congress confers upon them. *FEC v. Cruz*, 596 U.S. 289, 301 (2022). An agency "literally has no power to act—

including under its regulations—unless and until Congress authorizes it to do so by statute." *Id.* Congress has separately prescribed authority governing immigration detention and the circumstances in which immigration officers may effect an arrest. *See Arizona v. United States*, 567 U.S. 387, 407–08 (2012). The existence of general immigration-enforcement or detention authority therefore does not eliminate statutory limitations Congress placed upon the particular power to arrest.

32. Courts in this District have applied that principle by asking separately whether ICE possessed valid administrative-warrant authority or satisfied § 1357(a)(2)'s requirements for a warrantless arrest. *See Giordan M.G. v. Blanche*, No. 26-cv-2585 (JWB/DTS), Doc. 19 at 4–6 (D. Minn. Aug. 14, 2026); *Orellana v. Nobles County*, 230 F. Supp. 3d 934, 945–46 (D. Minn. 2017). The relevant question is therefore not merely whether immigration law authorized the Government to pursue removal or detention in the abstract, but whether ICE exercised the arrest authority Congress conferred in the manner Congress authorized.

33. *Santos Gomez v. Guadian* recently applied the same framework. No. GLR-26-3078, slip op. at 4–10 (D. Md. Aug. 28, 2026). The court recognized § 1226(a)'s warrant mechanism as the "default rule for immigration arrests and detention" and § 1357(a)(2) as Congress's limited authorization for warrantless immigration arrests. *Id.* at 4–5. As the court explained, Congress "explicitly created the warrant requirement" and separately prescribed the circumstances in which officers may proceed without one. *Id.* at 9; *see also Arizona*, 567 U.S. at 408.

Arrest Pursuant to a Form I-200 Administrative Warrant

34. Section 1226(a) provides that "[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). DHS regulations further provide that "[a]t the time of issuance of the notice to appear, or at any time thereafter," a respondent may be arrested under the authority of a Form I-200. 8 C.F.R. § 236.1(b)(1).

35. Courts in this District have treated that sequence as material to whether an arrest was made pursuant to valid administrative-warrant authority. *See Giordan M.G.*, Doc. 19 at 5; *Pedro D.C. v. Blanche*, No. 26-cv-2450 (KMM/DLM), Doc. 11 at 3–4 (D. Minn. June 18, 2026). Where the Government cannot establish that valid warrant authority existed before the arrest, the antecedent seizure must instead find authority in the statutory exception Congress created for warrantless immigration arrests. *See* 8 U.S.C. § 1357(a)(2).

Warrantless Arrest Under 8 U.S.C. § 1357(a)(2)

36. Congress permits an immigration officer to arrest a noncitizen without a warrant only where the officer has "reason to believe" both that the person is in the United States in violation of immigration law and that the person "is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2). DHS's regulation correspondingly provides that "[a] warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

37. The Eighth Circuit construes § 1357(a)(2)'s "reason to believe" standard as requiring constitutionally sufficient probable cause. *United States v. Quintana*, 623 F.3d 1237, 1239–40 (8th Cir. 2010). The statute's two requirements have independent force. *See Orellana*, 230 F. Supp. 3d at 945–46; *Santos Gomez*, slip op. at 4–9. Thus, probable cause concerning immigration status does not itself establish probable cause to believe the person is likely to escape before a warrant can be obtained. *Santos Gomez*, slip op. at 6–9.

38. Treating potential removability as sufficient to establish likelihood of escape would collapse the statute's two requirements and effectively permit warrantless arrest whenever officers believe a person is unlawfully present. Courts have rejected that construction. *See Orellana*, 230 F. Supp. 3d at 945–46; *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1007–09 (N.D. Ill. 2016); *Santos Gomez*, slip op. at 7–9.

39. The likelihood-of-escape inquiry instead considers whether immigration authorities reasonably could obtain a warrant before apprehending the individual, including whether the individual could be located at another identifiable place. *See Santos Gomez*, slip op. at 9–10; *S. v. Blanche*, No. 26-cv-2265 (KMM/DLM), 2026 WL 1998718, at *6 (D. Minn. July 10, 2026) (quoting *Walther Ademir A.S. v. Blanche*, No. 26-cv-2804 (LMP/SGE), 2026 WL 1734906, at *3 (D. Minn. June 16, 2026)). Accordingly, where the Government invokes § 1357(a)(2), it must establish the independent statutory basis for proceeding without a warrant. *Quintana*, 623 F.3d at 1239–40; *Orellana*, 230 F. Supp. 3d at 945–46.

Detention Authority Does Not Eliminate Congress's Separate Arrest Requirements

40. A statute governing detention does not necessarily answer the antecedent question whether immigration officers possessed authority to effect the arrest through which custody was obtained. *Arizona* recognizes distinct statutory mechanisms governing immigration arrest and detention. 567 U.S. at 407–08. Giving independent effect to § 1357(a)(2) therefore requires determining whether its conditions were satisfied when ICE proceeded without preexisting warrant authority.

41. That distinction remains relevant if Respondents invoke § 1225 rather than § 1226. In *Moctezuma Atenco v. Bondi*, the court concluded that even if the petitioner was an applicant for admission subject to § 1225(b)(2), "it does not follow that Petitioner can be arrested and detained pursuant to § 1225(b)(2) without first complying with 8 U.S.C. § 1357(a)." No. 26-cv-2032, Doc. 10 at 5–6 (D. Minn. 2026). The court therefore separately examined § 1357(a)(2)'s likelihood-of-escape requirement. *Id.*

42. Thus, the statutory provision governing Petitioner's detention does not itself dispense with the limitations Congress separately imposed upon the exercise of immigration-arrest authority.

Post-Arrest Procedures Do Not Enlarge Antecedent Arrest Authority

43. DHS regulations separately prescribe what occurs after an officer has exercised warrantless-arrest authority. Section 287.3(a) expressly applies to a person "arrested without a warrant of arrest under the authority contained in section 287(a)(2) of the Act"—§ 1357(a)(2). 8 C.F.R. § 287.3(a). Section 287.3(d) then requires DHS, ordinarily within forty-eight hours, to determine "whether the alien will be

continued in custody or released on bond or recognizance and whether a notice to appear and warrant of arrest as prescribed in 8 CFR parts 236 and 239 will be issued." 8 C.F.R. § 287.3(d).

44. The regulation therefore presupposes an antecedent arrest made "under the authority" of § 1357(a)(2); it does not replace the statutory requirements necessary to exercise that authority. *Santos Gomez* likewise describes §§ 287.8(c)(2) and 287.3 as a sequential process: officers must first satisfy the requirements governing warrantless arrest and, "[f]inally, after a warrantless arrest is made," comply with § 287.3's examination, charging, and custody procedures. Slip op. at 5.

45. A recent decision in this District illustrates the distinction. In *Fernando C.C. v. Bondi*, the court concluded that § 287.3(d) permits DHS to issue a post-arrest warrant capable of supporting subsequent detention but expressly did not decide whether the warrantless arrest preceding that warrant complied with § 1357(a)(2). No. 26-cv-1235 (LMP/JFD), 2026 WL 446408, at *5–7 (D. Minn. Feb. 17, 2026). The court observed that the unresolved § 1357(a)(2) question "may very well change the outcome" when properly presented. *Id.* Thus, § 287.3(d) may govern the consequences following a lawful warrantless arrest, but it does not eliminate the antecedent requirement that the arrest itself fall within § 1357(a)(2).

Habeas Relief Where Present Detention Lacks a Lawful Predicate

46. Where ICE obtains custody through a warrantless arrest that does not satisfy § 1357(a)(2), courts have held that the resulting detention lacks the statutory predicate necessary for continued confinement. *See Santos Gomez*, slip op. at 10–11; *Chogllo*

Chafla v. Scott, 804 F. Supp. 3d 247, 264 (D. Me. 2025); *Alves v. Stamper*, No. 2:26-cv-00318-SDN, 2026 WL 1802817, at *3 (D. Me. June 23, 2026); *Adriano L.V. v. Noem*, No. 26-cv-269 (MJD/DJF), 2026 WL 184570, at *3 (D. Minn. Jan. 18, 2026), report and recommendation adopted, 2026 WL 194401 (D. Minn. Jan. 23, 2026).

47. In *Santos Gomez*, the Government argued that the petitioner was lawfully detained under § 1226 and, "at most," entitled to a bond hearing. Slip op. at 4. The court rejected that position. After concluding that the warrantless arrest violated § 1357(a)(2) and § 287.8(c)(2), it held that noncompliance with those requirements required immediate release because the petitioner could not lawfully remain detained under § 1226(a) where the statutory requirements for taking him into custody had not been satisfied. *Id.* at 10–11.

48. Decisions in this District have reached the same result. *See Adriano L.V.*, 2026 WL 184570, at *3; *Venancio P.J. v. Blanche*, No. 26-cv-2740 (ECT/JFD), 2026 WL 1862252, at *3 (D. Minn. June 29, 2026). This relief follows the traditional office of habeas corpus: where executive detention lacks lawful authority, "the typical remedy" is release. *Munaf*, 553 U.S. at 693.

49. The relevant inquiry is therefore not whether subsequent removal proceedings, an NTA, a later-issued I-200, or a custody determination may have legal significance for other purposes. It is whether Respondents can establish lawful statutory authority for the physical custody they continue to exercise over Petitioner where that custody originated in the challenged warrantless arrest.

50. Petitioner does not contend that the challenged arrest invalidates his removal proceedings or immunizes him from future immigration enforcement undertaken pursuant to independently lawful authority. The question is whether any subsequent proceeding or post-arrest administrative action supplied an independent lawful basis for the same uninterrupted physical custody Respondents obtained through the challenged arrest.

51. Habeas relief should address the custody found unlawful without conferring immunity from future lawful immigration enforcement. Section 2243 directs the habeas court to "dispose of the matter as law and justice require." 28 U.S.C. § 2243. Accordingly, where necessary to effectuate the writ, the Court may fashion relief that terminates the unlawful custody while preserving Respondents' ability to exercise new and independently lawful arrest or detention authority consistent with statutory, regulatory, and constitutional requirements.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

52. In July 2021, Petitioner was apprehended near Del Rio, Texas, after entering the United States without inspection. Petitioner expressed a fear of returning to Ghana and was referred for a credible-fear interview. On July 28, 2021, an asylum officer determined that Petitioner had established a credible fear.

53. On or about August 2, 2021, DHS released Petitioner from immigration custody on parole pursuant to INA § 212(d)(5)(A), subject to reporting requirements. Petitioner thereafter complied with ICE's reporting requirements.

54. Petitioner subsequently filed a Form I-589, Application for Asylum and for Withholding of Removal. His application remains pending.

55. While his asylum application remained pending, Petitioner received employment authorization and established his residence and employment in North Dakota.

56. Petitioner has no criminal history.

57. On July 15, 2026, Petitioner appeared at ICE's Enforcement and Removal Operations office in Grand Forks, North Dakota, for a scheduled ICE check-in.

58. Petitioner appeared voluntarily, at the place and time ICE directed him to appear. He did not attempt to evade ICE or otherwise avoid the scheduled appointment.

59. While Petitioner was present at the ICE office, ICE officers verified his identity and reviewed his immigration history.

60. ICE then took Petitioner into custody. No administrative warrant was presented to Petitioner before ICE placed him under arrest.

61. At the time of his arrest, Petitioner had reported to ICE as directed. ICE knew in advance when and where Petitioner would appear, and Petitioner was physically present inside ICE's own office when officers arrested him.

62. Petitioner did not flee, attempt to flee, resist arrest, conceal his identity or whereabouts, or otherwise engage in conduct indicating that he was likely to escape before ICE could obtain a warrant.

63. After Petitioner was taken into custody, DHS initiated removal proceedings against him by issuing a new Notice to Appear.

64. Petitioner has remained continuously in immigration custody since his July 15, 2026 arrest.

65. Petitioner was initially confined in North Dakota and was subsequently transferred to the Crow Wing County Jail in Brainerd, Minnesota, where he remains detained in Respondents' custody.

66. Petitioner's present physical confinement arises from the custody ICE obtained when it arrested him at the Grand Forks ICE office on July 15, 2026.

CAUSE OF ACTION

COUNT I
Unlawful Detention
28 U.S.C. § 2241; 8 U.S.C. § 1357(a)(2)

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

68. Congress prescribed the circumstances in which immigration officers may exercise arrest authority. Where ICE effects an immigration arrest without valid preexisting warrant authority, § 1357(a)(2) permits a warrantless arrest only where the officer has reason to believe both that the individual is present in violation of immigration law and that the individual "is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2).

69. Those requirements limit the authority Congress delegated to immigration officers. *See FEC v. Cruz*, 596 U.S. 289, 301 (2022); *Arizona v. United States*, 567 U.S. 387, 408 (2012).

70. On July 15, 2026, ICE arrested Petitioner at its Grand Forks office after Petitioner voluntarily appeared for a scheduled ICE check-in. No administrative warrant was presented to Petitioner before ICE placed him under arrest.

71. Nor did the circumstances satisfy § 1357(a)(2)'s likelihood-of-escape requirement. ICE itself directed Petitioner when and where to appear, Petitioner appeared as instructed, and he was physically present inside ICE's office when officers arrested him.

72. ICE therefore lacked statutory authority to arrest Petitioner without a warrant under § 1357(a)(2). Post-arrest procedures governing charging and continued custody do not eliminate the requirement that the antecedent warrantless arrest itself fall within the authority Congress conferred. *See* 8 C.F.R. § 287.3(a), (d); *Santos Gomez v. Guadian*, No. GLR-26-3078, slip op. at 5, 9–11 (D. Md. Aug. 28, 2026).

73. Petitioner has remained continuously in immigration custody since that arrest. Because Respondents continue to physically confine Petitioner based upon custody obtained without satisfying the statutory requirements governing his arrest, his present detention is not authorized by law. *See Santos Gomez*, slip op. at 10–11; *Pedro D.C.*, No. 26-cv-2450 (KMM/DLM), Doc. 11 at 3–5; *Carlos L.V.B.*, No. 26-cv-1898 (JWB/DJF), Doc. 7 at 7–8.

74. Petitioner is therefore "in custody in violation of the Constitution or laws or treaties of the United States" and is entitled to habeas relief under 28 U.S.C. § 2241(c)(3).

COUNT II
Deprivation of Liberty Without Due Process of Law
U.S. Const. amend. V; 28 U.S.C. § 2241

75. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

76. The Fifth Amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. Its protections extend to noncitizens physically present in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

77. Freedom from physical detention lies at the core of the liberty protected by the Due Process Clause. Civil immigration detention therefore requires lawful governmental authority and constitutionally adequate process. *See Zadvydas*, 533 U.S. at 690.

78. Petitioner has remained continuously deprived of his physical liberty since ICE arrested him on July 15, 2026. As alleged above, ICE arrested Petitioner without presenting an administrative warrant and under circumstances that did not satisfy the statutory requirements for a warrantless immigration arrest.

79. To the extent Respondents claim authority to continue Petitioner's physical confinement notwithstanding the absence of lawful authority for the arrest through which that continuous custody was obtained, Petitioner's detention deprives him of liberty without due process of law.

80. Petitioner's continued detention therefore violates the Due Process Clause of the Fifth Amendment and renders him "in custody in violation of the Constitution" within the meaning of 28 U.S.C. § 2241(c)(3).

EXPEDITED CONSIDERATION

81. Petitioner respectfully requests expedited consideration of this Petition pursuant to 28 U.S.C. § 1657(a). Congress directs federal courts to "expedite the consideration

of any action brought under chapter 153" of Title 28. 28 U.S.C. § 1657(a). This Petition is brought under 28 U.S.C. § 2241, within Chapter 153, and therefore warrants priority consideration.

82. Expedition is particularly appropriate because Petitioner remains in physical custody and challenges the legal predicate for that confinement. "The traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Where detention is unlawful, each additional day of confinement prolongs the deprivation the writ is designed to remedy.

83. The issue presented is also discrete and capable of prompt resolution. The present Petition concerns whether Respondents possessed lawful statutory and constitutional authority for the arrest through which Petitioner was taken into custody and upon which his continuing physical detention rests.

84. Petitioner therefore respectfully requests that the Court expedite consideration of this Petition pursuant to § 1657(a), promptly order Respondents to show cause why the writ should not issue, and require Respondents to produce the documents and evidence upon which they rely to establish lawful authority for Petitioner's July 15, 2026 arrest and resulting detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Abdulai Sule, respectfully requests that this Court:

1. Expedite consideration of this Petition pursuant to 28 U.S.C. § 1657(a), and:
    a. Issue an Order to Show Cause directing Respondents to state, within three (3) days, the legal and factual basis for Petitioner's present

detention, including the authority upon which Respondents contend his July 15, 2026 arrest was lawfully effected;

b. Direct Respondents to submit with their response the administrative warrant, charging documents, **custody determinations, records identifying the statutory basis upon which Petitioner is presently detained**, and other records upon which they rely to establish lawful authority for Petitioner's arrest and continued detention, including any evidence upon which they rely to establish that Petitioner was likely to escape before a warrant could be obtained;

c. If this matter is referred to a magistrate judge, shorten the time for filing objections to any Report and Recommendation as the Court deems appropriate to effectuate the expedited consideration required by § 1657(a); and

d. Direct prompt service of the Petition and any Order to Show Cause upon Respondents;

2. Pending resolution of this Petition, prohibit Respondents from transferring Petitioner outside the District of Minnesota without prior notice to the Court and Petitioner's counsel, or otherwise taking action that would impair this Court's jurisdiction or ability to effectuate habeas relief;

3. Grant the Petition for Writ of Habeas Corpus and determine that Respondents have not established lawful statutory authority for Petitioner's present physical detention;

4. Order Respondents to immediately release Petitioner from physical custody;

5. Order that Petitioner be released in Minnesota and that Respondents return Petitioner's personal property in their possession or control without delaying his release for purposes of retrieving or processing that property;
6. To effectuate the writ and prevent circumvention of the Court's judgment, enjoin Respondents from re-arresting or re-detaining Petitioner during the pendency of his removal proceedings based upon the circumstances existing at the time of this Court's judgment unless:
    a. Respondents provide Petitioner and his counsel advance written notice identifying the factual and legal basis for the proposed re-arrest or re-detention; and
    b. Petitioner is afforded a meaningful opportunity, before re-detention, before a neutral decisionmaker, to challenge whether the proposed custody rests upon new and independently lawful authority rather than the custody adjudicated unlawful in this action, provided, however, that nothing in this Order shall prohibit Respondents from exercising arrest or detention authority arising from materially changed circumstances or another new and independently lawful basis for custody, consistent with applicable statutory, regulatory, and constitutional requirements;
7. Grant such other and further relief as the Court deems just and proper.

Date: September 8, 2026 **RATKOWSKI LAW PLLC**

s/ Liz Eckholm
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Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge and belief. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

/s/ Abdulai Sule
Abdulai Sule

Dated: September 8, 2026