UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Leylane de Jesus Pérez Bravo,

Petitioner,

v.

DAVID EASTERWOOD, *in his official capacity* as Director, St. Paul Field Office, Immigration and Customs Enforcement;

DAVID VENTURELLA, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

MARKWAYNE MULLIN, *in his official capacity* as Secretary, U.S. Department of Homeland Security;

TODD BLANCHE, *in his official capacity* as Acting Attorney General of the United States;

Respondents.

Case No. _____

VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE WITHIN THREE DAYS AND COMPLAINT FOR DECLARATORY RELIEF

Expedited Handling Requested

INTRODUCTION

1. Petitioner Leylane de Jesus Pérez Bravo (Petitioner) is detained by Respondents at an unknown location in violation of the Immigration and Nationality Act (INA). Petitioner is a Cuban national who entered the United States in 2021. He was apprehended and released on recognizance shortly thereafter. In his immigration proceedings, his prior legal advisor recommended that Petitioner request voluntary departure to Cuba, which was granted in December 2024.

2. But Cuba did not accept his return, sending Petitioner into legal limbo. His voluntary departure order converted to a final removal order, and he was detained in May 2025

after reporting to the Immigration and Customs Enforcement (ICE) Field Office in Saint Paul, Minnesota. Sixteen months later, he remains in detention with no significant likelihood of removal to any country that will accept him. In the last three days, Petitioner has been transferred at least twice to facilities in different districts with no notice to his counsel and in frustration of counsel's efforts to attempt to secure Petitioner's release. Due to new ICE policies removing information about the location and custodian of ICE detainees with final orders of removal, Petitioner's location is unknown at the time of this filing.

3. Petitioner requests that this Court grant him a Writ of Habeas Corpus, ordering Respondents to immediately release him from custody or, in the alternative, provide him with a bond hearing before a neutral adjudicator.

JURISDICTION AND VENUE

4. This action arises under the United States Constitution and the INA to challenge Petitioner's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

5. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), 5 U.S.C. § 701-06 (Administrative Procedures Act), art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause) and the Fifth Amendment of the United States Constitution, as Petitioner is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States. Jurisdiction is not limited by Petitioner's nationality, immigration status, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). Petitioner's current location and custodian are unknown. *See Rumsfeld v. Padilla*, 542 U.S. 426, 450 n.18 (2004).

6. The Court may grant relief under the Suspension Clause, the Fifth Amendment, 5 U.S.C. § 706, 28 U.S.C. §§ 1361, 1651, 2201 and 2241. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention, his petition presents precisely the type of threshold legality-of-detention that § 2241 was designed to address. *INS v. St. Cyr,* 533 U.S. 289, 301 (2001).

7. Venue is proper in the District of Minnesota, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Petitioner lived for years within this District and was detained within this District. Petitioner's counsel does not know Petitioner's current status or location because the Government has purposely obfuscated it. On September 15, 2026, in accordance with new agency policy, Petitioner, and other ICE detainees with final orders of removal, can no longer be tracked via the ICE detainee locator. In the last three days, Petitioner's counsel has twice attempted to communicate with Petitioner, only to discover each time he had been moved to a new detention facility without notice. This scenario provides an exception to the rules governing venue and requiring filing in the district of confinement. *See Abdiselan v. Bondi, et al.*, Civil No. 26-358, 2026 WL 161526, at p. *1 (Jan. 21, 2026) (slip op), *Guadelupe v. Bondi, et al.*, No. 26-cv-820, 2026 WL 296370, p. *4 (Feb. 4, 2026) (slip op). Thus, venue is proper in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) 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 Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed." *Id.*

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most

important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint and confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added).

PARTIES

10. Petitioner is a Cuban national born on [redacted]. Fleeing political persecution in Cuba, he entered the United States in September 2021. He was apprehended and released on recognizance in September 2021. His last known residence prior to detention was [redacted].

11. Respondent David Easterwood is sued in his official capacity as Director of the St. Paul Field Office, Immigration and Customs Enforcement. Respondent Easterwood is a legal custodian of Petitioner.

12. Respondent David Venturella is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Venturella is a legal custodian of Petitioner.

13. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the U.S. Department of Homeland Security.

14. Given that the Department of Homeland Security is the agency tasked with enforcing immigration laws, Secretary Mullin is Petitioner's ultimate legal custodian.

15. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. As Acting Attorney General, he has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

FACTS

16. Petitioner is a native and citizen of Cuba.

17. Petitioner is a university-trained physical therapist and has worked as a personal trainer and physical therapist for nearly 30 years.

18. Petitioner fled political persecution and political violence in Cuba and entered the United States in September 2021. He was apprehended after crossing the border and released on recognizance that same month.

19. Within months after being released, Petitioner moved to Minnesota, where he quickly became a valued member of the community. Petitioner was substantially involved in his local church in Minneapolis, [redacted] Jesus worked while in Minnesota, paid for medical insurance, and was never arrested for nor convicted of any crimes.

20. On information and belief, Petitioner, while in removal proceedings, received legal advice from a non-attorney recommending he request voluntary departure despite his clear case for seeking asylum; he did. The immigration court granted voluntary departure on December 4, 2024. Petitioner's Voluntary Departure Order is attached to this Petition as **Exhibit A**.

21. Petitioner's Voluntary Departure Order states that the Petitioner was to be removed to Cuba. Ex. A, p. 1. Notably, no third country was listed as a location of removal in the event that Cuba failed to accept Petitioner into its territory. *Id.*

22. On information and belief, Petitioner complied with the immigration court's order. But Cuba denied Petitioner's entry and refused to allow him to return.

23. As a result of Cuba refusing to accept his return, on February 3, 2025. Petitioner's voluntary removal order automatically converted to an administratively final order of removal.

24. On May 28, 2025, Petitioner was detained by ICE while reporting to the ICE Saint Paul Field Office. ICE subsequently transferred Petitioner to detention facilities in Iowa, Texas,

Arizona, and then Iowa again. At some point after he was initially detained, ICE bused Petitioner to the United States-Mexico border and ordered him to cross into Mexico. On information and belief, ICE made no travel arrangements and provided no travel documents, applications, or any other documents. There is no public agreement between the United States and Mexico for accepting Cuban nationals. Petitioner did not agree to walk across the southern United States border into Mexico, a country to which he has no ties.

25. On September 22, 2026, Petitioner's counsel (who had previously entered an appearance as Petitioner's attorney in ICE proceedings) called the Sioux County Jail to arrange a confidential attorney-client call with Petitioner. Petitioner's counsel was told to call back later to schedule the call.

26. On September 23, 2026, Petitioner's counsel again called the Sioux County Jail seeking to speak with Petitioner. This time, Petitioner's counsel was informed that ICE had moved Petitioner from the facility. Jail staff stated they did not know where ICE was taking Petitioner.

27. On September 24, 2026, Petitioner's counsel learned that Petitioner was being detained at the Winn Correctional Facility in Winn Parish, Louisiana. Through the ICE website, Petitioner's counsel arranged a Zoom video call with Petitioner for 2:00 p.m. local time on Friday, September 25, 2026.

28. On Friday, September 25, 2026, Petitioner's counsel joined the link for the call as scheduled. Petitioner did not join the call. Counsel for Petitioner called the Winn Correctional Facility and learned that Petitioner was no longer located at the facility. The Winn Correctional Facility was unwilling or unable to provide counsel with any information regarding Petitioner's whereabouts. Petitioner's counsel emailed the New Orleans ICE Field Office later that day, asking for the location of Petitioner.

29. At the time of the filing of this brief, ICE has not provided counsel with any record or information regarding Petitioner's current status or location. Petitioner's location and custodian are unknown.

30. Further complicating Petitioner's counsel's efforts to locate Petitioner, it appears from publicly available information that ICE has ceased listing individuals with final removal orders in its online detainee locator system. *See* Ryan J. Foley, *ICE hides locations of thousands of detainees with final removal orders*, Chicago Tribune, Sept. 21, 2026, available at: https://www.chicagotribune.com/2026/09/21/ice-locations-detainees-hidden-removal-orders/.

LEGAL ARGUMENT

31. "The detention and release of noncitizens who are subject to a final order of removal is addressed by 8 U.S.C. § 1231." *Rokfirooz v. Larose*, No. 3:25-cv-2053, Order Granting Petition for Writ of Habeas Corpus, at *3 (S.D. Cal. Sept. 15, 2025); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 154 (W.D.N.Y. 2025) (citing 8 C.F.R Part 241 as governing the release and subsequent detainment of non-citizens with removal orders); *Zadvydas v. Davis,* 533 U.S. 678 (2001) (citing 8 U.S.C. 1231 as governing release and detention following final removal order); *Trejo v. Warden of ERO El Paso E. Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187, at *3 (W.D. Tex. Oct. 24, 2025).

32. Under that statute, "when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days." 8 U.S.C. § 1231(a)(1)(A); *see Rokfirooz*, No. 3:25-cv-2053, at *3-4. The 90-day removal period begins on the date the order of removal becomes administratively final. 8 U.S.C. § 1231(a)(1)(B). "If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3); *see Rokfirooz*, No. 3:25-cv-2053 at 4. Regulations allow ICE to release a non-citizen after the

ninety-day removal period, 8 C.F.R. § 241.4(c)(d), and ICE can release non-citizens if the agency determines that the non-citizen "would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [non-citizen's] removal in the reasonably foreseeable future," 8 C.F.R. § 241.13(b)(1).

33. Subsection 1231(a)(6) authorizes ICE to extend detention beyond the ninety-day period, yet it bars indefinite custody. *See Zadvydas,* 533 U.S. at 689 (limiting ICE's authority to a period "reasonably necessary" to carry out removal and prohibiting detention when removal is not "reasonably foreseeable"). After 180 days have elapsed since the order of removal became administratively final, the non-citizen may petition for release from detention. To secure release from continued detention after the 180-day mark, the noncitizen must provide "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. If the non-citizen satisfies his burden, the government must provide evidence to rebut the presumption that the non-citizen's continued detention is unreasonable *Id.*

34. Under Subsection 1231(a)(6), the ninety-day removal period may be extended if the "[non-citizen] fails or refuses to make timely application in good faith for travel or other documents necessary to the [non-citizen's] departure or conspires or acts to prevent the [non-citizen's] removal subject to an order of removal. 8 U.S.C. § 1231(a)(1)(C). Several courts have considered what it means for a non-citizen to prevent his own removal in a similar context.

35. For example, in *Romero Torres v. Warden, et al.*, the Government argued that the petitioner had thwarted his removal implicating 8 U.S.C. § 1231(a)(1)(C) and permitting continued detention. Case No. 2:26-cv-915-JES-NPM, 2026 WL 1686085, pp. *3-4 (June 11, 2026) (on appeal). The court rejected this argument finding that the Government had "merely transported [the petitioner] to the Mexican border and asked him to voluntarily depart, which he refused to

do." *Id.* at *5. There was no evidence that the Mexican government had agreed to accept the petitioner or that ICE has an approved plan to deport the petitioner to Mexico. *Id.* The court granted the petition for a writ of habeas corpus and ordered the petitioner to be released. *Id.* at *7. In other cases where courts have found that a non-citizen was subject to continued detention under 8 U.S.C. § 1231(a)(1)(C), the non-citizen took action beyond refusing to voluntarily self-deport. In *Delgado de Armas v. Warden, et al.*, the petitioner physically prevented his removal and refused to sign the notice of removal. Case No. 2:26-cv-792-KCD-DNF, 2026 WL 1506096, p. *3 (May 29, 2026) (slip op); *see e.g., Machado v. FNU LNU*, Case No. 2:26-cv-01916-KG-JMR, p. *3 (Sept. 11, 2026) (finding that a non-citizen impeded removal efforts where he threatened to shoot ICE agents and refused to sign travel documents).

36. Petitioner has been detained since May 28, 2025—nearly sixteen months—well beyond the 180-day presumptively reasonable period. Petitioner has satisfied his burden of showing good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. Cuba, Petitioner's country of origin, has refused to accept his return. And while ICE may claim it is pursuing third-country removal to Mexico, the mere attempt to remove a non-citizen to a third country, without documented acceptance from that country, is insufficient to establish SLRRFF. *See Castillo-Loriga v. Mullin*, No. 26-cv-2335, p. *4-5 (D. Minn. May 8, 2026) (granting habeas where petitioner's home country refused to accept him and "Mexico—also refused to accept" the petitioner, finding that "[t]he Government's failed efforts at third-country removal provides further good reason to believe that [petitioner's] removal is not significantly likely in the reasonably foreseeable future").

37. Critically, Petitioner has seen no documentation showing that Mexico or any other third country has agreed to accept him for removal. Courts have consistently held that without such

documentation, the government cannot meet its burden of showing SLRRFF. *See, e.g., Coca Pineda v. Mullin*, No. 2:26-cv-00335, at *7 (M.D. Fla. Mar. 13, 2026) ("Respondents make no real attempt at rebuttal. They do not allege that Cuba or any other country has actually agreed to accept Coca Pineda. Nor do they allege that U.S. officials have contacted any country about accepting [him] specifically. Under Zadvydas this is insufficient to show a realistic likelihood of removal."); *Cuesta v. Mullin*, No. 2:26-cv-01091, at *2-3 (M.D. Fla. Apr. 27, 2026) (granting habeas where government provided no concrete evidence of imminent removal); *Perez v. Mullin*, No. 2:26-cv-01442 at *4 (M.D. Fla. June 18, 2026) ("Because the Government offers nothing to suggest removal to Mexico, or anywhere else, is more likely now than it was decades ago, Petitioner must be released.").

38. Moreover, the concept of "reasonably foreseeable future" is not a static measure. According to the Supreme Court, what constitutes the "reasonably foreseeable future" shrinks as a non-citizen's detention lengthens. *See Zadvydas*, 533 U.S. at 701 ("And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink."). Here, Petitioner has been detained for nearly sixteen months with no progress toward removal. The longer Petitioner remains in custody without removal, the less foreseeable removal becomes.

39. Here, ICE has had sixteen months to effectuate Petitioner's removal. Cuba has refused to accept him. ICE has presented no documentation of any third-country agreement, no travel documents, and no concrete plan for removal. And any bare assertion on the part of the government that it intends to remove Petitioner to a third country, without more, is insufficient. *See Castillo-Loriga*, 2026 at *5 (finding ICE's statement that it would "confer with leadership on

additional third country options" was "woefully insufficient to demonstrate a significant likelihood of removal in the reasonably foreseeable future").

40. Petitioner's Voluntary Departure Order required him to depart the United States to Cuba on or before February 2, 2025. Ex. A, p. 1. Once Petitioner failed to depart the country on February 2, 2025, his Voluntary Departure Order was withdrawn, and a Final Removal Order was immediately effective. *Id.*; 8 C.F.R. § 1241.1(f) ("An order of removal made by the immigration judge . . . shall become final . . . [i]f an immigration judge issues an alternate order of removal in connection with a grant of voluntary departure, upon overstay of the voluntary departure period[.]" Once this Final Removal Order was effective the Government had 90 days to effectuate Petitioner's removal. 8 U.S.C. § 1231(a)(1)(A); *see Rokfirooz*, No. 3:25-cv-2053, at *3-4. That 90-day removal period ended on May 3, 2025. Petitioner was detained nearly one month after the removal period lapsed and though he has been in Respondents' custody since his arrest, Respondents still have yet to remove Petitioner from the United States.

41. Upon information and belief, Petitioner has not thwarted the Government's efforts to remove him because the Government did not have an approved plan for removing the Petitioner to Mexico. Instead, the Government drove Petitioner to the border and attempted to compel him to voluntarily deport himself by walking across. Petitioner does not dispute that he refused to walk across the border into a country to which he has no ties and which has not apparently agreed to accept him. In Mexico, Petitioner would be left without any access to essential services, without the ability to gain employment or provide for his needs, and without housing or the ability to acquire housing.

42. Upon information and belief, Mexico had not agreed to accept Petitioner. Many courts have found that even if Mexico has or may continue to accept some deportees, that this

agreement is contingent upon the non-citizen's consent to be removed to Mexico. *See, e.g., Garcia Lopez v. Warden, California City*, No. 1:26-CV-05318-DJC-AC, 2026 WL 2323196, at *3 (E.D. Cal. Aug. 11, 2026); id. at *2 n. 1 (collecting cases). Petitioner does not and has not agreed to be removed to Mexico.

43. Section 1231 does not authorize "indefinite, perhaps permanent, detention" of noncitizens subject to final orders of removal. *Zadvyas*, 533 U.S. at 699. "A statute permitting indefinite detention of [a noncitizen] would raise a serious constitutional problem[.]" *Id.* at 690. Thus, "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.The government here cannot meet its burden of rebutting the presumption that Petitioner's continued detention is unreasonable and Petitioner should therefore be ordered released.

44. These procedural requirements are necessary to ensure non-citizens receive the procedural due process to which they are entitled especially where it concerns the removal of a liberty interest. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). *See also Trejo v. Warden of ERO El Paso E. Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187, at *6-7 (W.D. Tex. Oct. 24, 2025); *Nguyen v. Bondi*, No. EP-25-CV-323-KC, 2025 WL 3120516, at *4 (W.D. Tex. Nov. 7, 2025).

45. Additionally, government agencies are required to follow their own regulations. *United States ex rel. Accordi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Francois v. Garland*, 120 F.4th 459, 465 (5th Cir. 2024) ("Failure to adhere to regulations can constitute a denial of due process of law."); *Rokfirooz*, No. 3:25-cv-2053, at *7 (S.D. Cal. Sept. 15, 2025) ("Government agencies are required to follow their own regulations.").

CLAIM FOR RELIEF

UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT – 8 U.S.C. § 1231; 8 C.F.R. §§ 241.4, 241.13 AND THE DUE PROCESS CLAUSE OF THE CONSTITUTION

46. Petitioner re-alleges and incorporates by reference each allegation contained above.

47. Detention violates 8 U.S.C. § 1231 and the Due Process Clause of the United States Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas,* 533 U.S. at 690-91. It also violates Due Process to deprive Petitioner of his liberty without the statutorily required process. *Mathews*, 424 U.S. at 333.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.

2. Order that Petitioner be returned to the District of Minnesota and not transferred outside the District of Minnesota during the pendency of this Petition.

3. Issue a writ of habeas corpus ordering Respondents to return Petitioner from wherever he may be to Minnesota, release Petitioner from custody upon his return to Minnesota, and require that Respondents provide counsel at least four hours' notice prior to release.

4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.

5. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner.

6. Declare that Petitioner's detention violates the Immigration and Nationality Act.

7. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

8. Order Respondents to release Petitioner from detention because they lack any individualized evidence that removal of Petitioner will occur in the reasonably foreseeable future;

9. Order Respondents to release Petitioner from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release or supervision;

10. Enjoin Respondents from revoking Petitioner's release without providing him a determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release or supervision, at which hearing Respondents will bear the burden of proof of demonstrating that Petitioner is a flight risk or a danger to the community;

11. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

12. Grant such further relief as this Court deems just and proper.

Date: September 26, 2026

Respectfully submitted,

/s/ Jackson Kennedy

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VERIFICATION BY ATTORNEY ACTING ON MR. PEREZ BRAVO'S BEHALF PURSUANT TO 28 U.S.C. §2242

I am submitting this verification on behalf of Petitioner because I am his attorney. As Petitioner's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: September 26, 2026

/s/ Timothy Sanders Szabo
Timothy D. Sanders Szabo