UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Estuardo Medardo Choc Choc, Petitioner, v. Todd Blanche, Attorney General, Markwayne Mullin, Secretary, U.S. Department of Homeland Security, David J. Venturella, Acting Director of Immigration and Customs Enforcement, and David Easterwood, Acting Director, St. Paul Field Office Immigration and Customs Enforcement, Respondents.	Case No. _____ **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** Expedited Handling Requested

INTRODUCTION

1. Petitioner Estuardo Medardo Choc Choc, ("Choc Choc"), by and through undersigned counsel, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement ("ICE") to release Petitioner from unconstitutional and unlawful detention.

2. This petition is related to the petition for a writ of habeas corpus, *Choc Choc v. Blanche, et al.*, No. 0:26-cv-03929-MJD-DLM, filed by the same Petitioner.

3. In Docket 0:26-cv-3929, the court granted the petition in part on the grounds that Petitioner's continued detention violated his right to procedural due process and the Court ordered ICE to provide Petitioner with a bond hearing. *Choc Choc*, No. 0:26-cv-03929-MJD-DLM, ECF No. 10 at 15.

4. ICE held a bond hearing for Choc Choc on September 28, 2026, at which Immigration Judge Miller denied bond. *Choc Choc*, No. 0:26-cv-03929-MJD-DLM, ECF No. 13.

5. Choc Choc remains in ICE custody at Freeborn Adult Detention Center in Albert Lea, Minnesota.

6. Petitioner files this petition on the grounds that the Court in Docket 0:26-cv-3929 declined to reach Petitioner's argument regarding warrantless arrest. *Choc Choc*, No. 0:26-cv-03929-MJD-DLM, ECF No. 10 at 15. Petitioner's warrantless arrest argument has been fully briefed in the earlier docket and is ripe.

7. Petitioner now seeks immediate release on the grounds that his continued detention is unlawful.

JURISDICTION AND VENUE

8. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution ("Suspension Clause"); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

9. Federal question jurisdiction exists because Petitioner seeks to challenge custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

10. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention

by federal immigration authorities. *Demore v. Kim*, 538 U.S. 510 516-17 (2003) and *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018).

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within the District of Minnesota.

PARTIES

12. Petitioner is a resident of Worthington, Minnesota, who is currently detained at the Freeborn Adult Detention Center in Albert Lea, Minnesota. Petitioner is under the direct control of the Respondents and has no scheduled release date.

13. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the head of the Department of Justice.

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

15. Respondent David J. Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement.

16. Respondent David Easterwood is sued in his official capacity as the Acting Field Office Director for the St. Paul Field Office for ICE within DHS.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

17. Petitioner Choc Choc is a citizen of Guatemala who has lived in the United States since 2023.

18. Choc Choc resides in Worthington, Minnesota and attends church there.

19. Choc Choc does not have a final order of removal.

20. Choc Choc was arrested by ICE agents on August 17, 2026 at the Nobles County Jail in Worthington, Minnesota.

21. ICE issued the Form I-200 warrant on August 16, 2026, and served it when taking Choc Choc into immigration custody on August 17, 2026. *Choc Choc*, No. 0:26-cv-03929-MJD-DLM, ECF No. 7 ¶¶ 6–7; ECF No. 7-3 at 1.

22. DHS issued Choc Choc's Form I-862 Notice to Appear (NTA) on August 18, 2026, two days *after* issuing the I-200 and one day *after* the immigration arrest. *Choc Choc*, No. 0:26-cv-03929-MJD-DLM, ECF No. 7 ¶ 8; ECF No. 7-5 at 1.

23. The NTA's certificate of service indicates personal service but leaves the date of service blank.

24. Choc Choc was transferred to and remains confined in the Freeborn Adult Detention Center in Albert Lea, Minnesota.

STANDARD OF LAW

Habeas Petitions

25. A detained noncitizen may petition for a writ of habeas corpus when their custody violates the U.S. Constitution or a federal law. 28 U.S.C. § 2241(c)(3). Such a petition should be granted if the petitioner proves the illegality of the detention by a preponderance of evidence. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025). Detained noncitizens face no statutory exhaustion requirements to invoke 28 U.S.C. § 2241. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025).

26. Federal immigration officers may detain people only as authorized by the Immigration and Nationality Act (INA), 8 U.S.C. §1101, *et seq*. The Constitution places

additional limits on federal immigration detentions, independent of the question of statutory authority. *See Counselman v. Hitchcock*, 142 U.S. 547, 565 (1892), (overruled on other grounds by *Kastigar v. United States*, 406 U.S. 441 (1972)). Due process and Fourth Amendment protections apply regardless of a person's immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *United States v. Castellanos*, 518 F.3d 965, 971-72 (8th Cir. 2008).

27. Here, Respondents must comply with statutory and Fourth Amendment limitations on Respondents' ability to perform the initial arrest.

Arrests by Federal Immigration Agents Must Comply with the Fourth Amendment

28. The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. CONST. amend. IV; *see also Trump v. Illinois*, 607 U.S. ___, 146 S. Ct. 432, 436 n.4 (2025) (Kavanaugh, J., concurring) ("The basic constitutional rules . . . are longstanding and clear: The Fourth Amendment requires that . . . arrests must be based on probable cause"). Federal statutes and regulations lay out the processes that implement the constitutional requirements of the Fourth Amendment.

29. Detention statutes such as 8 U.S.C. §§ 1225(b)(2), 1226(a), and 1231 provide Respondents with the authority to detain a noncitizen. Those detention statutes are distinct from 8 U.S.C. § 1357(a), which establishes the statutory requirements for when an ICE agent can make a warrantless arrest. It is § 1357(a) and the Fourth Amendment that govern when a warrantless arrest is lawful, independent from statutory provisions related to detention.

30. Fourth Amendment analysis of immigration seizures varies depending on which statute offers the basis for the arrest and detention. For example, arrest and detention pursuant to 8 U.S.C. § 1226(a) requires issuance and service of an I-200 warrant; and, further, because an I-200 warrant on its face invokes the authority of § 1226(a), that basis for detention is being asserted to an arrestee upon its service. *Jefferson G.H.L. v. Blanche*, No. 26-CV-2344, 2026 WL 1229623, at *2 (D. Minn. May 5, 2026). Similarly, an I-205 warrant is issued for arrest and detention pursuant to 8 U.S.C. § 1231 of noncitizens who are subject to final removal orders. 8 C.F.R. § 241.3(a) ("Once the removal period defined in section 241(a)(1) of the Act begins, an alien in the United States will be taken into custody pursuant to the warrant of removal."); 8 C.F.R. § 241.2(a)(1) (defining "Form I-205" as a "Warrant of Removal"); and *Inti C.-L. v. Blanche*, No. 26-CV-02777, Doc. 10, slip op. at 4 (D. Minn. June 6, 2026) ("Section § 1231(a)(2) does indeed mandate *detention*, but the regulations are clear that a[n I-205] warrant of removal is nevertheless necessary to effect *arrest*." (emphasis in original)).

31. Detention pursuant to 8 U.S.C. § 1225(b)(2) is characterized by the Government as "mandatory," but invoking this statute as the basis for detaining a noncitizen does not eliminate the Fourth Amendment requirement for the Government to have probable cause when making warrantless arrests in the interior of the country. Those probable cause requirements are outlined in 8 U.S.C. § 1357(a).

32. Therefore, discretionary detentions pursuant to 8 U.S.C. § 1226(a) are conducted based upon arrests pursuant to I-200 warrants. So-called "mandatory" detention arrests

under the catchall provision of 8 U.S.C. § 1225(b)(2) may be effected in the interior of the country without a warrant only if arresting officers satisfy 8 U.S.C. § 1357(a)(2).

33. Even where statutory language of 8 U.S.C. § 1225(b)(2)—as interpreted by the Eighth Circuit—provides for "mandatory" *detention* without a bond hearing and only narrow discretionary release exceptions under 8 U.S.C. § 1182(d)(5)(A), Government powers to *arrest* persons who have lived in the country for years remain implicitly discretionary under the statutory scheme set forth in 8 U.S.C. § 1357. The Government's policy of scouring the interior of the country to satisfy large, arbitrary noncitizen arrest quotas has forced courts handling habeas cases to confront constitutional limits on the use—and abuse—of discretionary arrest powers under § 1357(a). *See Almeida-Sanchez v. United States*, 413 U.S. 266, 271-74 (1973) (the "permissible scope of intrusiveness" under the Fourth Amendment is greater at "the border itself" or "its functional equivalents" than in the interior of the country).

Arrests Under 8 U.S.C. § 1226(a) Require I-200 Warrants and Valid Notices to Appear

34. An arrest pursuant to an I-200 warrant invokes the discretionary-detention authority of 8 U.S.C. § 1226(a). For the warrant to authorize arrest, it must have been issued at the same time as or after a valid Notice to Appear:

> A noncitizen "may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest." 8 C.F.R. § 236.1(b)(1); *see* 8 U.S.C. § 1226(a). A Form I-200 warrant "empowers [immigration agents] to arrest aliens during removal proceedings," *Cesar F.F.* Order at 4. Therefore, an I-200 warrant is valid only if it is issued "[a]t the time of issuance of the notice to appear, or at any time thereafter[.]" 8 C.F.R. § 236.1(b)(1).

Pedro D.C. v. Blanche, No. 26-cv-02450, 2026 WL 1759444, at *1 (D. Minn. June 18, 2026) (*quoting Cesar F.F. v. Blanche*, No. 26-CV-02540, Doc. No. 8, slip op. at 4 (D. Minn. June 2, 2026)).

35. Timing matters because a Notice to Appear initiates the removal proceeding for which the Form I-200 then authorizes arrest. *Giordan M.G., v. Blanche*, No. 26-cv-02585, Doc. 19, slip op. at 5 (D. Minn. Aug. 14, 2026) (citing *Niz-Chavez v. Garland*, 593 U.S. 155, 163–64 (2021) (A notice to appear is a single written instrument that "serves as the basis for commencing a grave legal proceeding" and, by statute, "time and place information must be included" (emphasis added))); 8 U.S.C. § 1229(a); *see also Pereira v. Sessions*, 585 U.S. 198 (2018) (statutes require NTAs to inform noncitizens when and where to appear for removal proceedings).

36. If an I-200 warrant is used, then immigration authorities are invoking 8 U.S.C. § 1226(a) as the basis for detention and are representing the same to the detainee. *Jefferson G.H.L.*, 2026 WL 1229623, at *2. Under § 1226(a), detention is discretionary and requires the detainee to be provided with a bond hearing.

37. If the I-200 warrant is found invalid, such as if Respondents cannot show that the warrant was accompanied or predated by a valid Notice to Appear, or if the I-200 warrant was served only after the noncitizen was taken into custody, the arrest is only lawful if the requirements for a warrantless arrest pursuant to 8 U.S.C. § 1357(a) were met. *Jefferson G.H.L.*, 2026 WL 1229623, at *2; *Pedro D.C.*, No. 26-cv-02450, 2026 WL 1759444.

Warrantless Arrests Under 8 U.S.C. § 1225(b)(2) Must Comply with 8 U.S.C. § 1357(a)

38. While 8 U.S.C. § 1225(b)(2) does not explicitly reference warrants, arresting officers are constrained by the independent requirements of 8 U.S.C. § 1357(a) when

making any warrantless arrest. *Jefferson G.H.L.*, 2026 WL 1229623, at *2 ("it does not follow that [a noncitizen] can be arrested and detained pursuant to § 1225(b)(2) without first complying with 8 U.S.C. § 1357(a), which addresses federal immigration officials' authority to make warrantless arrests."); *Cutberto R.P. v. Bondi*, No. 26-CV-01934, Doc. No. 11, slip. op. at *8-14 (D. Minn. April 10, 2026).

39. Warrantless arrests in the interior of the country are permissible only when the arresting officer has reason to believe the noncitizen is "in the United States in violation of any such law or regulation **and** is likely to escape before a warrant can be obtained for his arrest . . . ." 8 U.S.C. § 1357(a)(2) (emphasis added); *see also* 8 C.F.R. §§ 287.3(a) & (d) and 287.8(c)(2)(i)-(ii) *and Arizona v. United States*, 567 U.S. 387, 408 (2012) (citing § 1357(a)(2) to find that immigration officers "may arrest an alien for being 'in the United States in violation of any [immigration] law or regulation,' for example, but only where the alien 'is likely to escape before a warrant can be obtained.'").

40. The "reason to believe" requirement of 8 U.S.C. § 1357(a)(2) "means constitutionally required probable cause." *United States v. Quintana*, 623 F.3d 1237, 1239 (8th Cir. 2010).

41. Probable cause that a person has violated an immigration law has to be based on actual facts substantiating a suspected violation of immigration law, not on an accent or skin color: "apparent ethnicity alone cannot furnish reasonable suspicion[.]" *Noem v. Vazquez Perdomo*, 606 U.S. ___, ___, 146 S. Ct. 1, 3 (2025) (Kavanaugh, J., concurring); *see also Parada v. Anoka Cnty.*, 332 F. Supp. 3d 1229, 1243 (D. Minn. 2018) (continued detention to await transfer to immigration authorities based solely on "a

perceived civil violation of U.S. immigration laws" was an "egregious" Fourth Amendment violation); *Hussen v. Noem*, 822 F. Supp. 3d 944 (D. Minn. 2026) ("compelling and troubling" evidence established that, during Operation Metro Surge, the government "adopted a policy authorizing federal immigration officers to conduct investigatory stops based on ethnicity or race without reasonable suspicion that the individuals were violating immigration laws."); *Juan J. v. Blanche*, No. 26-cv-02977 (D. Minn. July 2, 2026) (insufficient evidence of reason to believe an individual was unlawfully present at time of arrest).

42. Probable cause that a noncitizen is likely to escape requires distinct factual support beyond just that a person is undocumented. *Jefferson G.H.L.*, 2026 WL 1229623, at *3 ("To hold that a noncitizen is likely to escape merely because they are removable would effectively collapse § 1357(a)(2)'s two distinct requirements into one . . . . If every noncitizen that is here illegally is presumed likely to escape authorities, then § 1357(a)(2)'s second, independent requirement is rendered superfluous."). Probable cause that a person might escape requires a "particularized assessment" sufficient to conclude that the subject is likely to abscond before an arrest warrant can be obtained. *Orellana v. Nobles Cnty.*, 230 F. Supp. 3d 934, 946 (D. Minn. 2017) (citing *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)). The relevant inquiry is "whether it was likely that ICE officers would be able to locate [a noncitizen] after obtaining a warrant to arrest him" and not merely "whether a noncitizen will remain at the scene of encounter with law enforcement before an administrative warrant can be obtained." *Walther Ademir A.S. v. Blanche*, No. 26-CV-02804, 2026 WL 1734906, at *2-5 (D. Minn. June 16, 2026).

43. It is Respondents' burden to establish both of these probable cause predicates for reliance on 8 U.S.C. § 1357's exceptions to the warrant requirement, and the absence of either one warrants Petitioner's immediate release. *See, e.g., Cutberto R.P.*, No. 26-CV-1934, Doc. No. 11, 13 (D. Minn. April 10, 2026); *Jefferson G.H.L.*, 2026 WL 1229623, at *2-3. Failure to establish probable cause, such as through reliance on a deficient or inadequate Form I-200 administrative warrant, is insufficient to satisfy § 1357(a)(2) and its associated regulations. *Id.*

Regulatory Limits on Warrantless Immigration Arrests

44. The only appropriate manner for immigration authorities to make warrantless arrests for perceived civil violations of immigration law is laid out in 8 C.F.R. § 287.3.

45. The arrestee must be interviewed by an immigration officer other than the arresting officer, "unless no other qualified officer is readily available and locating one would entail unnecessary delay." *See Puc-Ruiz v. Holder*, 629 F.3d 771, 780 (8th Cir. 2010) (quoting 8 C.F.R. § 287.3(a)).

46. The arrestee must "be advised of the reasons for his arrest, of his right to legal representation, and that any statement made may be used against him in a subsequent proceeding," and "be given a list of the free legal services available in the district where the hearing will be held." *Id.* (quoting 8 C.F.R. § 287.3(c)).

47. A determination must be made "within 48 hours of the arrest, except in the event of an emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time, 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) (emphasis added). The use of the word "and" in § 287.3(d) confirms that the warrant, NTA, and an individual determination regarding continued confinement are discrete requirements that each must be satisfied to comply with § 287.3(d).

48. The use of the words "release on bond or recognizance," and the reference to 8 C.F.R. § 236 also confirm that Respondents are required to make specific findings about whether "the alien is likely to appear for any future proceedings." 8 C.F.R. § 236.1(c)(8).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fourth Amendment to the U.S. Constitution, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.3(a), (c), (d)

49. Petitioner re-alleges and incorporates by reference the paragraphs above.

50. Because the NTA was issued and served one day **after** Choc Choc's arrest, the I-200 warrant served on Choc Choc at the time of his arrest was invalid.

51. Absent a valid warrant, Respondents exceeded their authority to make a warrantless arrest of Choc Choc under 8 U.S.C. § 1357(a)(2) because, at the time of Choc Choc's warrantless arrest, the arresting ICE agents lacked probable cause, or "reason to believe," that Petitioner was both "in the United States in violation of any such law or regulation" regulating the admission, exclusion, expulsion, or removal of noncitizens **and** "likely to escape before a warrant can be obtained for his arrest."

52. Respondents have made, and continue to make, an unreasonable seizure of Choc Choc under the Fourth Amendment. Choc Choc's ongoing detention is unlawful.

COUNT TWO

Violation of the Administrative Procedure Act, 5 U.S.C. § 706
Detaining Petitioner in a Manner that is Arbitrary, Capricious, and Not in Accordance with the Law Violates the Administrative Procedure Act

53. Choc Choc re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

54. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

55. Respondents' arrest of Petitioner prior to the issuance of a valid Notice to Appear and a valid administrative warrant violated 8 U.S.C. § 1226(a).

56. Respondents failed to base their warrantless arrest on the requisite probable cause that Petitioner is in violation of immigration law and was likely to abscond before a warrant could be obtained. 8 U.S.C. § 1357(a)(2).

57. The application of 8 U.S.C. § 1357(a)(2) to Choc Choc without factual predicates for both required probable cause findings is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

58. As such, Respondents' actions were without observance of procedures required by law and should be set aside.

COUNT THREE

Violations Under the *Accardi* Doctrine

Respondents' Contravention of DHS Policy Violates the Accardi *Doctrine*

59. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

60. Under the *Accardi* doctrine, a Court can set aside agency action that violates agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy,* 347 U.S. 260, 268 (1954). *Accardi* prohibits agencies from taking actions "inconsistent with their internal regulations when it would affect individual rights." *United States v. Lee*, 274 F.3d 485, 492 (8th Cir. 2001).

61. By arresting Petitioner prior to the issuance of a valid Notice to Appear, and with the use of an I-200 warrant, Respondents violated 8 C.F.R. § 236.1(b)(1).

62. By arresting Petitioner without a warrant and without the requisite probable cause to believe that Petitioner was a flight risk, Respondents violated 8 C.F.R. § 287.8(c)(2)(ii).

63. Respondents' violations of their own regulations directly impacted Petitioner's individual rights, namely, Choc Choc's personal liberty interests. As such, Petitioner's detention is unlawful and should be set aside under the *Accardi* doctrine.

REMEDY

64. "[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). "Indeed, in 1670, the Chief Justice of the Common Pleas [in England] was able to say, in ordering the immediate

discharge of a juror who had been jailed by a trial judge for bringing in a verdict of not guilty, that '[t]he writ of habeas corpus is now the most usual remedy by which a man is restored again to his liberty, if he have been against law deprived of it.'" *Id.* at 484-85 (*quoting Bushell's Case*, Vaughan 135, 136, 124 Eng. Rep. 1006, 1007). Thus, when a habeas petitioner's detention is without legal basis, the typical and appropriate remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the "typical remedy" for "unlawful executive detention"); *Wilson L.L. v. Blanche*, No. 26-CV-02475, 2026 WL 1283186, at *2-3 (D. Minn. May 11, 2026) (because "Petitioner's detention is unlawful . . . as in other similar cases, the Court concludes that the appropriate remedy is release from custody"); *Emily Andreina N.V. v. Blanche*, No. 0:26-cv-02570, 2026 WL 2209844, at *4-5 (D. Minn. July 31, 2026) (ordering release; distinguishing "[s]eeking release from custody in an immigration habeas case" from "a noncitizen's effort to prohibit the government from pursuing removal proceedings"); *see also Pedro Eduardo R. P. v Bondi,* No. 26-CV-01323, 2026 WL 473140 (D. Minn. Feb. 17, 2026) (recommending immediate release after the government failed to contest petitioner's Fourth and Fifth Amendment arguments), *report and recommendation adopted*, 2026 WL 478607 (Feb. 19, 2026); *Jefferson Y.M.*, 2026 WL 1848510 (granting immediate release when government responded in an untimely manner and thereby waived any challenge to Fifth Amendment arguments). Courts across the country have accordingly ordered release when granting immigration habeas petitions. *See, e.g. Jose L.R.O. v. Bondi*, No. 5:26-CA-850, Doc. No. 11 at 25 (W.D. Tex. Mar. 23, 2026); *Sanchez v. Sec'y of Homeland Sec.*, No. 3:26-cv-

00695, 2026 WL 1238601, at *2 (M.D. Fla. May 6, 2026); *Amandeep S. v. Mullin*, No. 6:26-cv-03341 (W.D. Mo. June 25, 2026), Doc. No. 11.

65. Release is an appropriate remedy for individuals with various immigration histories. *See, e.g., Dylan M. v. Blanche*, No. 26-CV-2802 (D. Minn. June 8, 2026), Doc 12 at p. 10 (granting the habeas corpus petition of a teenager who arrived on a tourist visa as a child, which visa subsequently expired, and who was found to have been detained unlawfully) and *Makitio G. A., v. Blanche*, No. 26-CV-2200, 2026 WL 1584457, at *6 (D. Minn. May 22, 2026) (recommending release for someone who was unconstitutionally and unlawfully detained after Respondents revoked petitioner's order of supervision), *report and recommendation adopted*, 2026 WL 1591270 (June 3, 2026).

Release Based on Unlawful Arrest

66. Judges in this district have repeatedly found that when Respondents arrest a noncitizen unlawfully, the remedy should be release rather than a bond hearing. *Cutberto R.P.*, No. 26-CV-01934 (MJD-DTS) (D. Minn. April 10, 2026), Doc. no. 11 at pp. 10-13; *Jefferson G.H.L.*, No. 26-CV-2344 (JRT-ECW), 2026 WL 1229623, at *3; *Hector J.A.S. v. Shea*, No. CV 26-2242 (JRT-DLM), 2026 WL 1243500, at *3 (D. Minn. May 6, 2026); *Martha C.G.P. v. Blanche*, No. CV 26-2308 (DWF-JFD), 2026 WL 1329577, at *3 (D. Minn. May 13, 2026); *Jesus F.D. v. Mullin*, No. 26-CV-2486 (PJS-DTS), 2026 U.S. Dist. LEXIS 137045, at *5 (D. Minn. June 10, 2026); *Walther Ademir A.S.*, No. 26-CV-02804 (LMP-SGE), 2026 WL 1734906, at *2-5; *Pedro D.C.*, No. 26-cv-02450 (KMM-DLM), 2026 WL 1759444; *Yonatan S. v. Blanche*, No. 26-CV-02949 (JMB-EMB) (D. Minn. June

26, 2026) Doc. No. 14; *Sergio F.M. v. Blanche*, No. 26-CV-02749 (ECT-DTS) (D. Minn. June 15, 2026) Doc. No. 8, *report and rec. adopted,* (D. Minn. July 8, 2026) Doc. No. 11.

Release Based on Accardi Violation

67. Release is the appropriate remedy for violation(s) of Respondents' own regulations and established policy because the violations concern the legal authority for Petitioner's present physical custody, as opposed to just an irregularity in an administrative proceeding where the final outcome would be unaffected. *Wilson T. v. Blanche*, No. 26-CV-02981, 2026 WL 2445467, at *2 (D. Minn. Aug. 20, 2026) ("Petitioner does not seek to invalidate his removal proceedings because an agency failed to follow a collateral procedural requirement. He seeks habeas relief from detention that lacked a lawful predicate when it began.").

PRAYER FOR RELIEF

WHEREFORE, Choc Choc prays that this Court grant the following relief;

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner out of the District of Minnesota pending the duration of these proceedings, or transport Petitioner back to Minnesota if moved out of state;
3. Require that Petitioner be released within the State of Minnesota, at a safe time and place communicated to counsel and with all of Petitioner's personal belongings and effects in Respondents' possession, such as Petitioner's driver's license, immigration papers, identification documents including any passport or employment authorization document, cell phone, and keys;
4. Enjoin Respondents from implementing any condition of release, including the "Alternatives to Detention" program involving ankle monitors, body-worn GPS, telephonic tracking, or use of the SmartLINK Mobile application;

5. Declare that Petitioner's arrest and detention exceeded Respondents' authority;

6. Retain jurisdiction over this matter to decide any future motion for an award of reasonable attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, Local Rule 54.3(a), and on any other basis justified under law; and

7. Grant any other and further relief that this Court may deem just and proper.

Date: October 5, 2026

/s/ Evan Mulholland

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Verification Pursuant to 28 U.S.C. § 2242

I am Petitioner's attorney and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, which knowledge comes from my and my interpreter's conversations with my client and my client's friends when preparing this filing, a review of Respondents' publicly available websites, and my own experience litigating similar petitions for habeas corpus relief by wrongfully detained immigrants since the beginning of Operation Metro Surge.

Date: October 5, 2026

/s/ Evan Mulholland

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