UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Milton Zenon SALTOS VELASQUEZ, **Petitioner,** **v.** **Ryan SHEA,** Sheriff, Freeborn County Sheriff's Office; **TODD BLANCHE,** Acting Attorney General of the United States; **MARKWAYNE MULLIN,** Secretary, U.S. Department of Homeland Security; **DAVID VENTURELLA,** Acting Director of U.S. Immigration and Customs Enforcement; **SAM OLSON,** Field Office Director for the St. Paul Field Office for ICE within DHS; **Respondents.**	**Case No. _____** **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** **Expedited Handling Requested**

I. INTRODUCTION AND REMEDY SOUGHT

1. Petitioner, **Milton Zenon SALTOS VELASQUEZ** (A-Number: [redacted]), a citizen of Ecuador, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful detention by U.S. Immigration and Customs Enforcement (ICE) authorities.

2. Petitioner was arrested on October 6, 2026, without an administrative or judicial arrest warrant, in direct violation of the Fourth Amendment

to the United States Constitution, the statutory provisions of 8 U.S.C. § 1357(a)(2) and 8 U.S.C. § 1226(a), and applicable federal regulations (8 C.F.R. § 287.8).

3. Pursuant to binding and recent precedent in this District, including *Alberto C. M. v. Noem*, 817 F. Supp. 3d 735, 739 (D. Minn. 2026) and *Francisco S. v. Bondi*, No. 26-cv-1455, 2026 WL 485291 (D. Minn. Feb. 20, 2026), the prior issuance of an arrest warrant is a strict statutory prerequisite to trigger discretionary detention authority under 8 U.S.C. § 1226(a).

4. Because Petitioner's initial arrest lacked a warrant, probable cause, and any showing of an imminent risk of flight, ICE lacks statutory authority to continue detaining him. Therefore, immediate release is the only legally adequate remedy to cure this unconstitutional and unlawful detention.

II. JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

6. Venue is proper in the District of Minnesota under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241(d) because Petitioner is currently in the physical

custody of ICE at the Freeborn Adult Detention Center, located in Albert Lea, Minnesota, within this judicial district.

III. PARTIES

7. Petitioner, Mr. Milton Zenon SALTOS VELASQUEZ, is a citizen of Ecuador born on [redacted]. He is currently deprived of his liberty under ICE custody at the Freeborn County Adult Detention Center, Minnesota.

8. Respondent Ryan Shea is the Sheriff of Freeborn County and is responsible for the administration of the Freeborn County Adult Detention Center. He is the physical custodian over Mr. Saltos Velasquez and is responsible for the security and safety of his person.

9. 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 Mr. Saltos Velasquez.

10. 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 St. Paul ICE Field Office, and is legally responsible for pursuing Mr. Saltos Velasquez's detention and removal. As such, Respondent Mullin is a legal custodian of Mr. Saltos Velasquez.

11. 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.

12. Respondent Sam Olson is being sued in his official capacity as the Field Office Director for the St. Paul Field Office for ICE within DHS. In that capacity, the Field Office Director has supervisory authority over the ICE agents responsible for detaining Mr. Saltos Velasquez.

IV. STATEMENT OF FACTS

13. On October 6, 2026, Petitioner drove to his usual place of employment.

14. Upon parking his vehicle outside his workplace, unmarked ICE vehicles suddenly surrounded him, and ICE officers proceeded to arrest and detain him without prior warning.

15. At the time of the arrest, ICE officers did not serve, show, or possess any administrative or judicial arrest warrant.

16. Petitioner posed no risk of flight whatsoever. To the contrary, he had predictably arrived at his place of employment at his regular shift time.

17. ICE officers had ample opportunity to apply for and obtain an administrative or judicial warrant under 8 C.F.R. § 287.5(e) had valid grounds existed.

18. ICE claimed that the premise for the arrest was that Petitioner was "criminally charged." This assertion is demonstrably false.

19. Prior to these events, a Petitioner went to see a mechanic to fix his car. That mechanic provided Petitioner with a vehicle that, unknown to Petitioner, had been reported stolen. When stopped by local police, Petitioner proved that he had no knowledge that the car was stolen. Consequently, all charges were fully dismissed, and no criminal charges, investigation, or prosecution ever took place against him.

20. Despite the lack of pending criminal charges and the absence of an arrest warrant, Petitioner was transported to the Freeborn Adult Detention Center, where he remains unlawfully detained to date.

V. LEGAL CLAIMS

CLAIM I: VIOLATION OF 8 U.S.C. § 1226(a), 8 U.S.C. § 1357(a)(2), AND 8 C.F.R. § 287.8 – UNLAWFUL WARRANTLESS ARREST INVALIDATES SUBSEQUENT DETENTION AUTHORITY

21. Under 8 U.S.C. § 1357(a)(2), an immigration officer may arrest a noncitizen without a warrant only if:

(a) The individual is committing an offense in the officer's presence, or

(b) The officer has reason to believe the individual is in the U.S. in violation of immigration laws **AND** is likely to escape before a warrant can be obtained.

22. Neither statutory exception under § 1357(a)(2) was present. Petitioner posed no flight risk while parked outside his workplace. ICE had full opportunity to seek an administrative warrant prior to the arrest.

23. As held in *Alberto C. M. v. Noem*, 817 F. Supp. 3d 735, 739 (D. Minn. 2026), the issuance of an administrative warrant prior to or at the time of arrest is a strict statutory prerequisite to trigger discretionary detention authority under 8 U.S.C. § 1226(a).

24. Under *Alberto C. M.*, when ICE executes a warrantless arrest without satisfying the flight-risk exception of § 1357(a)(2), the government lacks statutory authority under § 1226(a) to continue detaining the noncitizen. Post-hoc or backdated warrants cannot retroactively cure an illegal arrest to justify ongoing detention.

25. Furthermore, under *Francisco S. v. Bondi*, No. 26-cv-1455, 2026 WL 485291 (D. Minn. Feb. 20, 2026), individuals present within the United States are governed by discretionary detention under 8 U.S.C. § 1226(a) rather than mandatory detention under § 1225(b). Thus, strict adherence to § 1226(a) statutory procedures is mandatory.

CLAIM II: VIOLATION OF THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION (UNLAWFUL ARREST WITHOUT PROBABLE CAUSE)

26. The Fourth Amendment guarantees the right of all persons to be free from unreasonable searches and seizures conducted without probable cause or valid warrants.

27. ICE improperly justified the arrest based on non-existent criminal charges. Because the prior traffic incident charges were completely dismissed upon proof of Petitioner's innocence, no probable cause existed to support a warrantless arrest.

28. By arresting Petitioner without a warrant, without probable cause, and without establishing a risk of flight, Respondents violated Petitioner's rights under the Fourth Amendment, rendering his detention unconstitutional *ab initio*.

VI. REMEDY: IMMEDIATE RELEASE IS THE ONLY ADEQUATE REMEDY

24. Because the initial arrest violated the Fourth Amendment and the requirements of 8 U.S.C. § 1357(a)(2), Respondents lack legal authority under 8 U.S.C. § 1226(a) to hold Petitioner in custody (*Alberto C. M.*, 817 F. Supp. 3d at 739).

25. Providing a bond hearing before an Immigration Judge cannot cure an arrest and detention that are unconstitutional and statutorily

unauthorized from inception. Immediate release from custody is the only lawful and effective remedy.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. **ASSUME** jurisdiction over this Petition for Writ of Habeas Corpus.
2. **DECLARE** that Petitioner's warrantless arrest by ICE on October 6, 2026, violated the Fourth Amendment, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.8.
3. **DECLARE** that Respondents lack statutory authority under 8 U.S.C. § 1226(a) to continue detaining Petitioner pursuant to *Alberto C. M. v. Noem*.
4. **ORDER** the immediate release of MILTON ZENON SALTOS VELASQUEZ from Respondents' custody.
5. **ORDER** that upon Petitioner's release, Respondents shall:

   (a) Transport and release Petitioner at a safe time and location, with notice communicated to Petitioner's counsel at least **two (2) hours in advance**;

   (b) Return all of Petitioner's personal effects currently in Respondents' possession or control, including but not limited to Petitioner's driver's license, immigration paperwork, passport, cell phone, keys, and related personal property;

6. **ENTER A PRELIMINARY AND PERMANENT INJUNCTION** prohibiting Respondents from transferring Petitioner to any detention facility outside the District of Minnesota during the pendency of this action or prior to his release;
7. **ENJOIN AND RESTRAIN Respondents**, their agents, employees, successors in office, and all persons acting in concert with them, from re-arresting, re-detaining, or taking Petitioner back into immigration custody based on the same administrative warrant, ICE detainer, underlying immigration status, or factual grounds existing prior to his release, absent a showing of a material change in circumstances, new criminal conduct, or prior written authorization from this Court.
8. **GRANT** such other and further relief as the Court deems just and proper.

Dated this 8th of October of 2026

By: /s/ Sherene Mostaghimi

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

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. My firm has discussed the factual assertions in this petition with Petitioner, who I understand has personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: October 8, 2026

/s/ Sherene Mostaghimi
Sherene Mostaghimi