

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MAXIMILIANO D.T.,

Case No. 26-CV-0610 (PJS/JFD)

Petitioner,

v.

ORDER

KRISTI NOEM, Secretary of the United States Department of Homeland Security; TODD M. LYONS, Acting Director of the United States Immigration and Customs Enforcement; PAMELA BONDI, Attorney General of the United States; and DAVID EASTERWOOD, Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement, in their official capacities,

Respondents.

Rachel M. Engebretson, ENGBRETSON LAW FIRM, P.A., for petitioner.

Ana H. Voss, UNITED STATES ATTORNEY'S OFFICE, for respondents.

This matter is before the Court on petitioner Maximiliano D.T.'s petition for a writ of habeas corpus.¹ Maximiliano, a citizen of Mexico, entered the United States without inspection on June 28, 2021. V. Pet. ¶¶ 6, 21, 33. Although Maximiliano has had no prior contact with Immigration and Customs Enforcement ("ICE"), he was

¹Pursuant to this District's policy in immigration cases, the Court identifies petitioner only by his first name and last initials.

arrested without a warrant on January 23, 2026, while he was trying to jumpstart his car in below-zero weather. V. Pet. ¶¶ 38–42.

On January 24, 2026, the Court ordered respondents to file an answer to Maximiliano’s petition “by no later than January 27, 2026[.]” ECF No. 3 at 1. Respondents did not comply and have therefore failed to show cause why the writ should not be granted. The Court will therefore grant Maximiliano’s petition and order his immediate release from custody.

In the same order requiring respondents to answer the petition, the Court enjoined respondents from removing Maximiliano from Minnesota and further ordered respondents to return him to Minnesota immediately if he had already been removed. ICE’s records indicate that Maximiliano is currently being held in Texas in violation of the Court’s order.² The Court will therefore also order that Maximiliano be immediately returned to Minnesota.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Petitioner’s petition for habeas corpus [ECF No. 1] is GRANTED.

²See U.S. Immigr. & Customs Enf’t, *Online Detainee Locator System*, <https://locator.ice.gov/odls/#/search> (last visited Jan. 28, 2026).

2. The Court DECLARES that petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
3. Respondents are ORDERED to immediately return petitioner to Minnesota and release him from custody.
4. The remainder of petitioner's petition is DENIED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 29, 2026

/s/ Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court