

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Indriany S.M.C.,

Civ. No. 26-539 (JWB/JFD)

Petitioner,

v.

David Easterwood, *in his official capacity as Field Office Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement*; Joel D. Garcia, *in his official capacity as Field Office Director, El Paso Field Office, U.S. Immigration and Customs Enforcement*; Todd Lyons, *in his official capacity as Director of U.S. Immigration and Customs Enforcement*; Kristi Noem, *in her official capacity as Secretary of Homeland Security*; U.S. Department of Homeland Security; U.S. Immigration and Customs Enforcement; and Pamela Bondi, *in her official capacity as Attorney General of the United States*,

**ORDER
ON PETITION FOR WRIT
OF HABEAS CORPUS**

Respondents.

Brian D. Clark, Esq., Lockridge Grindal Nauen PLLP, counsel for Petitioner.

Ana H. Voss, Esq., and Justin Merak Page, Esq., United States Attorney's Office, counsel for Respondents.

This case asks whether Respondents may detain a noncitizen under 8 U.S.C. § 1225(b)(2) after previously releasing her from custody to the care of a legal guardian. The answer is no. Because Respondents previously exercised authority to release Petitioner Indriany S.M.C., § 1226 governs detention—not § 1225.

Although Respondents were ordered to answer with a memorandum explaining

their position and affidavits and exhibits as needed to establish the lawfulness of Petitioner's detention (*see* Doc. No. 3), Respondents limited their response to a two-page written memorandum and did not submit any affidavits or exhibits. (*See* Doc. No. 6.) Respondents limited their response on the merits of Petitioner's claims to the arguments they asserted in *Avila v. Bondi*, Civ. No. 25-3741 (JRT/SGE), 2025 WL 2976539 (D. Minn. Oct. 21, 2025). (*See* Doc. No. 6 at 2.)

Respondents' position that § 1225 applies after a noncitizen has been released from custody has been often rejected in this District. *See, e.g., Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025). Therefore, the Petition is granted to the extent that it requests release.

BACKGROUND

Petitioner is a native and citizen of Venezuela who entered the United States as an unaccompanied minor in December 2022, along with her infant child. (*See* Doc. No. 1, Petition ¶¶ 1–2, 16.) Petitioner encountered Respondents, who placed her in a government-run humanitarian shelter, presumably through the Office of Refugee Resettlement. (*Id.* ¶¶ 2, 44.) After approximately one month, Respondents released Petitioner to the care of her legal guardian in Minnesota after finding that she was neither dangerous nor a flight risk. (*Id.* ¶¶ 2, 10.) Petitioner alleges that she has no criminal history. (*Id.* ¶¶ 1, 45.)

On January 14, 2026, Immigration and Customs Enforcement (“ICE”) agents

detained Petitioner at gunpoint from inside her home in Minneapolis following their pursuit of another adult who lived at the residence. (*Id.* ¶¶ 3–6.) Petitioner was detained alongside three other adults, a three-year-old, and a one-year-old. (*Id.* ¶ 6.) No warrant was provided for the arrest. (*Id.*) Petitioner was detained for the next four days in St. Paul, Minnesota, during which time she retained counsel. (*Id.* ¶ 7.) Petitioner was then transferred to El Paso, Texas. (*Id.*)

DISCUSSION

I. Legal Standard

A writ of habeas corpus may issue where a petitioner is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3). The petitioner bears the burden of establishing, by a preponderance of the evidence, that the challenged detention lacks a lawful statutory basis. *See Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025) (collecting cases).

Immigration detention, like all civil detention, must rest on an express congressional grant of authority and must bear a reasonable relation to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Section 2241 confers jurisdiction to determine whether the Executive Branch has statutory authority to detain an individual, including in the immigration context. *See id.* at 687–88.

II. Analysis

Petitioner challenges only the lawfulness of her detention under federal law. The Petition does not contest any removal order, the conduct of removal proceedings, or the

execution of removal. Therefore, jurisdiction lies under 28 U.S.C. § 2241 to review the legal basis for custody. *See, e.g., Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1154–55 (D. Minn. 2025). Because the Petition is not directed at removal, statutory channeling provisions do not apply either. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018).

The Immigration and Nationality Act (“INA”) distinguishes between inspection, removal proceedings, and detention authority. “Inspection” is the process by which immigration officers determine whether a noncitizen seeking entry at the border or a port of entry may be admitted to the United States. *See* 8 U.S.C. § 1225(a). Section 1225 governs that process and generally requires detention. *Id.*; *see also Maldonado*, 795 F. Supp. 3d at 1149.

Section 1226, by contrast, governs detention of noncitizens already present in the United States. *Jennings*, 138 S. Ct. at 846. Detention under § 1226(a) is not mandatory and permits release on bond or recognizance. *Maldonado*, 795 F. Supp. 3d at 1149–50.

Respondents did not provide a detailed response to Petitioner’s claim that § 1225(b)(2) does not apply to her. Instead, they rely on the arguments they previously asserted in *Avila*, 2025 WL 2976539 at *5, that § 1225(b)(2) authorizes the detention of certain “applicants for admission” pending removal proceedings. Although *Avila* is factually distinct because it involved a petitioner who *did not* encounter immigration officials at the time he crossed the border, 2025 WL 2976539 at *2, Respondents maintain that the legal issues overlap.

The vast majority of district courts considering Respondents’ position, including this Court, have determined that the text, structure, and function of the INA’s detention

provisions all indicate that § 1225 does not apply to noncitizens released to the interior of the country like Petitioner. *See Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Noem*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025).

Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025), does not alter the result either. Respondents frequently cite to it as if it reflects an independent adjudicatory resolution of statutory ambiguity. It does not. The Board of Immigration Appeals (“BIA”) is a component of the Department of Justice (“DOJ”) and operates under the Attorney General’s supervisory authority. Its precedents are subject to review, revision, and overruling by the Attorney General, who sets binding interpretations of the INA for the Executive Branch. *Yajure Hurtado* thus reflects the DOJ’s adopted litigation position concerning the scope of § 1225(b)(2), not an interpretation generated independently of that position.

And even if it were such an independent interpretation, it would run headlong into the statute’s text and structure for the reasons already explained. Where an agency’s reading conflicts with the statute Congress enacted, it does not control. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394 (2024) (explaining that only long-standing and consistent agency interpretations merit weight); *see also Belsai D.S. v. Bondi*, Civ. No. 25-3682 (KMM/EMB), 2025 WL 2802947, at *7 n.5 (D. Minn. Oct. 1, 2025).

In habeas review, the question is not whether the Executive Branch has spoken

with one voice—whether through the DOJ or BIA—but whether the detention authority it asserts is grounded in statute. That determination remains for the Article III courts. *See Zadvydas*, 533 U.S. at 688.

The analysis here is straightforward. Respondents placed Petitioner in custody after she had arrived as an unaccompanied minor, released her from custody, and allowed her to remain in the community for three years. Nothing in the record suggests Respondents ever revoked that release based on flight risk, danger, changed circumstances, or any other reason.

Section 1225(b)(2) provides no authority to revisit that custody determination later. The Supreme Court has consistently treated §§ 1225 and 1226 as addressing different populations at different procedural moments, not as interchangeable sources of detention authority. *Jennings*, 138 S. Ct. at 836–38. Nothing in § 1225 authorizes Respondents to revive mandatory detention just by recharacterizing a previously released noncitizen as an applicant for admission. *See, e.g., Jose J.O.E.*, 797 F. Supp. 3d at 969–70. The statute contains no mechanism for that switch. Allowing Respondents to toggle between detention regimes in this way would collapse the statutory structure Congress enacted and render § 1226 largely superfluous.

On this record, Petitioner’s continued detention rests on a statute and an interpretation that do not apply and is unlawful. *See Khalid B.Q.*, Civ. No. 25-4584, Doc. No. 10 at 6; *Xuseen A.*, Civ. No. 25-4514, Doc. No. 16 at 7. Thus, Petitioner is entitled to a writ of habeas corpus that grants immediate release. *See Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive

detention”). Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings. Because Petitioner has shown Respondents have not invoked a provision of the INA that authorizes continued detention, the Petition for a writ of habeas corpus is granted, and Petitioner’s other habeas claims are not reached.

ORDER

Based on the foregoing, and on all the files, records, and proceedings in this case, **IT IS HEREBY ORDERED** that:

1. Petitioner Indriany S.M.C.’s Petition for Writ of Habeas Corpus (Doc. No. 1) is **GRANTED**.
2. **Release.** Respondents shall immediately release Petitioner from custody. Petitioner must be released in Minnesota, along with all her belongings, and subject to any conditions of release imposed in 2022.

If Petitioner is currently held outside Minnesota, Respondents shall immediately initiate Petitioner’s return to Minnesota for the sole purpose of effectuating release. Respondents shall not delay initiation of return based on administrative convenience, transportation availability, or detention-capacity considerations.

Upon Petitioner’s arrival in Minnesota, Respondents shall effectuate release forthwith. If, at the time release would otherwise occur, weather conditions would expose Petitioner to extreme cold or other reasonably dangerous conditions, Respondents may delay physical release only for the brief period necessary to effectuate release in a safe manner. Respondents shall employ the earliest reasonably available safe means of release

and may not delay release where a safe option is available. Any such delay must be strictly limited and must not be used to justify continued custody, supervision, or discretionary release authority.

3. **Notice.** Within 48 hours of this Order, Respondents shall file an update on the status of Petitioner's release. In the update, Respondents must confirm the time, date, and location of the release or anticipated return and release. If Petitioner has been removed from Minnesota, Respondents must file a confirmation of the time, date, and location of release promptly upon Petitioner's arrival in Minnesota.

4. Respondents may not administratively recharacterize the release granted by this Order as grounds to impose conditions or re-impose existing conditions in conjunction with release (including release on recognizance or similar instruments), without prior notice to and authorization from the Court, or absent a new and independently lawful custody decision properly executed under the law. For the avoidance of doubt, Respondents' compliance with this Order requires Petitioner's immediate release in Minnesota without any newly issued instrument that either imposes new conditions of supervision or restraint or restates previously imposed conditions.

5. Respondents may not re-detain Petitioner under a statutory theory this Court has rejected in this proceeding absent materially changed circumstances.

6. Petitioner's other claims are not reached.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: January 27, 2026

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge