

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TAH L.,

Civil File No. 26-CV-171 (MJD/SGE)

Petitioner,

v.

ORDER

DONALD J. TRUMP, ET AL.,

Respondents.

On January 12, 2026, the Court entered an Order directing Respondents to answer the Petition in this case by January 14, 2026. (Dkt. 3.) That Order set forth specific requirements for Respondents' answer. (*Id.*) On January 14, 2026, Respondents filed a Motion to Transfer, which also purported to be Respondents' response to the Petition and a supporting Declaration. (Dkts. 4, 5.) Respondents' Motion and purported response to the Petition does not address the requirements set forth in the Order to Show Cause. In fact, the Court questions whether the Motion is even filed in the correct case because it alleges the Petitioner seeks a "bond hearing" which the Petition clearly does not request. (*See* Dkt. 1.) Moreover, the Declaration of Angela Minner filed in support of Respondents' Motion for

Transfer references “documents attached to this declaration.” (Dkt. 5 ¶ 4.) However, no documents were attached to the Declaration. (*Id.*) The Court requires briefing on the issues presented.

IT IS HEREBY ORDERED THAT:

1. Respondents are *again* directed to file an answer to the petition for a writ of habeas corpus of petitioner Tah L. by no later **than 5:00 p.m. on January 18, 2026**, certifying the true cause and proper duration of Petitioner’s confinement and showing cause why the writ should not be granted in this case. As previously Ordered, Respondents’ answer should include:
 - a. Such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner’s detention in light of the issues raised in the habeas petition;
 - b. A reasoned memorandum of law and fact explaining respondents’ legal position on Petitioner’s claims;
 - c. Whether the absence of a warrant preceding Petitioner’s arrest necessitates Petitioner’s immediate release; and

- d. Respondents' recommendation on whether an evidentiary hearing should be conducted.
2. If Petitioner intends to file a reply to Respondents' answer to the Petition, she must do so by no later **than 5:00 p.m. on January 19, 2026**. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.
3. In regard to Respondents' Motion to Transfer (Dkt. 4), Respondents shall file the documents referenced in the Declaration of Angela Minner (Dkt. 5 ¶ 4) on CM/ECF by **5:00 p.m. on January 18, 2026**.
4. Respondents shall file a memorandum in support of their Motion to Transfer by no later **than 5:00 p.m. on January 18, 2026**. Respondents' may combine their answer to the Petition and their memorandum in support of their Motion in one document if they so choose. Respondent's memorandum in support of their Motion to Transfer should include:
 - a. Whether habeas jurisdiction that would ordinarily attach upon the filing of a petition may be defeated by Respondents' unilateral post

apprehension transfer of a noncitizen before counsel can reasonably be obtained or a petition filed;

b. Whether Respondents' position would allow the Government, through post-apprehension transfer based on asserted detention capacity constraints, to determine the forum for habeas review, and if not, why not;

c. Who the proper custodian is for habeas purposes where Respondents initiated the apprehension, directed the transfer, and retain authority to return or release the detainee;

d. Whether venue transfer under 28 U.S.C. § 1406(a) is appropriate where the asserted jurisdictional defect arises solely from Respondents' own transfer decision; and

e. The precise timing of Petitioner's transfer relative to entry of the non-transfer order, supported by sworn declarations and contemporaneous records.

5. Petitioner may file a response to Respondent's Motion to Transfer addressing the same issue by no by no later **than 5:00 p.m. on January 19, 2026.**

Dated: January 16, 2026

s/ Shannon G. Elkins

SHANNON G. ELKINS

United States Magistrate Judge