

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BRAYAN A.L.,

Civil No. 26-1019 (JRT/SGE)

Petitioner,

v.

PAMELA BONDI, *U.S. Attorney General*;

KRISTI NOEM, *Secretary, U.S. Department
of Homeland Security*;

TODD M. LYONS, *Acting Director,
Immigration and Customs Enforcement*;

ORDER

DAVID EASTERWOOD, *Acting Director of
Enforcement and Removal Operations, St.
Paul Field Office, Immigration and
Customs Enforcement*; and

RYAN SHEA, *Sheriff of Freeborn County*

Respondents.

Petitioner is a citizen of El Salvador who has lived in the United States since 2020. ICE arrested the Petitioner in early January.¹ On February 3, 2026, Petitioner filed a

¹ The Verified Petition for a Writ of Habeas Corpus (Feb. 3, 2026, Docket No. 1) states that Petitioner was detained on January 1, 2026 (*id.* ¶ 1) and on January 8, 2026 (*id.* ¶ 16). The Motion for Order to Show Cause (Feb. 3, 2026, Docket No. 2) indicates that Petitioner was detained on January 1, 2026.

Verified Petition for a Writ of Habeas Corpus (Docket No. 1) and Motion for Order to Show Cause (Docket No. 2).

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

1. Petitioner's Motion for Order to Show Cause (Docket No. [2]) is **GRANTED**.
2. Respondents are **ENJOINED** from removing, transferring, or otherwise facilitating the removal of Petitioner from the District of Minnesota until the Court issues an order on the pending Petition for Writ of Habeas Corpus (Docket No. [1]).
 - a. Respondents may request permission from the Court to move Petitioner if unforeseen or emergency circumstances arise which require Petitioner to be removed from the District. Any such request must include an explanation for the request as well as a proposed destination. The Court will then determine whether to grant the request and permit transfer of Petitioner.
 - b. If Petitioner has already been removed from Minnesota, Respondents are **ORDERED** to immediately return Petitioner to Minnesota.
3. Respondents are directed to file an answer to the petition for a writ of habeas corpus of petitioner by **no later than 5:00 p.m. February 5, 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.

4. Respondents' answer must 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. Respondents' recommendation on whether an evidentiary hearing should be conducted;
 - d. Respondents' view as to whether—and if so, why—this matter is materially distinguishable, either factually or legally, from *Avila v. Bondi*, No. 25-CV-3741 (JRT/SGE), 2025 WL 2976539 (D. Minn. Oct. 21, 2025); and
 - e. Whether the absence of a warrant preceding Petitioner's arrest necessitates Petitioner's immediate release. *See e.g., Ahmed M. v. Bondi*, No. 25-4711, 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026).
5. If Petitioner intends to file a reply to Respondents' answer, he must do so by **no later than 5:00 p.m. on February 6, 2026**. Thereafter, no further

submissions from either party will be permitted, except as authorized by
Court order.

DATED: February 3, 2026
at Minneapolis, Minnesota.

/s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge