

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JUAN GABRIEL M.A.,

Case No. 26-CV-852 (NEB/DTS)

Petitioner,

v.

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

ORDER ON
PETITION FOR
WRIT OF HABEAS CORPUS

Respondents.

This matter is before the Court on Petitioner Juan M.A.'s Petition for a Writ of Habeas Corpus. (ECF No. 1 ("Pet.")). Juan M.A. is a citizen of Ecuador who has lived in the United States since June 2023. (*Id.* ¶ 12–13). He has no criminal record. (*Id.* ¶ 14.)

On January 29, 2026, as Juan M.A. was driving, three cars of masked individuals in tactical vests surrounded Juan M.A. (*Id.* ¶ 15.) Immigration and Customs Enforcement ("ICE") took Juan M.A. into custody. (*Id.*) Afterwards, Juan M.A. filed this habeas action challenging his detention under 28 U.S.C. § 2241.

Juan M.A. is one of hundreds of petitioners in the District who have challenged their custody without an individualized bond determination. Like those petitioners, Juan

M.A. argues he has been misclassified as a detainee under 8 U.S.C. Section 1225(b)(2) of the Immigration and Nationality Act (“INA”) rather than Section 1226(a). Detention is mandatory under Section 1225(b)(2), but discretionary under Section 1226(a); and Section 1226(a), unlike Section 1225, provides for a bond hearing. 8 U.S.C. §§ 1225, 1226; *see also Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961–62 (D. Minn. 2025) (describing the legal framework of Sections 1225 and 1226).

Because he has been living in the United States since he entered the country nearly three years ago, Juan M.A. asserts that Section 1226, rather than Section 1225, applies. He therefore argues that his detention under Section 1225(b)(2) violates the Fifth Amendment, the INA, and the Administrative Procedure Act.

The Court has already concluded that petitioners similarly situated to Juan M.A. are governed by Section 1226 rather than Section 1225. *Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312 (D. Minn. Nov. 4, 2025). Section 1225(b)(2) applies to applicants “seeking admission,” but the government did not detain Juan M.A. while he was entering the United States. Instead, he was detained while “already in the country.” *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (construing 8 U.S.C. Sections 1226(a) and (c)). So, Section 1226 applies.

The Court is not alone in its decision; rather, the majority of courts to rule on the matter—including the only federal court of appeals to weigh in on the issue—came to the

same conclusion as *R.E.* See, e.g., *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060–62 (7th Cir. 2025); *Francisco T. v. Bondi*, 797 F. Supp. 3d 970, 974–76 (D. Minn. 2025); *Belsai D.S. v. Bondi*, --- F. Supp. 3d ---, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *6–7 (D. Minn. Oct. 1, 2025); *Eliseo A.A. v. Olson*, --- F. Supp. 3d ---, No. 25-CV-3381 (JWB/DJF), 2025 WL 2886729, at *2–4 (D. Minn. Oct. 8, 2025); *Avila v. Bondi*, No. 25-CV-3741 (JRT/SGE), 2025 WL 2976539, at *5–7 (D. Minn. Oct. 21, 2025), *appeal filed*, No. 25-3248 (8th Cir. Nov. 10, 2025); *E.M. v. Noem*, 25-CV-3975 (SRN/DTS), 2025 WL 3157839, at *4–8 (D. Minn. Nov. 12, 2025); *Santos M.C. v. Olson*, No. 25-CV-4264 (PJS/DJF), 2025 WL 3281787, at *2–3 (D. Minn. Nov. 25, 2025).

Respondents concede that the Court's decision in *R.E.* controls Juan M.A.'s Petition but ask the Court to reconsider its position in light of decisions from the minority viewpoint. The Court recognizes, but is not persuaded by, the minority viewpoint, including the additional cases cited by Respondents; it has already considered and rejected the minority viewpoint.¹


The Court therefore grants the Petition for Writ of Habeas Corpus, but the issue of remedy remains. Juan M.A. requests immediate release, while Respondents assert that a bond hearing would be the proper remedy. Several courts in this District have concluded

¹ The Court notes that Respondents' arguments to the contrary are preserved for appeal.

that petitioners detained by ICE without an administrative warrant, which is required by Section 1226(a), should be immediately released. *E.g., Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *7 (D. Minn. Jan. 5, 2026); *Juan S.R. v. Bondi*, No. 26-CV-5 (PJS/LIB) (Jan. 12, 2026), ECF No. 8 at 3–4 *see also* 8 U.S.C. § 1226(a) (“On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.”).

Respondents submit a warrant, but Juan M.A. disputes its validity. The warrant selects the following to justify its determination of probable cause that Juan M.A. is removable.

- the execution of a charging document to initiate removal proceedings against the subject;
 - the pendency of ongoing removal proceedings against the subject;
 - the failure to establish admissibility subsequent to deferred inspection;
 - biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
 - statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.
- YOU ARE COMMANDED** to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.



 (Signature of Authorized Immigration Officer)

SA DDO [Signature]

 (Printed Name and Title of Authorized Immigration Officer)

(ECF No. 7-1 (cropped).) Juan M.A. asserts that these bases for issuance of the warrant show that the warrant was issued after Juan M.A.’s arrest because Juan M.A. has never before interacted with ICE. Without interaction with ICE, Juan M.A. asserts, ICE could

not have biometrically confirmed his identity, nor could statements form the basis of arrest.

Juan M.A. points to other issues with the warrant—it was issued by an unidentified officer whose name is not legible; nor is the name of the person who served the warrant legible. Nor does the document indicate what time it was issued or served.

Because Juan M.A. raised these arguments in his reply, Respondents have not had the opportunity to address it. The Court will thus give Respondents the opportunity to do so. So as to not delay his release, the Court will grant Juan M.A. a bond hearing and reserve the issue of whether immediate release is warranted.

CONCLUSION

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

1. The Petition for Writ of Habeas Corpus (ECF No. 1) is GRANTED IN PART and DENIED IN PART. Specifically, the Court:
 - a. DECLARES that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, pursuant to the discretionary authority of 8 U.S.C. § 1226;

- b. ENJOINS Respondents from denying release or other relief on the basis that Petitioner is subject to mandatory detention under § 1225(b)(2);
 - c. ORDERS that, within **seven days**, Respondents must either provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) or release Petitioner in Minnesota. If Petitioner is released without a bond hearing, Respondents may not impose conditions on Petitioner's release, Respondents must return Petitioner's belongings, and Respondents must coordinate release with counsel, with at least two hours' advance notice to counsel; and
 - d. ORDERS that, within **fourteen days**, the parties shall provide the Court with a status update concerning the results of any bond hearing conducted pursuant to this Order, or if no bond hearing was held, advise the Court regarding Petitioner's release. Further, the parties shall advise the Court whether any additional proceedings in this matter are required and submit any proposals for the scope of further litigation.
2. Respondents may file a memorandum responding to Petitioner's arguments concerning the warrant by February 6, 2026; and

3. The remainder of Petitioner's Petition is DENIED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 3, 2026

Time: 4:56 p.m.

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge