

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ROBERTO N.M.,

Petitioner,

Civil No. 26-799 (JRT/DTS)

v.

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

DAREN K. MARGOLIN, *Director, Executive  
Office for Immigration Review;*

EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW;

**ORDER**

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

DEPARTMENT OF HOMELAND SECURITY;

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

IMMIGRATION AND CUSTOMS  
ENFORCEMENT; and

DAVID EASTERWOOD, *Acting Director, St.  
Paul Field Office, Immigration and  
Customs Enforcement,*

Respondent.

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Petitioner is a citizen of Mexico and a resident of Minnesota. ICE arrested and detained Petitioner on January 28, 2025. That same day, Petitioner filed a Verified Petition for a Writ of Habeas Corpus (Docket No. 1) and claims to be detained unlawfully.

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

1. Respondents are directed to file an answer to the petition for a writ of habeas corpus of petitioner Roberto N.M. by **no later than February 1, 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.
2. 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. 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).

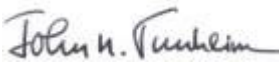
3. If Petitioner intends to file a reply to Respondents' answer, he must do so **by no later than February 3, 2026**. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.

4. 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.

Dated: January 29, 2026  
at Minneapolis, Minnesota.

  
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JOHN R. TUNHEIM  
United States District Judge