

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Rafael A.P.A.,

Petitioner,

Civil No. 26-906 (JRT/ECW)

v.

PAMELA BONDI, *Attorney General of the  
United States;*

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

**ORDER**

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

JOEL BROTT, *Sheriff of Sherburne County,  
Minnesota;* and

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

Respondents.

---

Petitioner is a citizen of Guatemala and a resident of Cottage Grove, Minnesota. ICE arrested the Petitioner on December 23, 2025, without a warrant. Petitioner filed a Verified Petition for a Writ of Habeas Corpus on January 31, 2026 (Docket No. 1.) and claims to be detained unlawfully.

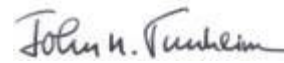
Based on the foregoing, and all the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED THAT:**

1. Respondents are **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.
2. Respondents are directed to file an answer to the petition for a writ of habeas corpus by **no later than 5:00 p.m. February 3, 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.
3. 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).
4. If Petitioner intends to file a reply to Respondents' answer, he must do so by **no later than 5:00 p.m. on February 5, 2026**. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.

Dated: January 31, 2026  
at Minneapolis, Minnesota.

A handwritten signature in black ink, reading "John R. Tunheim". The signature is written in a cursive style and is positioned above a horizontal line.

**JOHN R. TUNHEIM**  
United States District Judge