IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JUAN HUMBERTO LEMA SALAZAR,

Petitioner,

vs.

PAMELA BONDI, United States Attorney General; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; TODD M. LYONS, Acting Director of Immigration and Customs Enforcement; DAVID EASTERWOOD, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement; and ERIC KLANG, Crow Wing County Sheriff,

Respondents.

Case No. 0:26-cv-00736-SHL-DLM

ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION.

Petitioner is a native and citizen of Ecuador who has been present in the United States since April 2019 and has a valid work permit and pending asylum application. He was arrested without a warrant by officials with U.S. Immigration and Customs Enforcement ("ICE") on December 5, 2025. Because Respondents have not established any lawful basis for taking Petitioner into custody—much less for continuing to detain him—the Court GRANTS his Petition for Writ of Habeas Corpus and ORDERS that he be immediately released unless he has been transferred away from Minnesota, in which case he must be returned to Minnesota and then immediately released.

II. FINDINGS OF FACT.

Petitioner is a citizen of Ecuador who has lived in the United States since April 2019. (ECF 1, ¶¶ 1, 8, 14.) He is in removal proceedings and is appealing a final order of removal while also applying for asylum. (Id., ¶ 15.) He holds a valid work permit and is gainfully employed. (Id.) He has no known criminal record. (Id.) Petitioner is married and has two young children. (Id., ¶ 16.) On December 5, 2025, he was arrested by masked men with no clear government affiliation who apparently turned out to be ICE officers. (Id., ¶ 17.) Petitioner is unaware of any warrant for his arrest. (Id., ¶¶ 17, 49.) Since being taken into custody, he has been incarcerated at Crow Wing County Jail. (Id., ¶ 18.) He sues Respondents in their official capacities, seeking, among other

forms of relief, either immediate release or a bond hearing in accordance with 8 U.S.C. § 1226(a). (Id., p. 13.)

On January 27, 2026, the Court entered an Order to Show Cause requiring Respondents, among other things, to "certify[] the true cause and duration of Petitioner's detention in light of the issues raised in the habeas petition" and explain "[w]hether Petitioner was arrested pursuant to a warrant and, if so, [provide] a copy of such warrant." (ECF 3.) Respondents have not produced a warrant or otherwise responded to the Petition except with a *pro forma* response stating that they "assert all arguments raised by the government in *Avila* [*v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025)], preserve those arguments for any appeal in this case, and respectfully request that the Court deny Petitioner's habeas petition." (ECF 4.)

III. HABEAS CORPUS STANDARDS.

Petitioner is entitled to writ of habeas corpus if, as relevant here, "[h]e is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). "Th[e] right [of habeas corpus] extends to those persons challenging the lawfulness of immigration-related detention." *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 900–01 (D. Minn. 2020) (citing *Demore v. Kim*, 538 U.S. 510, 517 (2003) and *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001)). Petitioner bears the burden of proving by a preponderance of the evidence that his detention is unlawful. *See Walker v. Johnston*, 312 U.S. 275, 286–87 (1941); *see also Bradin v. U.S. Prob. & Pretrial Servs.*, No. 22-3032, 2022 WL 1154622, at *3 (D. Kan. Apr. 19, 2022) (collecting cases).

IV. LEGAL ANALYSIS.

It is a fundamental principle of law that if the Government wants to keep someone in custody, it must explain the basis for doing so. This is particularly true when, as here, the detainee has filed a petition for writ of habeas corpus. Yet Respondents have made no attempt to explain the basis for Petitioner's detention except to "assert all arguments" raised in a different case currently on appeal to the Eighth Circuit. (ECF 4, p. 1.) The Court appreciates and understands that Respondents' counsel is overwhelmed with habeas petitions. The Court is overwhelmed, too, however, and does not have the time or resources to dig up filings in a totally separate case and figure out how they might apply to this one. The Court therefore interprets Respondents' response as essentially no response at all.

In these circumstances, the Court will not engage in the extensive analysis it has undertaken in other cases where Respondents have made a more concerted effort to justify an alien's detention. Instead, the Court will simply offer two reasons why Petitioner has satisfied his burden of proving that his detention is unlawful.

First, the fact that Petitioner has been on release in the community since April 2019 shows that immigration officials have not regarded him as someone who is subject to mandatory detention under 8 U.S.C. § 1225(b). *See, e.g.*, *Martinez v. Hyde*, 792 F. Supp. 3d 211, 218–22 (D. Mass. 2025) (holding that petitioner was not subject to mandatory detention under § 1225(b) because immigration officials chose to release her into the country following an encounter at the border). The willingness of immigration officials to grant Petitioner work authorization is particularly revealing in this regard. "If his detention is and has always been 'mandatory' under § 1225(b)(2)(A), as Respondents now claim, it is hard to see how the United States government would, or even could, have granted him permission to seek employment outside the confines of an ICE detention facility . . . ." *Hyppolite v. Noem*, No. 25-CV-4304, 2025 WL 2829511, at *12 (E.D.N.Y. Oct. 6, 2025). Thus, to the extent Respondents' vague reference to "all arguments raised by the government in *Avila*" means they believe Petitioner is subject to mandatory detention under § 1225(b), the argument fails. At best, he is governed by § 1226(a), which governs "aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

Second, on the present record, detention is also impermissible, even temporarily, under § 1226(a). To justify detention under § 1226(a), there first must be "a warrant issued by the Attorney General." Petitioner has established that no such warrant exists. "[A]bsent a warrant a noncitizen may not be arrested and detained under section 1226(a)." *Ahmed M. v. Bondi*, No. 25-cv-4711, 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026) (emphasis omitted); *see also Chogllo Chafla v. Scott*, --- F. Supp. 3d ----, No. 2:25-cv-00437, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025), *appeal filed* (Nov. 6, 2025)). Accordingly, he must be immediately released. *See Ahmed M.*, 2026 WL 25627, at *3 ("[R]elease is an available and appropriate remedy for detention that lacks a lawful predicate" (internal quotation marks omitted)).

V. CONCLUSION.

Based on the foregoing, IT IS ORDERED THAT:

1. Petitioner's Petition for Writ of Habeas Corpus (ECF 1) is GRANTED.

2. If Petitioner is in Minnesota, Respondents must immediately release him from custody. If Petitioner is not in Minnesota, Respondents must return him to Minnesota within twenty-four hours and then immediately release him from custody. Respondents shall release Petitioner with all of his personal effects, including purse/wallet, driver's license, immigration papers, passport, cell phones, and keys.
3. Within three days of the date of this Order, the Parties shall confirm that Petitioner has been released as required by this Order.

IT IS SO ORDERED.

Dated: February 1, 2026

STEPHEN H. LOCHER
U.S. DISTRICT JUDGE