

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FOWSI S.,

Case No. 26-CV-0551 (PJS/ECW)

Petitioner,

v.

ORDER

PAMELA BONDI, Attorney General; 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; DAREN K. MARGOLIN, Director for Executive Office for Immigration Review; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and DAVID EASTERWOOD, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement,

Respondents.

Olivia Anderson-Petroske, WILSON LAW GROUP, for petitioner.

Trevor Brown, UNITED STATES ATTORNEY'S OFFICE, for respondents.

This matter is before the Court on petitioner Fowski S.'s petition for a writ of habeas corpus.¹ Fowski, a citizen of Somalia, has an administratively final order of removal, but was granted withholding of removal in December 2017 and released from

¹Pursuant to this District's policy in immigration cases, the Court identifies petitioner only by first name and last initial.

custody under an order of supervision. V. Pet. ¶¶ 2–4, 33, 37. On January 22, 2026, at Fowski’s check-in, respondents detained him without following the legal process for revoking withholding of removal. *Id.* ¶ 44–45, 66–67.

In their response to Fowski’s petition, respondents concede that “there does not appear to be a good faith legal or factual basis to oppose the petition.” ECF No. 6 at 2. Accordingly, the petition is granted.

ORDER

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

1. Petitioner’s petition for habeas corpus [ECF No. 1] is GRANTED.
2. The Court DECLARES that petitioner’s detention is arbitrary and capricious and violates the Due Process Clause of the Fifth Amendment because formal reopening proceedings have not been initiated.
3. Respondents are ORDERED to release petitioner subject to his previous conditions of supervision. If petitioner is in Minnesota, respondents must immediately release petitioner from custody. If petitioner is not in Minnesota, respondents must first return petitioner to Minnesota and then immediately release him from custody.

4. The Court awards petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
 - a. Within 14 days, petitioner must file an affidavit and any attachments necessary to document his fees and costs.
 - b. Respondents' response, if any, must be filed within 7 days after petitioner's affidavit is filed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 6, 2026

/s/ Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court