

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Washington G.,

File No. 26-CV-250 (JMB/LIB)

Petitioner,

v.

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; David Easterwood, *Acting Director, St. Paul Field Office Immigration and Customs Enforcement*;

ORDER

Respondents.

Cameron Lane Youngs Giebink, Wilson Law Group, Minneapolis, MN, for Washington G.

Ana H. Voss, United States Attorney's Office, Minneapolis, MN, for Respondents Pamela Bondi, Kristi Noem, Department of Homeland Security, Todd M. Lyons, Immigration and Customs Enforcement, and David Easterwood.

This matter is before the Court on Petitioner Washington G.'s¹ Petition for Writ of Habeas Corpus (Petition) under 28 U.S.C. § 2241. (Doc. No. 1 [hereinafter, "Pet."].) Respondents Pamela Bondi, Kristi Noem, Department of Homeland Security, Todd M. Lyons, Immigration and Customs Enforcement, and David Easterwood (together,

¹ This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in immigration cases.

Respondents) oppose the Petition. For the reasons explained below, the Court grants the Petition in part and orders Washington G.'s immediate release.

FINDINGS OF FACT

1. Washington G. is a native and citizen of Ecuador who entered the United States without inspection around September 2021. (Pet. ¶¶ 28–29.)

2. Washington G. was apprehended at the border and released on recognizance shortly thereafter. (*Id.* ¶ 30.)

3. Washington G.'s removal proceedings were administratively closed on November 29, 2023, based on the pendency of his U-visa application before United States Citizenship and Immigration Services (USCIS). (*Id.* ¶ 33.)

4. Respondents took Washington G. into custody on January 12, 2026. (*Id.* ¶ 35.) Respondents did not provide, produce, or show Washington G. a warrant for his arrest at the time of his arrest. (*Id.* ¶ 36.)

5. On January 13, 2026, Washington G. filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Pet.) Washington G. seeks immediate release or a bond hearing pursuant to 8 U.S.C. § 1226(a). (*Id.* at 28.) Washington G. also seeks a variety of additional relief from the Court, including a declaration that Respondents' action is arbitrary and capricious, that Respondents failed to adhere to their regulations, and that Washington G.'s detention absent a bond hearing violates the Due Process Clause of the Fifth Amendment, as well as an award of attorney fees and costs pursuant to the Equal Access to Justice Act. (*Id.* at 28.) Washington G. separately argues that he is entitled to

immediate release on the grounds that Respondents lack the requisite administrative warrant of arrest. (*Id.* ¶¶ 69, 83–85.)

DISCUSSION

Respondents generally oppose Washington G.’s Petition, explaining that the Petition “raises legal and factual issues similar to those in prior habeas petitions this Court has decided” and that Respondents have appealed one such petition (*see Avila v. Bondi*, No. 25-3248 (8th Cir.)). (Doc. No. 4.) Respondents then incorporate by reference all of the arguments raised in the *Avila* appeal and request denial of the petition. (*Id.*) In this way, Respondents reiterate their argument that the detention of petitioners similarly situated to Washington G. is mandatory pursuant to 8 U.S.C. § 1225(b). As this Court has previously concluded, however, Respondents’ interpretation lacks merit. Furthermore, Respondents do not address whether they have the requisite administrative warrant of arrest to justify detaining Washington G. Because Respondents continue to rely on an incorrect interpretation of sections 1225 and 1226, and because the portion of the Petition challenging Washington G.’s warrantless arrest is not directly opposed, the Court grants the Petition in part and orders immediate release.²

² The transfer of Washington G. does not deprive this Court of jurisdiction over the Petition. *Weeks v. Wyrick*, 638 F.2d 690, 692 (8th Cir. 1981). Furthermore, the Government does not challenge the Court’s jurisdiction. (Doc. No. 4 at 1-2.)

A. Constitutional Guarantee of Habeas Review

As a threshold matter, the Court notes that a writ of habeas corpus may be granted to any person who demonstrates he is in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3); *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (concluding that the Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States” (citing U.S. Const., Art. I, § 9, cl. 2)); *Aditya W.H. v. Trump*, 782 F. Supp. 3d 691, 702 (D. Minn. 2025). For most of the nation’s history, habeas review “has remained a critical check on the Executive, ensuring that it does not detain individuals except in accordance with law.” *Hamdi*, 542 U.S. at 525 (quotation omitted). The right to challenge the legality of a person’s confinement through a petition for a writ of habeas corpus “extends to . . . immigration-related detention.” *Deng Chol A. v. Barr*, 455 F. Supp. 3d 896, 900–01 (D. Minn. 2020) (citation omitted). The petitioner bears the burden of proving that his detention is illegal by a preponderance of evidence. *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670, at *5 (D. Minn. Aug. 27, 2025) (citing *Aditya W.H.*, 782 F. Supp. 3d at 703).

B. Interpretation of Section 1225

Courts have overwhelmingly rejected Respondents’ interpretation that section 1225(b)(2) requires the mandatory detention of all noncitizens living in the country who are “inadmissible” because they entered the United States without inspection. *See, e.g., Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *4 & n.22 (S.D.N.Y. Nov. 26, 2025) (noting that this interpretation had been rejected in 350 cases “decided by over 160 different judges sitting in about fifty different courts spread across

the United States” and collecting cases in an Appendix A); *Jose Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312, at *1 n.2 (D. Minn. Nov. 4, 2025) (collecting cases); *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *5–6 (D. Minn. Oct. 1, 2025) (collecting cases). This Court also finds Respondents’ interpretation unpersuasive.

When interpreting a statute, “every clause and word of a statute should have meaning.” *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023) (internal quotation marks omitted) (quoting *Montclair v. Ramsdell*, 107 U.S. 147, 152 (1883)). Noncitizens who have been residing in the United States but who entered without inspection have not, historically, been considered to still be “arriving” under section 1225(b). This is because the statute itself states that, in order to apply, several conditions must be met; specifically, an immigration officer must determine that the noncitizen “is an applicant for admission . . . seeking admission . . . [and] not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Determining the plain meaning of the statute requires consideration of the tense of the verb “is” and the present participle “seeking.” Here, section 1225(b)(2) applies to persons who presently are applicants for admission and who presently are seeking admission at the time of their detention. To be seeking admission means to be seeking entry, which “by its own force implies a coming from outside.” *United States ex rel. Claussen v. Day*, 279 U.S. 398, 401 (1929). In this case, Washington G. has been residing in the United States since 2017 and is, therefore, not currently “seeking admission” into the United States.

In addition, Respondents' interpretation of 1225(b)(2) renders superfluous other immigration laws. Specifically, interpreting section 1225(b)(2) as applying to noncitizens who have already entered the country and are not currently seeking admission into the country, as Respondents urge, would render meaningless a recent amendment to section 1226 by the Laken Riley Act (LRA). The LRA added new categories of noncitizens subject to mandatory detention under section 1226(c), and one such category was for noncitizens lacking valid documentation *and* who have been charged with or convicted of certain crimes. *See* 8 U.S.C. § 1226(c)(1)(E)(i)–(ii). But if Respondents' interpretation of section 1225 were correct, then there would have been no need for the LRA to create these additional categories because all noncitizens who are present in the United States and have not been admitted would have already been ineligible for bond under section 1225(b)(2)(A).

The Court also agrees with those courts that have found that Respondents' interpretation of section 1225(b) is “at odds with both the relevant legislative history and longstanding agency practice.” *Belsai D.S.*, 2025 WL 2802947, at *7; *see, e.g., Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1150 (D. Minn. 2025) (discussing the longstanding practice of treating noncitizens who resided in the United States, but who had entered without inspection, as being subject to section 1226(a)).

For these reasons, the Court finds that Washington G.'s detention is governed by section 1226(a), and he is not subject to section 1225(b)'s mandatory detention.

C. Independent Grounds for Relief

Washington G. also alleges that Respondents are improperly detaining him without the required administrative warrant to do so. (Pet. ¶ 2.) He seeks immediate release unless Respondents can produce an administrative warrant of arrest. (*Id.* ¶ 69.) The Court agrees with other judges in this District who have concluded that an arrest warrant is a prerequisite to detention under section 1226(a). *See Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026); *Juan S.R. v. Bondi*, No. 26-CV-5 (PJS/LIB), Doc. No. 8 at 3–4 (D. Minn. Jan. 1, 2026). *See also* 8 U.S.C. § 1226(a) (“*On a warrant issued by the Attorney General, [a noncitizen] may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States.*” (emphasis added)). Washington G. alleged in his Petition that his arrest was warrantless (Pet. ¶ 36), and Respondents have not presented evidence to the contrary. Consequently, the Court grants the Petition and orders Washington G.’s immediate release.³

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT the Petition (Doc. No. 1) is GRANTED in part and DENIED in part, as follows:

³ Given its decision to grant the Petition, the Court need not address the remaining counts in the Petition. The Court also does not address the Petition’s request for an award of fees and costs under the Equal Access to Justice Act; Washington G. may move separately for such relief within 30 days of final judgment in this action. 28 U.S.C. § 2412(d)(1)(B).

1. Respondents are ORDERED to release Petitioner Washington G. from custody immediately in Minnesota, and in any event no later than 4:00 p.m. CST on January 20, 2026.
2. On or before 11:00 a.m. CT on January 21, 2026, Respondents shall provide the Court with a status update affirming that Petitioner was released from custody in accordance with this Order.
3. To the extent Petitioner seeks relief beyond an order requiring release or an order requiring a bond hearing, the Petition is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 16, 2026

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court