

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

MUBASHIR KHALIF HUSSEN,  
MAHAMED EYDARUS, and JAVIER DOE  
*on behalf of themselves and others similarly  
situated,*

*Plaintiffs,*

v.

KRISTI NOEM, *in her official capacity as  
Secretary of the U.S. Department of  
Homeland Security*; U.S. DEPARTMENT OF  
HOMELAND SECURITY; U.S.  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT; TODD M. LYONS, *in his  
official capacity as Acting Director of U.S.  
Immigration and Customs Enforcement*;  
DAVID EASTERWOOD, *in his official  
capacity as U.S. Immigration and Customs  
Enforcement Field Office Director for St.  
Paul, Minnesota*; U.S. CUSTOMS AND  
BORDER PROTECTION; RODNEY S.  
SCOTT, *in his official capacity as  
Commissioner of U.S. Customs and Border  
Protection*; U.S. BORDER PATROL;  
MICHAEL W. BANKS, *in his official  
capacity as Chief of U.S. Border Patrol*; and  
GREGORY BOVINO, *in his official capacity  
as Commander-at-Large of U.S. Border  
Patrol,*

*Defendants.*

Case No. 0:26-cv-00324-ECT-ECW

**FOURTH DECLARATION OF  
KSHITHIJ SHRINATH IN  
SUPPORT OF PLAINTIFFS'  
MOTIONS FOR  
PRELIMINARY INJUNCTION  
AND CLASS CERTIFICATION**

I, Kshithij Shrinath, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney of the Greene Espel PLLP law firm, which represents the Plaintiffs in this matter. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Injunction and Plaintiffs’ Motion for Provisional Class Certification and Appointment of Class Counsel.

2. This declaration is filed in response to the Court’s February 19, 2026 order at ECF 164, permitting Plaintiffs to file “a declaration attaching selected drawdown-related statements by Defendants.”

**Public Statements from DHS “Border Czar” Tom Homan Regarding Ongoing DHS Immigration Operations in Minnesota that Implicate the Challenged Policies and Practices**

3. In a February 12, 2026 press conference regarding DHS operations in Minnesota, Mr. Homan stated that “through targeted enforcement operations based on reasonable suspicion and prioritizing safety and security, ICE will continue to identify, arrest, and remove illegal aliens that pose a risk to public safety like we’ve done for years.” PBS NewsHour, *WATCH LIVE: Border czar Tom Homan announces end to immigration crackdown in Minneapolis*, at 2:00 (YouTube, Jan. 29, 2026) (last accessed Feb. 23, 2026), [https://www.youtube.com/watch?v=ySTe\\_rVxJZc&t=3s](https://www.youtube.com/watch?v=ySTe_rVxJZc&t=3s). He also stated that “we will enforce immigration law against all persons in the United States illegally” and that “[e]nforcement of Title 8 is not going to end. If you’re in this country illegally you’re not off the table.” *Id.* at 2:21, 19:15. Discussing personnel, Mr. Homan confirmed that he is “not going to remove everybody” who was brought to Minnesota as part of Operation Metro Surge. *Id.* at 18:02.

4. In a February 19, 2026 interview regarding DHS operations in Minnesota, Mr. Homan stated: “One thing I want to make perfectly clear because some people question, well, are we backing away, just arresting criminals? No. . . . If you’re in the country illegally, you’re not off the table, we’ll come for you too.” Austin Erickson, *Tom Homan optimistic about ICE agreements in MN, says federal gov’t paying for damage during MPLS operations ‘ain’t gonna happen’*, at 8:47, WDAY (Feb. 19, 2026) (last accessed Feb. 23, 2026), <https://www.wdayradionow.com/news/regional-news/tom-homan-optimistic-about-ice-agreements-in-mn-says-federal-govt-paying-for-damage-during-mpls-operations-aint-gonna-happen>.

5. In a February 20, 2026 interview, a news anchor recounted that a sixteen-year-old U.S. citizen who was leaving high school to pick up medicine for her grandmother was accused by ICE agents of bumping into their car and was taken to the Whipple building. In response to a question as to why the 16-year-old U.S. citizen would have been taken to an ICE detention center, Mr. Homan stated: “Are U.S. citizens briefly detained and questioned if there is reasonable suspicion, there’s an issue? Yeah, that happens all the time.” *Homan pressed on Minneapolis immigration operations*, at 6:30, CNN (Feb. 20, 2026) (last accessed Feb. 23, 2026), <https://www.cnn.com/2026/02/20/us/video/tom-homan-interview-ice-minneapolis-digvid>.

**Public Statements from DHS “Border Czar” Homan Regarding the Contingent Nature of DHS’s End to the “Surge” Deployment and DHS’s Preparation, Readiness, and Ability to Terminate the Voluntary Cessation of the Surge at Any Time.**

6. In a February 12, 2026 interview, Mr. Homan stated, “We’re still going to have hundreds of special agents here,” adding “this is ending the surge, but we’re not going away. And let me say this, over 800 flights a day land in St. Paul, Minnesota. If we need to come back, we’ll come back.” Ingraham Angle, *Tom Homan addresses ICE's Minneapolis withdrawal: If we need to come back, we will*, at 2:26, 2:56 (YouTube, Feb. 12, 2026) (last accessed Feb. 23, 2026), <https://www.foxnews.com/video/6389151376112>. Later that day, an official White House social media account shared video from this interview. Its excerpted quote of Mr. Homan, in text, included: “This is ending the surge, but we’re not going away. . . . If we need to come back, we’ll come back.” *See* Exhibit 2 (ellipses in original).

7. In the February 19, 2026 interview with WDAY, Mr. Homan made similar comments that linked a decreased number of agents to ongoing cooperation by Minnesota law enforcement in DHS’s immigration enforcement and to “less chaos” in Minnesota. Mr. Homan stated: “We’re in more county jails than we ever have been. We have agreements, different agreements, with different counties. . . . We have a great relationship with the state prison system on honoring our detainers, helping us with probation and parole. So look, Minnesota’s less of a sanctuary state, and I’m pleased with that. . . . We’re just asking their cops to work with our cops . . . and it’s working well.” Erickson, *Tom Homan optimistic about ICE agreements in MN*, WDAY, *supra* ¶ 4, at 1:00. Mr. Homan went on to state: “Bottom line is, the results speak for themselves. We’re in more county jails than ever, I think more than 80 county jails.” *Id.* at 6:25. Later in the interview, the interviewer asked: “Are you confident these agreements stick? . . .

What is your confidence level that these are going to stick?” Mr. Homan responded: “I’m optimistic, but I’m not 100%, you know, sure. You know, they can always turn back around. But if they do, like I said the other day, there’s nearly 800 flights a day coming in and out of St. Paul, and we got no problem going back. . . . If they let us have the bad guy in the jail, one or two agents can take custody of him, but when they release the bad guy out in the street and we gotta go find him, then we send a whole team . . . which is usually, you know, about six people going to a house. And it got so bad there, now we gotta send another team of six or seven guys to back up that team. Their job is just, you know, watch their backs and have their six while they’re doing the warrant or making the arrest. . . . So, you know, it causes a lot of resources there because of the chaos. And with less chaos means less resources.” *Id.* at 8:50, 9:16.

8. While Mr. Homan references new “cooperation” as a basis for ending Operation Metro Surge, on February 23, 2026, The Minnesota Star Tribune reported that “[t]here have been no widespread policy changes at the state or local level to help Immigration and Customs Enforcement (ICE).” *See* Exhibit 4. The article includes statements from James Stuart, executive director of the Minnesota Sheriffs’ Association and President Trump’s nominee for Minnesota’s U.S. Marshal, including an acknowledgment “that he wasn’t aware of immediate policy changes that helped the immigration surge come to a close.” *Id.* And “[n]one of the sheriffs who responded to a Star Tribune survey said they have changed their policies because of Operation Metro Surge.” *Id.*

**DHS Immigration Enforcement Activity in Minnesota Had Fundamentally Shifted Even *Prior to an Increase in DHS Agents.***

9. Before Operation Metro Surge commenced and before DHS massively increased the number of immigration agents in Minnesota, DHS immigration enforcement *activity* had already significantly increased. Federal data<sup>1</sup> indicates that between January 20, 2025, and October 15, 2025 (the last date for which data is available), ICE conducted 1,677 immigration arrests in Minnesota. This is more than 2.3 times the number of arrests that ICE made during the same time period in 2024 (718 arrests).

10. A review of habeas petition filings on PACER<sup>2</sup> also indicates that DHS immigration enforcement activity had escalated before Operation Metro Surge began and continues after the announcement of the “drawdown.” Between August 1, 2025 and November 30, 2025, 54 habeas petitions alleging unlawful detention were filed in the District of Minnesota. By comparison, only 3 similar petitions were filed in the same four-month period in 2024, and only 11 similar petitions were filed in the first six months of 2025.

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<sup>1</sup> These numbers are based on government data provided by ICE in response to a FOIA request, processed by the Deportation Data Project, and available at <https://deportationdata-ice-arrests.share.connect.posit.cloud>. The analysis involved filtering the spreadsheet to include entries where “apprehension\_state” is “Minnesota” and “apprehension\_date” is inclusive of all dates after January 20, 2025.

<sup>2</sup> These numbers are based on a ECF query for cases filed in the District of Minnesota between the relevant dates with Nature of Suit Code set to “463 (Habeas Petition – Alien Detainee).”

11. Between December 1, 2025, and December 31, 2025, 56 petitions were filed. Between January 1, 2026, and January 31, 2026, 585 petitions were filed. Between February 1, 2026, and February 11, 2026, 276 petitions were filed. Since the announcement of the end of Operation Metro Surge and associated “drawdown” on February 12, 2026, 100 habeas petitions have filed.

12. Additionally, several of the Plaintiffs’ and declarants’ detentions and arrests occurred during the early stage of Operation Metro Surge, when DHS reportedly had deployed 100 federal immigration agents to the Twin Cities in addition to those typically serving the area. *See* Exhibit 5. Although DHS later deployed 2,000 federal agents to Minneapolis in early January, *see* ECF 57-7, 57-10, and 48-8, and 1,000 more federal agents to Minneapolis in mid-January, *see* ECF 57-18, Plaintiffs have offered evidence demonstrating substantial risk to them in a deployment in the hundreds: for example, DHS agents detained Declarant Ali Dahir on December 2, 2025, ECF 32; arrested Plaintiff Mubashir Hussen on December 9, 2025, ECF 34; detained Plaintiff Mahamed Eydarus on December 10, 2025, ECF 42; arrested Declarant Santiago Doe on December 12, 2025, ECF 46; arrested Declarant Luisa Doe on December 12, 2025, ECF 41; and arrested Declarant Julio Doe on December 24, 2025, ECF 40.

13. Attached to this declaration are true and correct copies of the following:

Exhibit #	Description
1	Rapid Response 47 (@rapidresponse47), X (Feb. 12, 2026, at 7:43 PM), <a href="https://x.com/RapidResponse47/status/2022109384093102578?s=20">https://x.com/RapidResponse47/status/2022109384093102578?s=20</a> .
2	Christopher Magan, <i>'Up to our eyeballs': Immigration lawyers struggle to keep up during Trump's crackdown</i> , Star Tribune (Oct. 6, 2025), <a href="https://www.startribune.com/immigration-lawyers-struggle-growing-caseloads/601467706">https://www.startribune.com/immigration-lawyers-struggle-growing-caseloads/601467706</a> .
3	Karina Kumar and Christopher Magan, <i>Minnesota ICE arrests have doubled under Trump</i> , Star Tribune (Jul. 20, 2025), <a href="https://www.startribune.com/minnesota-ice-arrests-double-under-trump/601436501">https://www.startribune.com/minnesota-ice-arrests-double-under-trump/601436501</a> .
4	Christopher Magan, <i>Is Minnesota cooperating with ICE after Operation Metro Surge?</i> , Star Tribune (Feb. 23, 2026), <a href="https://www.startribune.com/is-minnesota-cooperating-with-ice-after-operation-metro-surge/601583745">https://www.startribune.com/is-minnesota-cooperating-with-ice-after-operation-metro-surge/601583745</a>
5	Hamed Aleaziz et al., <i>New ICE Operation Is Said to Target Somali Migrants in Twin Cities</i> , New York Times (Dec. 2, 2025), <a href="https://www.nytimes.com/2025/12/02/us/politics/ice-somali-migrants-minneapolis-st-paul.html?smid=nytcore-ios-share">https://www.nytimes.com/2025/12/02/us/politics/ice-somali-migrants-minneapolis-st-paul.html?smid=nytcore-ios-share</a> .

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2026.

/s/ Kshithij Shrinath  
Kshithij Shrinath