

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THE ADVOCATES FOR HUMAN
RIGHTS, *et al.*,

Case No. 0:26-cv-00749 (NEB/DLM)

Plaintiffs,

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

**DECLARATION OF O. IN
SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER**

Defendants.

DECLARATION OF O.

I, O, declare the following is true and accurate to the best of my knowledge and recollection.

1. My name is O. I am a 20-year-old man from Guatemala. I have lived in Minneapolis, Minnesota for about four years. I have pending asylum and Special Immigration Juvenile Status (“SIJS”) applications. I have an Employment Authorization Document (“EAD”). My removal proceedings are administratively closed while I am awaiting my asylum interview. I did not have any check-ins before ICE detained me in January 2026 but now have my first check-in with ICE later this month.

2. I am filing this declaration under my first initial, rather than my full name, due to fear of retaliation against my family or me for opposing the federal government. My full name is known to Plaintiff’s counsel.

3. On Saturday, January 10, 2026, I went to work and then got lunch with my father and my cousin. We drove back to my work together after that. On the way back, a car passed me quickly, sped up, and stopped in the middle of the street in front of us. I didn’t understand what was going on – I thought it was just a person driving dangerously. A few men got out of the car in front of us and ran towards us. They demanded our IDs. The men weren’t wearing any kind of uniforms; they just had on civilian clothes. I was speechless because I didn’t know what was happening. I turned off the car. The men told me if I didn’t get out of the car that they would force me out. I got out of the car. They told me I was under arrest but didn’t say why. They handcuffed me. I left my keys and phone in the car. I only had time to grab my wallet. I tried to ask the men if I could bring my phone but they wouldn’t let me. I felt like I was being kidnapped.

4. The men put me in a car with my father and cousin. They drove us a few blocks to where more ICE agents and cars were. At the end they took us to the same place, the Whipple building, where the immigration court is located.

5. At first I was kept with my dad and cousin. In the garage ICE agents checked our belongings and IDs and then they took us inside and put us in a cell where we waited to be processed. The cell was small but was already holding about forty people. We were there close to 20 hours in that cell – from the early afternoon of January 10 to the early morning of January 11. It was really hot and dirty. There was food scattered on the floor, the floor was sticky with mud, and everything stuck to your shoes. There were two benches that fit four to five people. The rest of us had to stand or sit on the floor that was covered with garbage. I was so tired. There was one toilet, but there was no privacy. There were people around watching you. I worried about viruses and bacteria since there were so many of us in the cramped space. We were only given food two times in that almost 20 hours, both times a sandwich, an apple, and a cookie. I tried to sleep but there was no space to sit down. When some people got up from the floor, I would sit down but it

was painful to be on the cement floor. Sometimes there was even no space on the floor to sit or lie down.

6. On Sunday, January 11, after breakfast, an ICE officer came and got me. He took my fingerprints. I was finally allowed to make one call. (one call, no time limit). Before that no one had communicated with me. I wanted to call my attorney, Kim Boche, but I didn't have her number. I asked the ICE officer repeatedly if he could look up where she worked and find her number. He finally tried and got two numbers but they were the general organization numbers so the numbers didn't work. The ICE officer said I was being moved to Texas as soon as possible and I will face a judge in Texas. He didn't give me an opportunity to reach my lawyer before transferring me to Texas.

7. After I was processed, ICE moved me to another cell also packed with people. There were even more people in this cell. Everyone was standing, you couldn't even sit down. Around 11 am on January 11, an officer gathered everyone in the cell, chained our hands and feet, and we were put in trucks. All told, I had been in ICE custody for about 24 hours. ICE took us to the airport. My cousin was with me. My dad wasn't; there was no room on my plane to Texas so he was still at Whipple when I left. We waited on a bus for a few hours while handcuffed and then I was put on a plane around 3pm. There were around 120 detainees on the plane.

8. I remained in chains the whole plane ride. I was very hungry. No food or water were offered for a while. I was finally given a snack and water on the plane, about 12 hours since I had last eaten, and had to eat with handcuffs on.

9. I arrived in El Paso, Texas around 6 or 7pm on January 11. When I arrived at the El Paso, Texas facility, I was given a small bag with two thin blankets, a towel, two t-shirts, and a pair of boxers.

10. I was told by the security official at the prison that the place I was brought to in Texas was supposed to be temporary. But I spent 10 days there. I met people who had been there for 15 days. I only had 1 change of clothes. I had to wear the same clothes for many days.

11. If you needed anything there, nobody would help you. I asked for help, I asked to make a phone call, but the security guards told me I had to talk to ICE but there was nobody from ICE around. I asked for a change of shoes. Mine stunk because of the Whipple building's dirty cells, but they kept telling me that I'd be given a change of clothes when they moved me from El Paso. Nobody would tell me anything. I wanted to talk to my family but the security guards would not let me.

12. There were about 72 of us in the cell. The cell was the size of a small gym, where they fit about 40 bunk beds. There were four to five tables in the center of the room that 20 to 30 people could sit at. There were 3-4 toilets. They weren't completely private. There were only two flip phones for all the detainees in this center to use. Over the ten days I was in El Paso, the officers probably brought the phones into the cell for our use two to three times, for two hours each. We

would get together and beg the officer to let us call our family or our attorneys. If we could get the phone, we could only use it for two minutes. You had to be ready when it was your turn. If you didn't have an attorney's number memorized, you couldn't call them. There wasn't enough time to make a call. The detainees had a list of people wanting to make phone calls but only a few people were able to call. The officers were within earshot and said they would listen to all our calls in the system. There were signs everywhere in the detention facility offering us \$3000 each if we agreed to self-deport. But the officers said they did not have resources for detainees to make phone calls. I had a roommate who couldn't breathe because of claustrophobia but security guards didn't pay him any attention. The officers would frequently try to get people to sign forms agreeing to self-deport.

13. There were people in the next cell over who had COVID-19. They were very sick and were going crazy from being kept in the cell. There was a sign on the door to the room saying "Covid-19 quarantine." But when we got moved within the facility, we were moved with people from that cell. There was really no consideration given that many had COVID.

14. About seven days into my detention in El Paso, I still had not heard why I was detained or when I would be released, despite asking the security guards multiple times. I can't remember exactly, but on the fourth or fifth day of detention, I was told I had a visitor at the detention facility. By the time ICE came to pick me up it was too late to see this visitor. They brought me to the room for a visit and then took me back saying nothing. They didn't even tell me who the visitor was. I still don't know who this person was.

15. After five or six days, I'm not sure exactly, I was finally allowed to make a two-minute phone call. I was able to obtain my lawyer's phone number from my dad who I saw through the window in a different room. I asked a security guard to ask the other security guard to get my lawyer's phone number from my dad. When my dad was processed back at Whipple, he still had his phone on him. He had written down my attorney's number. I asked my dad to write down my lawyer's number for me. I was finally able to talk to Kim Boche for one minute only. She said she was trying to arrange a call with me. The security guard started yelling at me that my time was up, so I couldn't understand much. I don't remember much of the phone call. I was so nervous.

16. On Saturday the 17th, I talked to Kim and she told me I was supposed to be released the next day or the day after that. She told me a judge had ordered my release. I also received two letters and a list with phone numbers in the mail from one of my teachers. She also sent snacks, clothes, and a notebook, but I wasn't allowed to have any of this, only the papers and letters.

17. After about eight days, on Sunday the 18th, an ICE officer took me to his office. He offered me a list of attorneys in Texas because he said my case is going to move to a Texas court where the next hearing is going to be. He didn't know when but I needed to find myself a lawyer in Texas. I told the officer that I wanted to call my attorney, and that I was supposed to be released the next day.

18. ICE did not tell me that my attorney had been trying to call me and contact me while I was in Texas. They didn't tell me my attorney Kim, had retained another attorney, Kira Kelley, to file a habeas petition on my behalf, or that a court had granted it and ordered my release. They just kept holding me there and occasionally trying to get me to self-deport.

19. I was in detention in El Paso, Texas for about ten days. On what I think was the tenth day, I was moved. I was lucky I was given breakfast that day because I had to wait for hours in another cell before transport. A transportation officer asked those of us in the cell if we had eaten, and when some people said they hadn't, he told them to "shut up."

20. I was moved to a detention center in Torrance, New Mexico. The bus ride to Torrance was scary. The bus swerved a lot because the driver was falling asleep. I thought we would die for sure and I wouldn't be able to do anything because I was chained. After I arrived in Torrance, I had to wait for about 12 hours to be processed. They took our temperature, blood pressure, weight, and height and I think gave us some type of vaccine against measles. Then I was moved to a room with about 50 other people. The food there was awful. They gave us some type of cake for breakfast covered with so much sugar no one could eat it and for dinner there was some kind of dark brown bread soaked in water. The milk was bitter and everything was too sweet or too salty. The meat in sandwiches stank. I only ate out of hunger. The food there was awful. It looked like dog food. I stayed at Torrance for six days.

21. The prison guard put up a sign on our door saying "10-day COVID-19 quarantine." But nobody was tested for COVID then. Some people in the cell were sick but they didn't separate healthy people from the sick. They didn't give any medicine at first to people who were sick. The people in the cell demanded medical attention and medicine for the sick. After two days, they started testing us and giving some medicine to people who felt sick. I don't know what the medicine was. I felt fine the whole time. On the last day at Torrance, which I think was around the 25th, they tested me for COVID-19 with a swab. I tested negative.

22. In Torrance I was able to message and video call with my family, lawyer, and friends. I was only able to do this because teachers at my school had pooled money and put it in my account. You needed to pay to use the tablet. I was also able to send messages to ICE. Thinking I was supposed to leave, I did send a message on the 24th asking about my release. No response. On Sunday, the 25th after dinner, I was given a physical and COVID test and I was moved to a single cell. It was small and cold. I couldn't sleep because it was so cold and because the guard had the TV on all night.

23. I managed to call my attorney once from Torrance. She asked me if I was feeling sick. I told her I felt fine.

24. On Monday, January 26, I got breakfast around 4:30 am. Around 10:00 am, I was told we were going to Cibola jail. Nobody explained why. I was handcuffed and loaded into a car and

taken to Sibola jail in New Mexico. I got there around 4pm. We didn't get food, water, or a bathroom break until we arrived. There were 5 of us who got moved.

25. This Cibola jail was horrible. It was cramped. I was chained up again. The officers mocked me and called me their enemy. They laughed at me. I was kept at the jail for what felt like around three hours. I wasn't given an explanation for why I was there.

26. Security guards then put me on a bus. I think it was around January 27. No one said anything about where I was going. I was handcuffed. It felt like the middle of the night. It was freezing cold in the bus because the driver had the AC on. We had no jackets. The bus eventually took me back to El Paso in the early morning of Tuesday, January 27th.

27. I was put in a cold cell where I had to sleep on the bare cement floor. Around 10 in the morning my cellmate asked to speak to an ICE officer. Three officers came into the cell so I had a chance to speak to them too. One officer told me that I "had no chance of returning to Minnesota" and that "the best thing for [me] is self-deportation." She told me that if I fought my case, I would spend two to three more months here in El Paso. She offered me \$2600 to self-deport. I refused. I wanted to talk to my attorney. They didn't tell me the judge had already ordered my release and return to Minnesota. If I hadn't managed to talk to my attorney who told me a while back that I was ordered released, I might have given up at this point and signed the self-deportation forms because the conditions were so unbearable.

28. A few minutes after my conversation with ICE officers I was taken to a doctor to check my temperature and blood pressure. I waited at the doctor's office until around 1:30 pm, and then suddenly, an ICE officer came and shouted my name. She told me I "might be free" but "don't get too excited." They took me to the airport.

29. We arrived at the airport too late and missed the plane.

30. When I was taken back to the detention center from the airport, after missing the flight, I overheard an ICE officer saying in English, "the judge in Minnesota wants this one back." I was put in a cold jail cell again until early next morning (January 28). But again no one had told me directly that a judge had ordered my release.

31. At around midnight they took me to another police processing station 10 to 15 minutes away. At 5am they took us to the airport. I was flown to Denver and then to Minneapolis.

32. When I arrived in Minneapolis, I was handed off to ICE agents, handcuffed, and put in jail at the same place where it all started with the same dirty floors. I asked for a phone call. I called Kim but got no answer. I then called my teacher and while I was speaking to her, I was told that I was being released. My teacher came to pick me up. I had to sign lots of papers saying that I wasn't going to be a part of any "groups." I didn't know what they meant by "groups." They never told me why I was detained.

33. At the time of my release, I had been detained by ICE for about 19 days. In those days, ICE never told me why they detained me. They didn't tell me that a judge had ordered my release just five days into my detention. I only knew about the release order through my attorney.

34. My father was deported to Guatemala by ICE after he was detained with me. So was my cousin. They were deported on January 23rd.

35. Right now, I am happy that I have been released. I am grateful I have my family and an attorney. Other people are not so lucky. I am trying to adjust to my life now but am still dealing with the emotional trauma of being detained. When I think of my time in detention, I think of so many ways I could have died there: the way my car was stopped in the middle of the road, the diseases I could have caught at the Whipple, the driver who was falling asleep at the wheel driving us from El Paso to New Mexico, and exposure to COVID multiple times.

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

Date: February 2, 2026

____/s/____O_____

CERTIFICATE OF TRANSLATION

I, Sylvia Maria Cesar, am competent to translate from Spanish language into English and certify that the translation of Declaration of O. is true and accurate to the best of my abilities.

Sylvia Maria Cesar

/s/ Sylvia Maria Cesar

Signature of Translator

Typed/Printed Name of Translator

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