

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RIGOBERTO S. J.,

Case No. 26-cv-957 (LMP/JFD)

Petitioner,

v.

ORDER GRANTING PETITION

PAMELA BONDI, *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 WARDEN,
ERO El Paso Camp East Montana, El
Paso, Texas,

Respondents.

Petitioner Rigoberto S. J. is a citizen of Mexico who has lived in Minnesota since 2018 with his lawful permanent resident spouse. ECF No. 1 ¶ 14. Rigoberto S. J. was arrested by immigration officials on January 14, 2026, and remains in the custody of United States Immigration and Customs Enforcement. *Id.* ¶¶ 17–21. He asserts that Respondents (the “Government”) have detained him pursuant to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *See id.* ¶¶ 26–27. Rigoberto S. J. contends that he is not subject to detention under 8 U.S.C. § 1225(b)(2) but instead is subject to detention, if at all, under 8 U.S.C. § 1226(a), and that the Government has not presented a warrant that justifies his detention. *Id.* ¶ 29. Rigoberto S. J. brings a verified petition for a writ of habeas corpus seeking his immediate release. *See generally id.*

This Court has concluded that the mandatory detention provisions of 8 U.S.C. § 1225(b)(2) do not apply to noncitizens similarly situated to Rigoberto S. J. *See Roberto M. F. v. Olson*, No. 25-cv-4456 (LMP/ECW), 2025 WL 3524455, at *4 (D. Minn. Dec. 9, 2025); *Victor Hugo D. P. v. Olson*, No. 25-cv-4593 (LMP/DTS), 2025 WL 3688074, at *2–3 (D. Minn. Dec. 19, 2025). This Court has further held that to the extent such noncitizens are detained pursuant to 8 U.S.C. § 1226(a), the Government must present an administrative warrant to justify their detention. *See Joaquin Q. L. v. Bondi*, No. 26-cv-233, 2026 WL 161333, at *2–3 (D. Minn. Jan. 21, 2026); *see also* 8 U.S.C. § 1226(a) (stating that a noncitizen “may be arrested and detained” pending removal “[o]n a warrant issued by the Attorney General”). Rigoberto S. J. raised the same legal issues and largely requested the same relief granted in those cases, namely: (1) an order requiring his immediate release from custody; or (2) an order requiring the Government to conduct a bond hearing. *See* ECF No. 1 at 11-15.

On February 2, 2026, the Court ordered the Government to respond to the petition by February 5, 2026. The Government did not do so and has still not responded to the petition as of the date of this order. ECF No. 4 (“Respondents have provided no answer. Respondents also have not contested that the Court has jurisdiction in this matter as stated in the Petition.”). The Government’s failure to respond constitutes a waiver. *Juan M. v. Bondi*, No. 26-cv-266 (ECT/JFD), 2026 WL 129059, at *2 (D. Minn. Jan. 17, 2026); *Ihor D. v. Noem*, No. 26-cv-351 (JMB/DTS), 2026 WL 146507, at *1 (D. Minn. Jan. 20, 2026) (“Respondents do not oppose the Petition, and on that basis alone, and considering the factual showings made by Petitioner as recounted above, the Court grants the

Petition.”). Given that each day that the Government does not respond is another day Petitioner is being unlawfully detained, the Court grants the petition and will order Rigoberto S. J.’s requested relief: his immediate release in Minnesota. ECF No. 1 at 15.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Rigoberto S. J.’s Petition for a Writ of Habeas Corpus (ECF No. 1) is **GRANTED** as follows:

- a. Rigoberto S. J.’s Verified Petition for Writ of Habeas Corpus (ECF No. 1) is **GRANTED**;
- b. The Government is **ORDERED** to release Rigoberto S. J. from custody in Minnesota by no later than 5:00 p.m. on Friday, February 13, 2026;
- c. The Government is **ORDERED** to release Rigoberto S. J. without imposing any conditions of release and to return all property to him; and
- d. The Government is **ORDERED** to file a status report certifying its compliance with this Order by no later than 3:00 p.m. on Tuesday, February 17, 2026.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 9, 2026

s/Laura M. Provinzino

Laura M. Provinzino
United States District Judge