

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BETTY P.,

Case No. 26-CV-0997 (PJS/EMB)

Petitioner,

v.

ORDER

PAMELA BONDI, Attorney General; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement; and DAVID EASTERWOOD, Acting Director, St. Paul Field Office Immigration and Customs Enforcement,

Respondents.

Timothy M. Phillips, LAW OFFICE OF TIM PHILLIPS, for petitioner.

David W. Fuller, UNITED STATES ATTORNEY'S OFFICE, for respondents.

This matter is before the Court on petitioner Betty P.'s petition for a writ of habeas corpus.¹ Betty, a citizen of Ecuador, entered the United States without inspection on or about April 18, 2024. V. Pet. ¶ 12. Although Betty has a pending asylum application and has never been issued a final removal order, Immigration and

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

Customs Enforcement agents arrested Betty without a warrant on February 3, 2026. V. Pet. ¶¶ 13, 17.

Betty filed her petition that same day, and the Court ordered respondents to file an answer by no later than February 6, 2026. ECF No. 3 at 1. Respondents failed to respond. Because the government has provided no basis for the Court to conclude that Betty's continued detention is lawful, the Court will grant Betty's petition and order her immediate release from custody.

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 is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
3. 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 her from custody.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 7, 2026

/s/ Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge

United States District Court