

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Emilio R. v. Pamela Jo Bondi

Emilio R. · No. 26-cv-00105 (MJD/ECW) · Decided January 18, 2026

SUMMARY

This Report and Recommendation addresses a 28 U.S.C. § 2241 habeas petition by a Mexican citizen detained by Immigration and Customs Enforcement. The petitioner sought a determination that his detention was discretionary under 8 U.S.C. § 1226(a), rather than mandatory under 8 U.S.C. § 1225(b) (2), and requested a bond hearing. The magistrate judge recommended granting the petition, ordering a bond hearing in Minnesota, requiring the petitioner’s return to Minnesota, and enjoining further transfer outside the state.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Elizabeth Cowan Wright
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 18, 2026
DOCKET	26-cv-00105 (MJD/ECW)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and a declaratory determination that his immigration detention was governed by 8 U.S.C. § 1226(a), entitling him to a bond hearing, rather than by the mandatory-detention provision of 8 U.S.C. § 1225(b)(2). The magistrate judge issued a Report and Recommendation recommending that the petition be granted in part and that Respondents provide a bond hearing and return Petitioner to Minnesota.
STANDARD OF REVIEW	A habeas petitioner bears the burden of proving entitlement to relief by a preponderance of the evidence.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Emilio R. v. Pamela Jo Bondi, in her official capacity as Attorney General of the United States, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, Todd Lyons, in his official capacity as Acting Director of United States Immigration and Customs Enforcement, David Easterwood, in his official capacity as

TOPICS

immigration detention removal proceedings statutory interpretation injunctions equitable relief

PRACTICE AREAS

immigration detention habeas corpus immigration statutory interpretation remedies

QUESTIONS PRESENTED

1. Whether a noncitizen who allegedly entered the United States without inspection or parole, has lived in the country for more than 20 years, and was arrested by ICE in the interior is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether Petitioner is entitled to a custody redetermination or bond hearing before an immigration judge.
3. Whether Respondents should be ordered to return Petitioner to Minnesota and restrained from transferring him outside Minnesota while the habeas petition is pending.

HOLDINGS

1. The Report and Recommendation adopted the statutory analysis of *Martin R. v. Noem* and related decisions, concluding that Respondents' interpretation requiring mandatory detention under § 1225(b)(2) for noncitizens living in the United States who entered without inspection should be rejected. It therefore recommended treating Petitioner as entitled to a bond hearing under § 1226(a).
2. The court recommended granting the petition insofar as Respondents must provide Petitioner a bond hearing before an immigration judge in Minnesota within seven days after adoption of the Report and Recommendation, with immediate release if the hearing was not provided within that period.
3. The court recommended ordering Respondents to immediately return Petitioner to Minnesota and enjoining them from moving him outside Minnesota until further order of the court.

KEY QUOTATIONS

“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.”

*“The Court sees no reason to depart from this well-reasoned consensus, and adopts the statutory analysis set forth in *Martin R.* and the myriad other cases rejecting Respondents’ position.”*

FACTUAL BACKGROUND

Petitioner is a citizen of Mexico who had resided in the United States for more than 20 years. Respondents asserted that he had entered the United States without inspection or parole and had previously been granted voluntary return to Mexico on two occasions. ICE arrested him in January 2026 as part of Operation Metro

Surge, detained him, and transferred him from Minnesota to a detention facility in El Paso, Texas while removal proceedings were pending.

PROCEDURAL HISTORY

Petitioner filed his habeas petition on January 8, 2026, after ICE arrested and detained him. The district judge ordered Respondents to answer and enjoined removal of Petitioner from the District of Minnesota pending a final decision. Respondents filed a response relying generally on arguments presented in *Avila v. Bondi*, Petitioner replied, and the magistrate judge issued this Report and Recommendation.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

No remand was ordered. The Report and Recommendation recommended that Respondents provide a bond hearing before an immigration judge in Minnesota within seven days after adoption, immediately release Petitioner if the hearing was not provided, return Petitioner to Minnesota, and refrain from moving him outside Minnesota until further order.

CASES CITED

- *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025)
- *Mahamed C.A. v. Noem*, No. 25-CV-4551 (MJD/JFD), 2025 WL 3771299, at *1-2 (D. Minn. Dec. 16, 2025)
- *Mahamed C.A. v. Noem*, 2025 WL 3754012 (D. Minn. Dec. 29, 2025)
- *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025)
- *Martin R. v. Noem*, No. 26-CV-168 (JMB/LIB), 2026 WL 115024, at *2 (D. Minn. Jan. 15, 2026)