**UNITED STATES DISTRICT COURT**
**DISTRICT OF MINNESOTA**

**U.H.A.**, **K.A**, **H.D.**, **D. Doe**, **M. Doe**, on behalf of themselves and others similarly situated, *and* **THE ADVOCATES FOR HUMAN RIGHTS,**

*Plaintiff-Petitioner and Plaintiffs,*

**v.**

**PAMELA BONDI**, in their official capacity as Attorney General of the United States;

**KRISTI NOEM**, in her capacity as Secretary of the United States Department of Homeland Security;

**TODD M. LYONS**, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;

**DAVID EASTERWOOD** in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; *and*

**JOSEPH B. EDLOW,** in his official capacity as Director, U.S. Citizenship and Immigration Services,

*Defendants*.

Case No. 0:26-cv-00417-JRT-DLM

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR FINDING OF CIVIL CONTEMPT**

Defendants have failed to comply with the Court's January 28, 2026 Order that Defendants effect the immediate and unconditional release of all members of the Detained Subclass, that is, all currently detained refugees "residing in Minnesota who have not yet adjusted their status to lawful permanent resident and who have not who have not been

charged with a ground of removability under the Immigration and Nationality Act." ECF No. 41 (the "TRO") at 31. Defendants' violations are numerous.

First, notwithstanding the Court's directive requiring Defendants to immediately release class members, return them to the District of Minnesota as necessary, and coordinate with Plaintiffs' counsel[1] to assure their safe and smooth release, Defendants have not complied. To the contrary, Defendants have: for no apparent reason, waited days to release class members who were being detained in Minnesota at the time the TRO was entered; released at least one class member in Texas, without the means to get home safely; waited several days to begin transporting class members who were being detained in Texas back to this District; continued to detain one such class member for an additional day in Minnesota, without any justification; and waited until today, February 3, 2026—a full six days after the TRO was entered—to finally release several more Detained Subclass members. Worse yet, Defendants *still* have not released at least two class members. And, as to one of those class members, Defendants maintain they have no obligation to do so.

And, for those class members who they *have* released, Defendants have largely failed to cooperate with Plaintiffs' counsel, as directed. Defendants' failure has predictably and avoidably created chaos and confusion, and forced Plaintiffs' counsel to expend substantial time and effort simply trying to track people down—work that should have been unnecessary with basic communication. This lack of coordination has turned what could have been an orderly process into a disorganized and inefficient one.

[1] "Plaintiffs" refers to Petitioner-Plaintiff and Plaintiffs, collectively, while "Plaintiffs' counsel" refers to their undersigned counsel.

More seriously, Defendants' approach has resulted in class members being released without anyone present to meet them, ensure their safety, or assist with their return home. In some cases, releases occurred without Plaintiffs' counsel having any opportunity to speak with class members about their detention or release. All told, Defendants' failure to coordinate has made this process far more difficult, burdensome, and risky than it needed to be. There is no excuse for Defendants' failures.

Second, in open disregard of the TRO's clear and unequivocal mandate that all Detained Subclass members be released—without condition—Defendants have imposed and are actively seeking to impose oppressive release requirements without justification. In at least one instance, Defendants attempted to secure an after-the-fact ruling from another judge on this Court blessing their conduct—which, thankfully, Judge Davis roundly rejected just this afternoon. *See Ibsa Y. v. Bondi*, No. 26-cv-786, ECF No. 10 (D. Minn. Feb. 3, 2026). Yet, other class members remain subject to these conditions.

Third, Defendants have also withheld the personal belongings and vital documents of some class members upon their release. These unjustified seizures of property—especially immigration documents, identification, and work permits—directly thwart class members' release and liberty. Without these documents, class members are unable to establish identity or lawful status, obtain or maintain employment, or travel. As a result, their freedom of movement is curtailed and their detention is effectively prolonged.

For these reasons, Defendants should be found in contempt, and the relief requested herein should be granted.

## BACKGROUND

### A. This Court Orders Defendants to Immediately Release Members of the Detained Subclass of Unlawfully Detained Unadjusted Refugees.

On January 24, 2026, a group of plaintiffs (the "UHA Plaintiffs") filed a class action complaint in this Court, challenging Defendants' policy of arresting and detaining unadjusted refugees through the implementation of Operation PARRIS. *See generally* ECF No. 12. At the same time, the UHA Plaintiffs also filed a motion for a temporary restraining order seeking, *inter alia*, that a subgroup of the putative class—i.e., those who are presently detained under Operation PARRIS (the "Detained Subclass")—be immediately released from custody. *See* TRO at 7-8. On the evening of January 28, 2026, this Court granted the UHA Plaintiffs' motion for a temporary restraining order. *See generally id.* As relevant here, the Court ordered Defendants "to immediately release all members of the Detained Subclass." *Id.* at 31. The TRO continued: "If a member of the Detained Subclass has been transferred out of the District of Minnesota, Defendants shall immediately **TRANSPORT** such member to Minnesota and **then RELEASE** such member from custody **within 5 days** of the date of this Order." *Id.* (emphasis in original). The TRO is unconditional on its face and contains no authorization for supervision, reporting requirements, or other restraints upon the release of members of the Detained Subclass.

On the evening of January 30, 2026, Defendants provided a submission to the Court, identifying the members of the Detained Subclass who they believed remained in detention as of 6:11 p.m. on that date. ECF No. 53. That submission identified 18 individuals. *Id.* Since Defendants' filing, it has come to light that there is at least one additional individual who is a member of the Detained Subclass and who was detained as of the time of

Defendants' filing ("M.A."), but who was omitted from Defendants' list. *See Markarim A. v. Bondi*, *et. Al.,* Case No. 26-CV-00512. This omission is cause for concern about the accuracy of Defendants' list, particularly given that the individual who was omitted had filed a habeas petition over a week prior to this Court's entry of the TRO. For this reason, as well as Defendants' demonstrably casual attitude towards compliance with Court orders, Plaintiffs ask the Court to require Defendants to detail the process they used in compiling the list.

### B. Defendants Fail to Immediately Release Members of the Detained Subclass or to Coordinate with Plaintiffs' Counsel.

Despite the TRO's clear directive that Defendants "immediately release all members of the Detained Subclass," TRO at 31, and that they coordinate with Plaintiffs' counsel, Defendants have failed to do so. Within minutes after the TRO was entered, Plaintiffs' counsel contacted counsel for Defendants and requested to be allowed to pick up members of the Detained Subclass immediately—i.e., the evening of January 28, 2026. *See* Drake Decl. ¶ 3. Defendants did not allow for these class members' release that evening. *Id.* ¶ 4. In the following days, Plaintiffs' counsel continued to request class members' release, as well as information about Defendants' plans to comply with the TRO. *Id.* ¶¶ 5-7. On the rare instances that Defendants did reply, it was with limited or inaccurate information. For example, Defendants at one point claimed that up to 19 individuals could be released on January 30, 2026. *Id.* ¶ 7. In reality, only three individual releases were coordinated with Plaintiffs' counsel on that day. *Id.* Until the afternoon of February 3, 2026, those three releases were the *only* releases that were coordinated with Plaintiffs'

counsel. *Id.* ¶ 8. That is, all other releases took place without Plaintiffs' counsel's advance knowledge, or involvement. *Id.*

Defendants' noncompliance did not stop there. For at least one Detained Subclass member, Defendants returned him to Minnesota on February 1, 2026, yet inexplicably continued to detain him until February 2, 2026, despite the absence of any lawful basis for continued detention. Perhaps most remarkably, Defendants released at least one member of the Detained Subclass in Houston, with no means to return home to Minnesota. Coleman Decl., ¶ 5.

Defendants' failure to release class members and to communicate with Plaintiffs' counsel, as the TRO directs, has forced Plaintiffs' counsel to expend substantial time and resources—including through independent research[2] and informal outreach to immigration counsel and resettlement agencies—simply determining who remains detained, who has been released, and under what conditions. Drake Decl. ¶¶ 3, 9. Defendants' refusal to provide basic information has impeded oversight, client communication, and effective advocacy.[3]

---

[2] Unfortunately, Defendants did not provide country of origin in ECF No. 53, which the ICE Locator requires. This means that, for at least some individuals, Plaintiffs' counsel has been unable to even attempt to use the ICE Locator to determine whether class members are still detained and, if so, where.

[3] If Defendants were capable of loading people on planes and flying them back to Minnesota, they were certainly capable of coordinating releases with Plaintiffs' counsel as directed. On a meet and confer call this morning, AUSA Ana Voss asserted that she had been told "the agency" attempted to coordinate with Plaintiffs' counsel Michelle Drake but that counsel was unresponsive. This is false. Drake Decl. ¶¶ 3-4. Until approximately 2 p.m. on February 3, 2026, Ms. Drake had received *no* communications from *anyone* at the agency about *any* class member releases, other than the three releases that took place in Minnesota on Friday, January 30, 2026. *Id.* ¶¶ 6, 8. AUSA Voss also asserted that releases

In some instances, Defendants have used their failure to release members of the Detained Subclass to try to modify the TRO. For example, in spite of notice that the petitioner was a member of the Detained Subclass and had been ordered immediately released pursuant to the TRO, Defendants refused to release the petitioner in *Markarim A. v. Bondi*, No. 26-cv-00512 (D. Minn.). Just last night, February 2, 2026, the District Court (Magnuson, J.) issued an order on the petitioner's petition, declining to determine whether the petitioner a member of the Detainee Subclass on the basis that the TRO was subject to a motion to dissolve, and instead allowing continued detention for a period of up to seven days. *M.A. v. Bondi*, No. 26-cv-00512, ECF No. 11 (D. Minn. Feb. 2, 2026). Notably, Judge Magnuson's ruling also permits immediate release of the petitioner, and does not make any findings with respect to this Court's TRO, meaning Defendants could comply with both orders by immediately releasing the petitioner. Nonetheless, Defendants have maintained

---

were made to "friends" of the Detained Subclass members and that their counsel (as determined from G28s) were contacted. Ms. Drake's firm serves as G28 counsel for several individuals who were released over the weekend and was not contacted about those releases. *Id.* ¶ 8. The same is true for counsel at Faegre, whose Detained Subclass member client was released in Texas, in clear violation of the Court's order. Declaration of Craig S. Coleman ("Coleman Decl."), ¶ 3. Defendants' failure to notify Plaintiffs' counsel about the status of releases is not due to any inherent logistical or administrative obstacle. To the contrary, it was an intentional effort to sow confusion and ensure a decentralized process where it would be difficult, or impossible, for Plaintiffs' counsel to know who had been released, what conditions had been imposed on their release, or what personal property had been retained. It was also an effort to ensure a lack of communication between Plaintiffs' counsel and members of the Detained Subclass, part of a disturbing pattern of depriving Detained Subclass members of access to counsel. Given Defendants' claimed inability to identify which of the Detained Subclass members were interviewed while they remained in detention after the issuance of the TRO, it is also possible that the reason Defendants continued to detain members of the Detained Subclass was in order to facilitate uncounseled interviews.

that they do not intend to immediately release the petitioner, in spite of this Court's TRO, on the basis of Judge Magnuson's order.

All told, and in addition to needlessly dragging their feet in releasing class members, releasing several class members well after the deadline required by the TRO, and refusing to cooperate with Plaintiffs' counsel in the release process, Defendants are *still* egregiously violating the TRO by continuing to hold at least two class members in detention (including Markarim A.) even now. Drake Decl. ¶¶ 12, 15.

**C. Defendants Impose Unlawful Conditions on Class Members' Release.**

In further defiance of this Court, Defendants have purported to "release" certain Detained Subclass members, but have done so subject to unlawful conditions not authorized by the TRO. For at least three class members, rather than effecting unconditional release, Defendants have imposed conditions, including: prohibiting the class member from changing their residence without obtaining prior written permission from ICE; and making the class member's release contingent on their "enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security," which includes "electronic monitoring" and may include "a curfew." Drake Decl. § C. At least two class members have received an "Order of Release on Recognizance" upon release, stating that:

> Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. ***Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention***.

*Id.* (emphasis added). Another Detained Subclass member who was released on the afternoon of February 2, 2026 was ordered to appear at 9 a.m. the following day, February 3, 2026, to enroll in ICE's Intensive Supervision Appearance Program ("ISAP"), an "alternative" to detention. Declaration of Samantha Arndt, ¶¶ 2-3. However, when the Detained Subclass member appeared, he was told there were not sufficient resources to assist him so he was told to go home and come back tomorrow (on February 4, 2026). *Id.* ¶ 4.

The TRO contains no allowance for conditional release whatsoever, and certainly does not allow for these onerous conditions that lack any legal basis. In at least one instance, Defendants have gone further still, affirmatively requesting that another court remand a class member's "matter to ICE for the immediate release of [the class member] on an order of supervision with conditions pursuant to ICE's regulations, 8 C.F.R. § 241.5." *See Ibsa Y. v. Bondi*, No. 26-cv-786, ECF No. 6 (D. Minn. Jan. 31, 2026).[4] But 8 C.F.R. § 241.5 addresses conditions for those "released pursuant to 8 C.F.R. § 241.4," a regulation

[4] Section 241.5, "Conditions of release after removal period," governs the terms of release for non-citizens who have been ordered removed from the country but who have nevertheless been released from detention for specific reasons. *See generally* 8 C.F.R. § 241.5 (setting forth the conditions for those released pursuant to 8 C.F.R. § 241.4, which applies only to those already ordered removed). Under 8 C.F.R. § 241.5, release under an order of supervision allows Defendants to impose a wide range of coercive conditions on the individual, including: mandatory periodic reporting to ICE officers and the requirement to provide information under oath; compulsory physical or mental examinations at ICE's direction; restrictions on travel without advance approval; and enforced address-reporting requirements. 8 C.F.R. § 241.5(a). In addition, ICE may require the posting of a bond in an amount it deems sufficient to ensure compliance and may condition or withhold employment authorization entirely. 8 C.F.R. § 241.5 (b-c). Moreover, an individual released under an order of supervision may be returned to ICE custody upon violation of any condition of release. 8 C.F.R. § 241.4(l).

that applies only to those already ordered removed; it does not apply to Detained Subclass members. And nothing in the TRO authorizes Defendants to condition a Detained Subclass member's release on the remand of an individual habeas proceeding to ICE so that ICE may impose an order of supervision with conditions; to the contrary, the TRO requires release without reference to, or dependence on, any further ICE proceedings or discretionary supervision. *See* TRO at 31. Defendants' efforts to obtain after-the-fact modifications of this Court's TRO through requests to other judges are manifestly improper, as Judge Davis concluded just this afternoon. *See Ibsa Y. v. Bondi*, No. 26-cv-786, ECF No. 10 (D. Minn. Feb. 3, 2026).

**D. Defendants Have Withheld Released Class Members' Personal Belongings and Important Documents.**

Finally, Defendants have also released many Detained Subclass members from detention without their personal belongings or essential documents, including government-issued identification and work authorization, effectively undermining their ability to live and move freely upon release. *See* Drake Decl. § D; *see also* Coleman Decl. ¶ 6. This practice operates as another barrier to genuine release: for example, one class member was released, in Houston, without his identification and immigration papers, and thereafter faced significant obstacles in traveling back to Minnesota. Coleman Decl. ¶ 5. Again, as a result of Defendants' refusal to coordinate releases as ordered by this Court, Plaintiffs' counsel has been unable to identify, with precision, every class member whose property Defendants have seized. However, Plaintiffs' counsel is aware of at least fifteen

individuals whose property remains in Defendants' possession. A list of those individuals is being contemporaneously filed under seal. *See* Ex. 1 to Drake Decl.[5]

Taken together, these actions represent an end run around the TRO and underscore Defendants' ongoing refusal to comply with both the letter and the spirit of this Court's unambiguous order.

## LEGAL STANDARD

The Court has authority to issue a finding of contempt and to impose civil contempt sanctions upon a finding of disobedience to its lawful writ, process, order, rule, decree, or command. 18 U.S.C. § 401. "A party moving for civil contempt bears the burden of proving by clear and convincing evidence that a court order was violated." *Bricklayers & Allied Craftworkers Serv. Corp. v. O'Hara Masonry, Inc.*, No. 22-CV-2003 (KMM-TNL), 2023 WL 4580971, at *2 (D. Minn. July 18, 2023) (internal citation omitted). Specifically, "[t]he party must show that '(1) a valid order existed, (2) the party had knowledge of the order, and (3) the party disobeyed the order.'" *Id.* (internal citation omitted). "If the moving party satisfies this burden, then the burden shifts to the alleged contemnor to show an inability to comply with the order at issue."[6] *Id.* (internal citation omitted).

---

[5] It bears emphasizing that Plaintiffs' counsel has never had a complete list of all Detained Subclass members. At least some Detained Subclass members were released before Defendants produced ECF No. 53. Moreover, Plaintiffs' counsel has not had contact with all Detained Subclass members, so it is likely that individuals not identified on Exhibit 1 to the Drake Declaration were also released subject to conditions and/or without all of their personal property.

[6] Upon an initial showing, by clear and convincing evidence, that the alleged contemnors violated a court order, the burden shifts to the party opposing the motion to prove an inability to comply. *Chicago Truck Drivers v. Brotherhood Labor Leasing*, 207 F.3d 500, 505–06 (8th Cir. 2000). To prove inability to comply, a party must demonstrate: "(1) that

"The objective of a court's contempt power is 'to ensure that litigants do not anoint themselves with the power to adjudge the validity of orders to which they are subject.'" *Id.* at *1 (internal citation omitted). An order of civil contempt may consist of "penalties designed to compel future compliance with a court order," without a need for jury trial or proof beyond a reasonable doubt. *Int'l Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 827 (1994). A contempt fine is civil and remedial if it either coerces compliance or compensates the complainant for losses sustained as a result of the non-compliance, the paradigmatic example being a per diem fine imposed for each day a contemnor fails to comply with an affirmative court order. *Id*. at 829. "A federal district court has 'broad discretion to design a remedy.'" *Bricklayers*, 2023 WL 4580971, at *2 (internal citation omitted).

## ARGUMENT

Plaintiffs easily meet the necessary standard. Defendants are of course aware, and indeed have been repeatedly reminded, that a valid order—the TRO—exists. Yet, they have failed to comply with that Order. Accordingly, the request to find Defendants in civil contempt should be granted.

### A. The TRO is a Valid Order.

---

they were unable to comply, explaining why categorically and in detail; (2) that their inability to comply was not self-induced; and (3) that they made in good faith all reasonable efforts to comply." *Id*. (internal citations omitted). Defendants will not be able to demonstrate that they were unable to comply with the clear and easily implemented Orders of this Court.

The first element is satisfied, as there is a valid court order: the TRO. *See Bricklayers*, 2023 WL 4580971, at *2.

**B. Defendants Have Knowledge of the TRO.**

The second element is likewise satisfied. This knowledge is demonstrated by, *inter alia*, the following:

- Defendants were electronically served the TRO on January 28, 2026;
- Plaintiffs' counsel and counsel for other members of the Detained Subclass have repeatedly emailed Defendants about the TRO, Drake Decl. ¶¶ 3-6, *see also* Coleman Decl. ¶¶ 4, 7, 8;
- On January 30, 2026, the Court entered an order reminding Defendants that, under the TRO, they were required "to produce and file under seal a list of individuals in detention that satisfy the definition of the putative Detained Subclass, as well as the location of their detention," within 48 hours of the TRO, ECF No. 52;
- Soon thereafter, Defendants filed under seal a list of individuals, as described in the above bullet, ECF No. 53; and
- On January 31, 2026, Defendants filed a motion to dissolve the TRO, ECF No. 55.

There is no question that Defendants have knowledge of the TRO. *See, e.g., Bricklayers*, 2023 WL 4580971, at *2.

**C. Defendants Have Disobeyed the TRO.**

Finally, there is also no question that Defendants have violated the TRO in at least three ways.[7]

**i. Failure to Release**

First, Defendants have violated the TRO by failing to release Detained Subclass members as expressly directed. *See* TRO at 31. With respect to Detained Subclass members who were detained in Minnesota at the time the TRO was issued, Defendants did not "immediately" release them. *See, e.g.*, Drake Decl. ¶¶ 4-6. With respect to Detained Subclass members who were instead detained in Texas when the TRO was issued, Defendants likewise failed to comply with the TRO's requirements by neither (1) "immediately" transporting those individuals back to the District of Minnesota nor (2) releasing them from custody within five days of the TRO. *Id.* ¶ 8. In at least one instance, Defendants further violated the TRO by releasing a class member in Texas, without first returning them to this District. Coleman Decl., ¶ 3. And, worse yet, two class members are *still* being detained by Defendants. Drake Decl. Ex 1. Defendants have disregarded the TRO's plain and unambiguous commands, resulting in the continued detention of Detained Subclass members beyond the time and manner authorized by this Court.

**ii. Imposition of Conditions on Release**

[7] Defendants are also failing to comply with the Court's directive that they "coordinate with Plaintiffs' counsel" to ensure that appropriate arrangements are made before a Detained Subclass member is released. TRO at 32. As discussed, despite this express requirement, Defendants have released—or purported to release—Detained Subclass members without advance notice, without coordination, and without providing Plaintiffs' counsel the information necessary to ensure compliance with the TRO and to protect class members' rights. *See, e.g.*, Drake Decl. ¶¶ 4-9.

Defendants have further violated the TRO by imposing conditions on the release of members of the Detained Subclass, despite the TRO's clear and unequivocal mandate that all members of the Detained Subclass be released unconditionally. TRO at 31. In multiple instances, Defendants have purported to "release" Detained Subclass members subject to supervision, reporting requirements, and the risk of re-detention if they fail to comply. Drake Decl. § C. And, in at least one instance, Defendants have gone even further by affirmatively asking another court, in an individual habeas proceeding, to "remand[] the matter to ICE for the immediate release of Petitioner on an order of supervision with conditions pursuant to ICE's regulations, 8 C.F.R. § 241.5." *Ibsa Y. v. Bondi*, No. 26-cv-786, ECF No. 6 (D. Minn. Jan. 31, 2026), at 1-2.

In other words, Defendants seek to control the individual's release and retain discretion to re-detain that person at will. The conditions Defendants are imposing are a façade for continued detention without judicial oversight, not the unconditional release the TRO requires. By conditioning "release" on mandatory enrollment in a detention "alternative" program—subjecting class members to electronic monitoring, curfews, and explicit warnings that any noncompliance may result in arrest and re-detention—Defendants are reserving to themselves the unilateral power to take members of the Detained Subclass back into custody. This is not release in substance, but an effort to manufacture a loophole through which Defendants can re-detain class members and nullify the Court's Order.

Defendants' conduct directly contravenes the TRO, which contains no exceptions, contingencies, or conditions, and reflects an effort to circumvent this Court's ruling by

obtaining relief elsewhere that would effectively nullify it. By seeking to subject a class member's release to ICE supervision (and potential re-detention) without ongoing judicial oversight, Defendants are not merely misunderstanding the TRO; they are actively attempting to disobey it.

**iii. Failure to Return Personal Belongings, Documents**

By releasing Detained Subclass members without their personal belongings and essential documents—such as government identification, immigration papers, and work permits—Defendants further undermine the TRO's central command of unconditional release. Depriving people of the basic means to identify themselves, travel, and work replaces detention with practical confinement and directly frustrates the Court's order that members of the Detained Subclass be freed to live and move without restraint.

In sum, Defendants' actions violate the TRO's clear mandate that all members of the Detained Subclass be released, without any conditions. *See, e.g.*, *Portz v. St. Cloud State Univ.*, 470 F. Supp. 3d 979, 992-93 (D. Minn. 2020) (Tunheim, J.) (finding defendant in contempt for violating preliminary injunction); *Faegre & Benson, LLP v. Purdy*, 367 F. Supp. 2d 1238, 1249 (D. Minn. 2005) (finding defendant in contempt for violating temporary restraining order); *U. S. Steel Corp., Minnesota Ore Operations v. United Steelworkers of Am.*, 398 F. Supp. 449, 451 (D. Minn. 1975) (similar). There is no basis for Defendants to seize Detained Subclass members' personal property and it should be returned.

**REQUEST FOR RELIEF**

Plaintiffs respectfully ask that the Court find Defendants in contempt of the TRO based on the clear and convincing evidence contained in the record. Plaintiffs further ask that the Court impose coercive civil contempt sanctions upon Defendants by entering an order:

1. Clarifying that the TRO did not and does not allow for members of the putative Detained Subclass to be subject to (1) ICE's Intensive Supervision Appearance Program ("ISAP") for certain noncitizens in removal proceedings, or to (2) 8 C.F.R. § 241.5, which applies only to noncitizens who have been ordered removed;

2. Requiring Defendants to file, within a reasonable period of time to be set by the Court, a comprehensive report containing the methodology used by Defendants to identify members of the Detained Subclass, including an explanation as to how M.A. was omitted from the list;

3. Requiring Defendants to file, within a reasonable period of time to be set by the Court, a report containing the following information for *all* members of the Detained Subclass who were detained at *any time* after the issuance of the TRO (including class members detained (and released) during the period of time between when the TRO was issued and when Defendants filed their purported list of class members):

   i. Whether the individual was interviewed and, if so, when, where, and whether counsel was present.

   ii. Whether the individual was released or remains detained:

      1. If the individual was released, when and where, and

      2. If the individual remains detained, where.

iii. All conditions imposed on release.

iv. All personal property retained;

4. Requiring that, with respect to all class members for whom Defendants have retained personal property, Defendants shall, within a reasonable period of time to be set by the Court: (1) return all such personal property to the affected class members, and file with the Court a written certification confirming that the return has been completed; or (2) file with the Court a written submission identifying each category of personal property that Defendants continue to retain, and setting forth the specific legal basis authorizing such continued retention, including citation to applicable statutes, regulations, court orders, or other legal authority;

5. Requiring that, with respect to all class members released by Defendants subject to conditions of release, Defendants shall, within a reasonable period of time to be set by the Court: (1) rescind the conditions of release imposed on class members, and file with the Court a written certification identifying the conditions removed and confirming compliance; or (2) file with the Court a written submission identifying each condition of release currently imposed on class members and setting forth the specific legal and factual basis authorizing the imposition and continued enforcement of each condition, including citation to applicable statutes, regulations, court orders, or other legal authority; and

6. Providing any other relief that the Court deems just and proper.

Plaintiffs ask that the Court order that this relief shall be non-exclusive, and that nothing in the order shall waive or impede Plaintiffs' ability to seek future relief or damages based on the facts and circumstances as described in the record of this matter.

Plaintiffs respectfully request expedited handling of this Motion.

Dated: February 3, 2026

Respectfully submitted,

/s/E. Michelle Drake
E. Michelle Drake, Bar No. 0387366
John G. Albanese, Bar No. 0395882
Joseph C. Hashmall, Bar No. 0392610
Hans Lodge, Bar No. 0397012
Marika K. O'Connor Grant, Bar No. 0506179
Ariana Kiener, Bar No. 0402365
Bryan Plaster Bar No. 0402792
Katherine Raths, Bar No. 0403443
Jordan Hughes, Bar No. 0403614
Soledad Slowing-Romero, Bar No. 0506668
**BERGER MONTAGUE PC**
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413
T. 612.594.5999
F.612.584.4470
emdrake@bergermontague.com
jalbanese@bergermontague.com
hlodge@bergermontague.com
jhashmall@bergermontague.com
moconnorgrant@bergermontague.com
akiener@bergermontague.com
bplaster@bergermontague.com
kraths@bergermontague.com
jhughes@bergermontague.com
sslowingromero@bergermontague.com

Kimberly Grano**
Ghita Schwarz**
Mevlüde Akay Alp**
Pedro Sepulveda**
**International Refugee Assistance Project**
One Battery Park Plaza, 33rd Floor
New York, New York 10004
Telephone: (646) 939-9169
Facsimile: (516) 324-2267
kgrano@refugeerights.org
gschwarz@refugeerights.org

makayalp@refugeerights.org
psepulveda@refugeerights.org

Megan McLaughlin Hauptman**
**International Refugee Assistance Project**
650 Massachusetts Avenue NW, Suite 600
Washington, D.C. 20001
Telephone: (516) 732-7116
Facsimile: (516) 324-2267
mhauptman@refugeerights.org

Bardis Vakili (Cal. Bar No. 247783)**
Sarah E. Kahn (Cal. Bar No. 341901)**
**CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW**
1505 E 17th St. Ste. 117
Santa Ana, CA 92705
Tel: (909) 274-9057
bardis@centerforhumanrights.org
sarah@centerforhumanrights.org

** *Admitted pro hac vice*

*Counsel for Plaintiff-Petitioner and Plaintiffs*

**UNITED STATES DISTRICT COURT**
**DISTRICT OF MINNESOTA**

**U.H.A.**, **K.A**, **H.D.**, **D. Doe**, **M. Doe**, on behalf of themselves and others similarly situated, *and* **THE ADVOCATES FOR HUMAN RIGHTS,**

*Plaintiff-Petitioner and Plaintiffs,*

**v.**

**PAMELA BONDI**, in their official capacity as Attorney General of the United States;

**KRISTI NOEM**, in her capacity as Secretary of the United States Department of Homeland Security;

**TODD M. LYONS**, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;

**DAVID EASTERWOOD** in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; *and*

**JOSEPH B. EDLOW,** in his official capacity as Director, U.S. Citizenship and Immigration Services,

*Defendants-Respondents*.

Case No. 0:26-cv-00417-JRT-DLM

**LOCAL RULE 7.1(f) CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1, the undersigned hereby certifies that the Memorandum in support of Plaintiffs' Motion for Finding of Civil Contempt complies with Local Rule 7.1(h)'s type-size requirement as it was prepared in Microsoft Word 365 using 13-point proportional font. Pursuant to Local Rule 7.1(f), the undersigned further certifies that the

Memorandum complies with the type-volume requirement as it contains 4,891 words, according to Microsoft Word 365's word count feature, including headings, footnotes, and quotations.

Dated: February 3, 2026

Respectfully submitted,

/s/E. Michelle Drake
E. Michelle Drake, Bar No. 0387366
John G. Albanese, Bar No. 0395882
Joseph C. Hashmall, Bar No. 0392610
Hans Lodge, Bar No. 0397012
Marika K. O'Connor Grant, Bar No. 0506179
Ariana Kiener, Bar No. 0402365
Bryan Plaster Bar No. 0402792
Katherine Raths, Bar No. 0403443
Jordan Hughes, Bar No. 0403614
Soledad Slowing-Romero, Bar No. 0506668
**BERGER MONTAGUE PC**
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413
T. 612.594.5999
F.612.584.4470
emdrake@bergermontague.com
jalbanese@bergermontague.com
hlodge@bergermontague.com
jhashmall@bergermontague.com
moconnorgrant@bergermontague.com
akiener@bergermontague.com
bplaster@bergermontague.com
kraths@bergermontague.com
jhughes@bergermontague.com
sslowingromero@bergermontague.com

Kimberly Grano*
Ghita Schwarz*
Mevlüde Akay Alp*
Pedro Sepulveda*
**International Refugee Assistance Project**
One Battery Park Plaza, 33rd Floor
New York, New York 10004
Telephone: (646) 939-9169

Facsimile: (516) 324-2267
kgrano@refugeerights.org
gschwarz@refugeerights.org
makayalp@refugeerights.org
psepulveda@refugeerights.org

Megan McLaughlin Hauptman**
**International Refugee Assistance Project**
650 Massachusetts Avenue NW, Suite 600
Washington, D.C. 20001
Telephone: (516) 732-7116
Facsimile: (516) 324-2267
mhauptman@refugeerights.org

Bardis Vakili (Cal. Bar No. 247783)**
Sarah E. Kahn (Cal. Bar No. 341901)**
**CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW**
1505 E 17th St. Ste. 117
Santa Ana, CA 92705
Tel: (909) 274-9057
bardis@centerforhumanrights.org
sarah@centerforhumanrights.org

* *Pro hac vice applications pending*
** *Admitted pro hac vice*

*Counsel for Plaintiff-Petitioner and Plaintiffs*