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ACLU-MN Wins Nobles County Case, Ending Unlawful Immigrant Detention for ICE

A Minnesota district court judge ruled Thursday that Nobles County's policy of holding immigrants in jail for ICE after the Sheriff was supposed to release them violates the law.

Nobles County and Sheriff Kent Wilkening had held immigrants for ICE, even after people posted bail, had their cases dismissed or had finished serving their sentences. The ACLU filed the class-action suit Rodrigo Esparza v. Nobles County in 2018 on behalf of several affected people.

"Defendants (Nobles County) failed to perform an official duty clearly imposed by law when they continued to detain the Plaintiffs without lawful authority for some period of time when Plaintiffs otherwise should have been released," state District Judge Gregory Anderson ruled.

Plaintiff Rodrigo Esparza, who the case is named after, is proud of the outcome.

"Someone had to step up and stop this from happening to other people," he said.

In a sweeping ruling that agreed with the ACLU of Minnesota's arguments, Judge Anderson found no case law or state law that authorized the Sheriff to detain people for ICE this way. He also granted a permanent injunction that bars Nobles County from doing this again in the future. The plaintiffs can now seek damages at trial for being deprived of their liberty.

"An objective inquiry into the legal reasonableness of an official's actions establishes that Defendant Wilkening's actions as a willful or malicious wrong and therefore not subject to immunity," Judge Anderson wrote.

The judge himself noted that Sheriff Wilkening knew detaining people for ICE without authorization was "risky," pointing out the ACLU and Minnesota Sheriff's Association had warned against this for years. He also noted this is the second time the ACLU had sued Nobles County and the Sheriff over the same issue. In that earlier settlement, the county agreed not to hold people based solely on an ICE detainer, then did so again anyway.

"The Court has made it crystal clear that holding an immigrant in jail after they would be released under state law is an unauthorized seizure under Minnesota law," said Norman Pentelovitch, an attorney with Anthony Ostlund Baer & Louwagie, who worked with the ACLU on the case. "Depriving people of their liberty is a fundamental and cruel violation of their constitutional rights, and we're glad the courts are holding Nobles County accountable."

The ACLU-MN's Greater Minnesota Racial Justice Project filed Esparza in September of 2018. At least a dozen people experienced this unlawful detainment in 2018 — with Maria de Jesus de Pineda being held for 26 days despite paying two different bonds. The ACLU won a temporary restraining order, which the county unsuccessfully appealed to the Minnesota Court of Appeals. The court sent it back to Judge Anderson for a decision.

The ACLU-MN is a nonprofit, nonpartisan organization that works to defend the civil liberties of all Minnesotans. Learn more at www.aclu-mn.org.

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