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Trump judge slams DHS for blocking detainees' access to lawyers



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President Trump and Secretary of Homeland Security Kristi Noem at the White House in October. Photo: Anna Moneymaker/Getty Images

A [Trump](#)-appointed federal judge said immigration enforcement agencies "violated noncitizen detainees' constitutional" rights at a Minnesota facility in a scathing ruling on Thursday.

Why it matters: U.S. District Judge Nancy Brasel's ruling that "policies and practices" at the [Bishop Henry Whipple Federal Building](#) "all but extinguish a detainee's access to counsel" marked the 45th time that a judge nominated by President Trump had ruled against his mass detention agenda, per a [Politico](#) review.

Driving the news: Brasel in an emergency restraining order that will remain in effect through Feb. 26 ruled ICE must give detained

immigrants access to attorneys as soon as they've been taken into custody.

- The order is in response to a class-action [lawsuit](#) filed last month against defendants including Immigration and Customs Enforcement, Department of Homeland Security and Homeland Security Secretary Kristi Noem on behalf of immigrant detainees.
- The suit alleges that people were being detained without access to lawyers and denied confidential communication — a claim DHS rejected in a Thursday evening email following the ruling.

Zoom in: However, Brasel wrote in the ruling that the government had put in place "obstacles" at Whipple that marked "an unconstitutional infringement" of noncitizens' rights to access counsel.

- "It appears that in planning for [Operation Metro Surge](#), the government failed to plan for the constitutional rights of its civil detainees," Brasel wrote of the Trump administration's [immigration crackdown in Minnesota](#) that was officially declared over on Thursday.
- "The government suggests — with minimal explanation and even less evidence — that doing so would result in 'chaos,'" added the judge, whom Trump appointed during his first term.

- "The Constitution does not permit the government to arrest thousands of individuals and then disregard their constitutional rights because it would be too challenging to honor those rights."

Zoom out: Politico's review that was published before Brasel's ruling found that 373 judges have ruled against [Trump's mass detention policy](#) since July last year, with judges the president appointed backing the administration in just 20 of these cases.

- Meanwhile, Biden-appointed judges comprise the largest number of rulings against the administration in these cases (122), then Obama-nominated ones (112) and then those picked by George W. Bush (43).
- Clinton-nominated judges ruled against the administration 43 times, while those appointed by George H.W. Bush and Reagan have each ruled against the administration on the policy seven times

Thought bubble, via Axios' Russell Contreras: The rulings show that some of Trump's most aggressive immigration enforcement moves are clashing even with some conservatives.

- They come as polls show [rapidly declining support](#) among the American public over the way [ICE raids](#) have been conducted in U.S. cities.

What they're saying: When asked for comment on Brasel's ruling and those by other Trump-appointed judges that have gone against the administration, a DHS spokesperson called claims that there are subprime conditions or overcrowding at the Whipple building "FALSE."

- The facility is for processing and not detention and that undocumented immigrants "are quickly processed and transferred and transferred to permanent housing at a detention facility," per the emailed statement.
- The spokesperson maintained those at Whipple have access to phones they can use to contact their families and lawyers and that ICE gives all arrested undocumented immigrants a court-approved list of free or low-cost attorneys.
- "No lawbreakers in the history of human civilization have been treated better than illegal aliens in the United States," the spokesperson added. "ICE has higher detention standards than most U.S. prisons that hold actual U.S. citizens."

Democracy Forward, the nonprofit that filed the suit, issued a statement via [Bluesky](#):



Democracy Forward

@democracyforward.org



BREAKING: We won a court order requiring DHS to immediately restore meaningful access to lawyers for people detained at immigration detention centers in Minneapolis.

Access to a lawyer is not optional; it is a fundamental right. We will keep fighting to defend it.

Feb 12, 2026 at 6:36 PM



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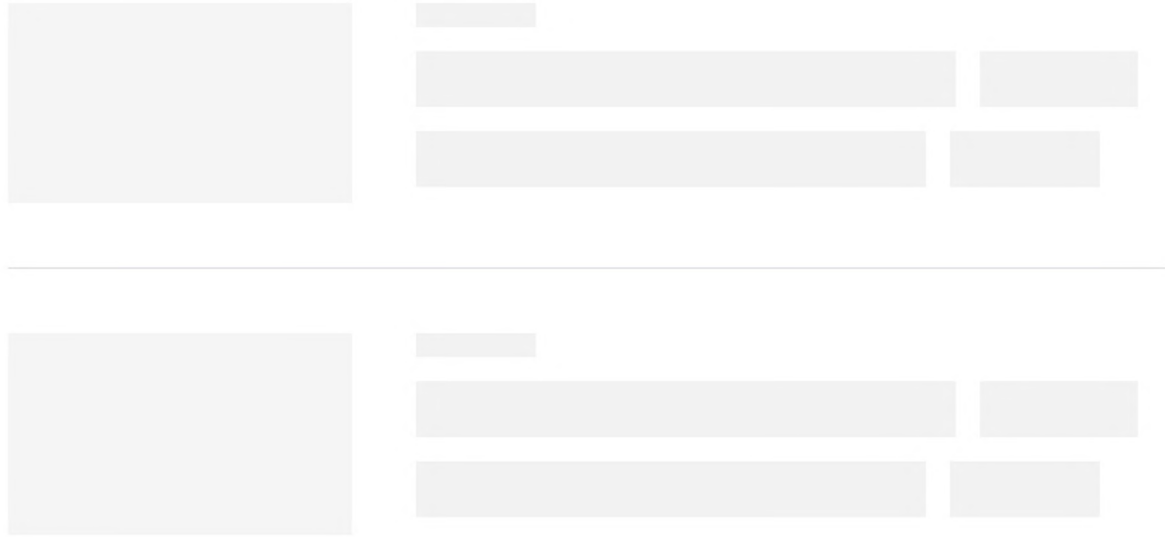
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