

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF MINNESOTA, *ex rel.*
Governor Tim Walz and Attorney General
Keith Ellison,

Plaintiff,

v.

GREG ABBOTT, *in his official capacity*
as Governor of the State of Texas,

Defendant.

Case No.: 1:26-cv-00906

**FIRST AMENDED COMPLAINT
FOR DECLARATORY, INJUNCTIVE,
AND MANDAMUS RELIEF**

INTRODUCTION

1. Plaintiff State of Minnesota, on behalf of Governor Tim Walz and Attorney General Keith Ellison, brings this action for declaratory, injunctive, and mandamus relief to vindicate its right to enforce its criminal laws by obtaining the extradition of a fugitive who is charged with committing crimes within Minnesota's borders.

2. A Hennepin County District Court Judge in the State of Minnesota has found probable cause to believe that on January 14, 2026, Christian Castro was employed as an agent of U.S. Immigration and Customs Enforcement ("ICE") when he fired a gun at the front door of a home in Minneapolis, Minnesota, knowing that the home was occupied by multiple people, and that Castro's gunshot struck and injured a person inside the home. The judge found probable cause to believe that because of this conduct, Castro committed four felony counts of second-degree assault with a dangerous weapon in

violation of Minnesota law. The judge also found probable cause to believe that Castro committed a misdemeanor offense by falsely reporting a crime. The judge issued a nationwide warrant for Castro's arrest.

3. Soon after January 14, 2026, Castro left the State of Minnesota and traveled to the State of Texas. ICE has submitted a declaration stating that Castro's manager directed him to leave Minnesota and return to Texas on January 16, 2026. On May 29, 2026, Texas law enforcement found and arrested Castro pursuant to the nationwide warrant. At a hearing before a judge in Cameron County, Texas, Castro was ordered detained pending extradition proceedings.

4. The Office of Minnesota Governor Tim Walz promptly sent a properly executed request for Castro's extradition, including a governor's requisition warrant, to the Office of Defendant Texas Governor Greg Abbott. Under the Extradition Clause and the Federal Extradition Act, this request triggered a mandatory obligation for Governor Abbott to issue a governor's rendition warrant to effectuate Castro's transfer back to the State of Minnesota for prosecution.

5. Instead of promptly fulfilling his ministerial duty to execute a governor's rendition warrant for Castro, as he has done routinely in response to extradition requests throughout his term in office, Governor Abbott decided to deny, or constructively deny, Minnesota's request for a rendition warrant.

6. The Framers of the Constitution and Congress intended interstate extradition to be a swift, summary process in which the asylum state—the state where a person charged with a crime is found—promptly returns the fugitive as soon as the

requesting state demands it. *Puerto Rico v. Branstad*, 483 U.S. 219, 227 (1987). Governor Abbott has a mandatory ministerial obligation to issue a governor's rendition warrant for Castro, and he is afforded no discretion to decline to do so. *Id.*

7. In response to Minnesota's application for a Temporary Restraining Order, Governor Abbott claimed to be conducting an "investigation" into whether Castro qualifies as a fugitive for purposes of extradition and to be awaiting the result of that investigation. Governor Abbott purports to believe that Castro can only qualify as a fugitive for purposes of extradition if he engaged in a "volitional act," and that any "involuntary movement" across state lines means that Castro may not qualify as a fugitive for purposes of extradition. But Governor Abbott's claim that Castro does not qualify as a fugitive for purposes of extradition if he traveled from Minnesota to Texas at ICE's direction is baseless as a matter of law.

8. Governor Abbott claims that his mandatory ministerial duty to extradite Castro cannot "spring into being" until he completes his investigation into Castro's fugitive status, notwithstanding that there is no meaningful factual dispute about Castro's reason for traveling from Minnesota to Texas and that Castro's reason for travel has no legal bearing on his fugitive status for purposes of extradition. In other words, Governor Abbott claims that his ministerial duty to extradite Castro only takes effect when he says it does.

9. Governor Abbott cannot indefinitely delay the Court's assessment of whether his refusal to extradite Castro to Minnesota is lawful. Allowing Governor Abbott to engage in such delay tactics would return the Court and the parties to the state of the

law as it was under *Kentucky v. Dennison*, 65 U.S. 66 (1860), in which asylum state governors were held to have a ministerial duty to extradite individuals charged with committing crimes in other states, but they could not be compelled to do so. Yet, it was precisely this aspect of *Dennison* that *Branstad* overruled. 483 U.S. at 226-27 (stating *Dennison*'s holding that federal courts lacked the authority to compel governors' compliance with the Extradition Clause "rests upon a foundation with which time and the currents of constitutional change have dealt much less favorably").

10. Governor Abbott's purported investigation into Castro's fugitive status and his reliance on the investigation as a basis for refusing to issue the rendition warrant means there is currently a live controversy between the parties. On the undisputed facts, the Court can resolve now the issue of whether Castro qualifies as a fugitive under federal law for purposes of extradition. Indeed, Governor Abbott's articulation of a "volitional" or intent-based standard presents a fixed, non-contingent legal question ripe for adjudication now.

11. That legal question must be resolved quickly. Governor Abbott's public statements, including that he will not respond to Minnesota's extradition request until Minnesota acknowledges what he refers to as its "fault" in unrelated federal benefits fraud, make it clear that Governor Abbott's purported investigation into Castro's fugitive status is pretextual. Instead, Governor Abbott has decided not to execute a rendition warrant for Castro based on political gamesmanship.

12. Governor Abbott has disregarded the requirements of the Constitution and federal law in refusing to promptly make Castro available for extradition to Minnesota in

compliance with Plaintiff's properly issued governor's requisition warrant. Governor Abbott's actual or constructive refusal to issue the rendition warrant undermines Minnesota's constitutional and statutory rights to have Castro returned to Minnesota for prosecution.

13. Minnesota's extradition rights have not disappeared just because Castro has been released from custody in Cameron County or because Castro has been charged with six counts of false statements in federal court in Minnesota.¹ Castro has not appeared in Minnesota on the federal charges, and he has not appeared in Minnesota state court on the state charges. Moreover, Governor Abbott represented to this Court that a governor's rendition warrant could be issued after Castro is released from custody, and that the rendition warrant, when issued, remains effective for one year. *See* Tex. Code Crim. P. Art. 51.13, § 21.

14. Plaintiff State of Minnesota thus seeks declaratory, injunctive, and mandamus relief to compel Governor Abbott to comply with his mandatory duty to hand over Castro for extradition to Minnesota. At stake is not only Minnesota's right to enforce

¹ On September 4, 2026, an indictment was unsealed in federal court in the District of Minnesota charging Castro with six counts of making materially false statements to the Federal Bureau of Investigation. *United States v. Castro*, Case No. 26-cr-00152-DWF-ECW (D. Minn.) at Doc. No. 1 (Indictment) & Doc. No. 7 (Order Granting Motion to Unseal). Also on September 4, 2026, Castro made an initial appearance on the federal charges in the Southern District of Texas, where he waived his right to an identity hearing. *United States v. Castro*, Case No. 7:26-mj-03103 (S.D. Tex.) at Doc. No. 6 (Waiver of Rule 5 & 5.1 Hearings). Castro was released on \$75,000 unsecured bond and placed on GPS monitoring. *Id.* at Doc. No. 10 (Order Setting Conditions of Release). Castro's initial appearance in federal court in the District of Minnesota is scheduled for September 18, 2026. *Castro*, Case No. 26-cr-00152-DWF-ECW (D. Minn.) at Doc. No. 11.

its criminal laws but also a fundamental principle of interstate comity under our constitutional system of federalism.

JURISDICTION AND VENUE

15. This Court has jurisdiction over this Complaint under 28 U.S.C. § 1331 because Plaintiff's claim arises under the Extradition Clause of United States Constitution and the Extradition Act. U.S. Const. art. IV, § 2, cl. 2; 18 U.S.C. § 3182.

16. Venue is proper in this district under 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to this Complaint occurred within this district. In addition, Castro is a resident of Cameron County, his permanent duty station as an ICE officer is in Cameron County, and any rendition warrant will likely be executed in Cameron County.

17. The Court has the authority to provide the relief requested under the Extradition Clause and the Extradition Act, as recognized by the Supreme Court in *Puerto Rico v. Branstad*, as well as under 28 U.S.C. §§ 1651, 2201, 2202, and the Court's inherent equitable powers.

18. More specifically, *Branstad* holds that federal courts have authority under the Extradition Clause and the Extradition Act to compel state officials to perform the ministerial duty of extradition, and that sovereign immunity is no barrier to relief. 483 U.S. at 228. Invoking *Ex parte Young*, the Court explained that "[i]t has long been a settled principle that federal courts may enjoin unconstitutional action by state officials." *Id.* (citing *Ex parte Young*, 209 U.S. 123, 155-56 (1908)). The Court also explained why

enforcing the extradition duty does not offend the States’ reserved powers or principles of sovereign immunity:

the explicit and long-settled nature of the command, contained in a constitutional provision and a statute substantially unchanged for 200 years, eliminates the possibility that state officials will be subject to inconsistent direction. Because the duty is imposed directly upon the States by the Constitution itself, there can be no need to weigh the performance of the federal obligation against the powers reserved to the States under the Tenth Amendment.

Id.

PARTIES

19. Plaintiff State of Minnesota is a sovereign state of the United States of America. Minnesota sues on behalf of Governor Tim Walz, who is responsible for issuing requisition warrants to other state governors for local prosecuting authorities, Minn. Stat. § 629.23, and on behalf of its chief legal officer, Attorney General Keith Ellison, who is authorized to sue on the State’s behalf, Minn. Stat. § 8.01.

20. Defendant Greg Abbott is the Governor of the State of Texas, and he is charged with issuing rendition warrants in response to extradition requests from other state governors. Governor Abbott is sued in his official capacity.

LEGAL BACKGROUND

I. The State of Texas Has a Mandatory Constitutional Duty to Extradite Individuals Charged with Crimes in Other States

21. The Extradition Clause of the United States Constitution “creates a mandatory duty to deliver up fugitives upon proper demand[.]” *Branstad*, 483 U.S. at 227. The Extradition Clause provides:

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

Art. IV, § 2, cl. 2.

22. “[T]he commands of the Extradition Clause are mandatory, and afford no discretion to the executive officers or courts of the asylum state.” *Branstad*, 483 U.S. at 227 (citing *California v. Superior Ct. of Cal.*, 482 U.S. 400, 405-06 (1987)). The Extradition Clause’s “mandatory language furthers its intended purposes: ‘to enable each state to bring offenders to trial as swiftly as possible in the state where the alleged offense was committed,’ and ‘to preclude any state from becoming a sanctuary for fugitives from justice of another state.’” *Id.* (quoting *Michigan v. Doran*, 439 U.S. 282, 287 (1978)).

23. Governor Abbott has received a proper demand from the State of Minnesota, and he therefore has a mandatory “ministerial duty” to make Castro available for extradition to Minnesota pursuant to the Extradition Clause. *Id.* at 227-28.

II. The Federal Extradition Act Implements the Extradition Clause’s Mandate That Extradition Is a Ministerial Act to be Implemented via a Summary Procedure

24. To effectuate the Extradition Clause and establish a procedure for interstate extraditions, Congress enacted the Extradition Act of 1793. *Superior Ct. of Cal.*, 482 U.S. at 406-07. The Extradition Act provides:

Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State, District, or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has

fled, the executive authority of the State, District, and Territory to which such person has fled shall cause him to be arrested and secured, and notify the executive authority making such demand, or the agent of such authority appointed to receive the fugitive, and shall cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within thirty days from the time of the arrest, the prisoner may be discharged.²

18 U.S.C. § 3182.

25. “By the express terms of federal law, therefore, the asylum State is bound to deliver up to the demanding State’s agent a fugitive against whom a properly certified indictment or affidavit charging a crime is lodged.” *Superior Ct. of Cal.*, 482 U.S. at 407. “The language, history, and subsequent construction of the Extradition Act make clear that Congress intended extradition to be a summary procedure.” *Id.* Therefore, the Supreme Court has repeatedly held that “extradition proceedings are to be kept within narrow bounds; they are emphatically not the appropriate time or place for entertaining defenses or determining the guilt or innocence of the charged party.” *Id.* (internal quotation marks omitted) (collecting cases).

26. “The scheme of interstate rendition, as set forth in both the Constitution and the statutes which Congress has enacted to implement the Constitution, contemplates the

² For purposes of § 3182, a prisoner awaiting extradition may be discharged from custody if no agent from the requesting state appears within 30 days of the prisoner’s arrest on the rendition warrant issued by the governor of the asylum state (here, Texas). *See, e.g., Smith v. State of Idaho*, 373 F.2d 149, 158-59 (9th Cir. 1967). Because no rendition warrant has been issued in this case, and the State of Texas has not yet made Castro available to be delivered to an agent of the State of Minnesota, § 3182’s 30-day deadline is not yet relevant here. Moreover, the discharge language in § 3182 is permissive and “do[es] not mandate the release of a fugitive after 30 days[.]” *Ellis v. Hargrove*, 2003 WL 22080743, at *1 (5th Cir. Sept. 9, 2003) (unpub.).

prompt return of a fugitive from justice as soon as the state from which he fled demands him.” *Sweeney v. Woodall*, 344 U.S. 86, 89 (1952).

III. Under the Extradition Clause and the Extradition Act, a “Fugitive” Is Simply a Person Who Was in the Requesting State at the Time of the Charged Crime and Is Now in a Different State

27. For purposes of extradition, “all that is necessary to convert a criminal under the laws of a state into a fugitive from justice is that he should have left the state after having incurred guilt there.” *Strassheim v. Daily*, 221 U.S. 280, 285 (1911). When it appears that the person “was in the state in the neighborhood of the time alleged, it is enough” for the person to qualify as a fugitive for purposes of extradition. *Id.* at 286.

28. When an arrest warrant charges a person with a crime under the law of the requesting state, the person left the state after the act was allegedly committed, and the person is found in a different state, “[n]othing further is necessary under the Constitution to make [the person] a fugitive.” *Strachan v. Colon*, 941 F.2d 128, 130-31 (2d Cir. 1991).

29. A person who is present in the requesting state at the time of the charged offense and is later found in a different state qualifies as a fugitive for purposes of extradition even if the person lacked any control over his or her transfer from one state to another. *Gee v. Kansas*, 912 F.2d 414, 419 (10th Cir. 1990) (“Once petitioner was moved outside Wyoming State boundaries [in the prison system], he became a fugitive from justice within the meaning of 18 U.S.C. § 3182.”).

30. As a result, the sole factual basis under which the Supreme Court has upheld a finding that a person does not qualify as a fugitive for purposes of the Extradition Clause is when the person was not present in the requesting state at the time of the charged

offense. *See Hyatt v. New York*, 188 U.S. 691, 719 (1903) (affirming habeas relief granted to a petitioner who was “not within the state of Tennessee at the times stated in the indictment found in the Tennessee court, nor at any time when the acts were, if ever committed,” and he was therefore not a fugitive from Tennessee).

IV. In All Other Cases, Texas and Minnesota Routinely Facilitate Prompt Extraditions to Each Other Consistent with the Constitution and Federal Law

31. Governor Abbott’s failure to issue a rendition warrant in response to Minnesota’s request for Castro’s extradition is unusual, inconsistent with historical practice, and shows that Governor Abbott has actually or constructively denied Minnesota’s request.

32. During the last five years, the State of Minnesota has sought extradition from the State of Texas of approximately 11 individuals charged with crimes in Minnesota. Governor Abbott signed governor’s rendition warrants in response to each of Governor Walz’s requisition warrants in an average of less than 30 days from when Minnesota sent its requests. These included an extradition request for an individual charged with second degree assault—the same crime with which Castro is charged—for which Governor Abbott signed a rendition warrant 17 days after the State of Minnesota sent its requisition warrant.

33. During the same period, Governor Walz has also promptly executed governor’s rendition warrants in response to extradition requests from the State of Texas, in compliance with the Constitution, federal law, and Minnesota law. Over the last five years, the State of Texas has sought extradition from the State of Minnesota of

approximately 21 individuals charged with crimes in Texas. Governor Walz signed governor's rendition warrants in response to each of Governor Abbott's requisition warrants in an average of less than 5 days from when Texas sent its requests. These include two extradition requests for which Governor Walz has signed rendition warrants in 10 days or less during the time Minnesota's extradition request for Castro has been pending with Governor Abbott's office.

34. On May 21, 2026—12 days before the State of Minnesota sent the governor's requisition warrant for Castro to Governor Abbott's office—Minnesota submitted extradition requests to Texas for two other individuals charged in unrelated cases with felonies in Minnesota. Governor Abbott's office issued rendition warrants for those two defendants on June 30, 2026, and July 1, 2026, respectively. Both governor's rendition warrants were issued during the time Castro's extradition request was pending with Governor Abbott's office. Although nearly two more months have passed, Governor Abbott continues to withhold the governor's rendition warrant for Castro.

35. On June 24, 2026—approximately three weeks after the State of Minnesota sent the governor's requisition warrant for Castro to Governor Abbott's office—Minnesota submitted an extradition request to Texas for a different individual charged with a felony in another unrelated case in Minnesota. Governor Abbott signed a rendition warrant for that defendant on August 5, 2026, and issued it to the Hidalgo County Sheriff's Office for execution on August 13, 2026. Governor Abbott issued a letter to Texas Secretary of State Robert Howden, dated July 31, 2026, requesting that he investigate "Mr. Castro's situation and circumstances and whether he ought to be

surrendered” in response to Minnesota’s request for Castro’s extradition. As of September 14, 2026, a search of the public database containing all of Governor Abbott’s letters since he took office in 2015 lists 249 letters, none of which request that any other investigations be conducted related to any other extradition requests.

FACTUAL ALLEGATIONS

I. Castro Is Charged in Hennepin County, Minnesota and Arrested in Cameron County, Texas

36. On May 18, 2026, Christian Castro was charged in Hennepin County, Minnesota, with four felony counts of second-degree assault with a dangerous weapon and one misdemeanor count of falsely reporting a crime. Exhibit A, 17-27. The criminal complaint was accompanied by the affidavit of a Special Agent of the Minnesota Bureau of Criminal Apprehension (“BCA”) setting forth facts underlying each of the five charged offenses. *Id.* at 19-24.

37. In summary, the complaint alleged that on January 14, 2026, Castro was employed as an ICE agent when he fired a gun at the front door of a home in Minneapolis, Minnesota, knowing that the home was occupied by multiple people, and that Castro’s gunshot struck and injured a person inside the home. *Id.* The complaint further alleged that Castro intentionally misrepresented the circumstances surrounding the shooting. *Id.*

38. The complaint was signed by the BCA Special Agent, by an Assistant Hennepin County Attorney, and by a Hennepin County District Court Judge, who determined that the sworn affidavit established probable cause to support Castro’s arrest.

Id. at 24-25. At the time the complaint was issued, Castro’s whereabouts were unknown. *Id.* at 23.

39. That same day, the Hennepin County District Court Judge issued a warrant for Castro’s arrest, to be executed nationwide. *Id.* at 25.

40. According to the U.S. Department of Homeland Security, Castro was present in the Minneapolis/St. Paul area at the time of the alleged offenses. Doc. No. 21-1, Divver Decl. ¶ 4. On January 15, 2026, following a “use of force (UoF) incident involving . . . Castro,” Castro’s manager directed him to “return to his duty field office in Harlingen, Texas[.]” *Id.* ¶¶ 6-7. Castro traveled from Minneapolis to Texas on January 16, 2026. *Id.* ¶ 9.

41. On May 29, 2026, Texas law enforcement officers found and arrested Castro pursuant to the nationwide warrant. Ex. A at 8. Castro was booked into jail in Cameron County, Texas. *Id.*

II. Minnesota Seeks an Extradition Warrant for Castro, but Governor Abbott Fails to Comply with his Ministerial Duty to Issue the Warrant

42. On June 2, 2026, Minnesota Governor Tim Walz executed a governor’s requisition warrant for Castro. Ex. A. Governor Walz’s office sent the governor’s requisition warrant and supporting documentation to the Office of Governor Abbott and requested that Governor Abbott issue a governor’s rendition warrant, forward the rendition warrant to the Cameron County Sheriff, and direct the sheriff to notify the Hennepin County Sheriff’s Office in Minnesota when Castro was available for release.

Id. at 1. Governor Abbott’s office received Governor Walz’s requisition warrant and supporting documentation on June 3, 2026.

43. In the requisition warrant, Governor Walz certified that Castro was charged with four felony counts of second degree assault with a dangerous weapon and one misdemeanor count of falsely reporting a crime and that Castro “was present in the State of Minnesota at the time of commission of the crimes, has since fled from the jurisdiction of the State of Minnesota, and is now a fugitive, and may now be found in the State of Texas.” *Id.* at 2. The supporting documents included certified copies of the Hennepin County complaint describing Castro’s presence in Minnesota on January 14, 2026, signed by the BCA agent, the Assistant Hennepin County Attorney, and the Hennepin County District Court Judge. *Id.* at 17-25. The supporting documents also included affidavits establishing that Castro is the person named in the extradition documents and that Castro was found and arrested in Texas in May 2026. *Id.* at 7-12.

44. On June 4, 2026, Castro appeared before a judge in Cameron County, Texas. At the hearing, the judge advised Castro of the offenses with which he was charged in Minnesota, of his right to counsel, of his right to petition for a writ of habeas corpus, and of his right to either waive or refuse to waive extradition proceedings. Castro declined to waive extradition proceedings, and the judge ordered that he be committed to jail pending extradition proceedings.

45. After sending the governor’s requisition warrant and supporting documentation to Texas, officials with the Office of Minnesota Governor Tim Walz and

the Hennepin County Attorney's Office were initially in regular communication with extradition officials in the Office of Governor Abbott.

46. On June 23, 2026, Governor Abbott's State Extradition Coordinator informed Governor Walz's staff that she was hoping to have the signed paperwork for Castro's extradition back by the next day. This timing would have adhered to historical practice, under which Governor Abbott has signed governor's rendition warrants in response to Minnesota's requests for extradition in an average of less than 30 days.

47. But Governor Abbott did not sign the governor's rendition warrant for Castro the next day. Instead, a week later, on June 30, 2026, the State Extradition Coordinator instructed Governor Walz's office to direct its communications to a new point of contact—Governor Abbott's Deputy General Counsel—and reported that Castro's extradition paperwork was on the Deputy General Counsel's desk. This same day, and the next day, Governor Abbott signed unrelated rendition warrants for different fugitives wanted in Minnesota.

48. Throughout July 2026, officials in Governor Walz's office made repeated efforts to communicate with Governor Abbott's office about the governor's rendition warrant for Castro. Governor Abbott's Deputy General Counsel repeatedly told them that he had no updates to provide and would provide an update when one was available. Several more weeks passed, and Governor Abbott's office did not provide any update.

49. On July 30, 2026, Hennepin County Attorney Mary Moriarty sent a letter to Governor Abbott requesting that he review and sign Castro's extradition paperwork.

50. On August 13, 2026, Minnesota Attorney General Keith Ellison sent a letter to Governor Abbott setting forth Governor Abbott's legal duty to extradite Castro to Minnesota and providing Castro with notice that if he did not execute a rendition warrant by 5:00 p.m. on Monday, August 17, then Minnesota would be forced to bring a lawsuit to protect its right to prosecute a person charged with committing crimes within its borders.

51. Governor Abbott never responded to either letter and continued to withhold the governor's rendition warrant necessary to effectuate Castro's extradition to Minnesota.

52. The holdup is unique to Castro. On August 5, 2026, Governor Abbott signed a third unrelated rendition warrant authorizing the extradition of another fugitive wanted in Minnesota, only 12 days after Minnesota requested it.

III. Governor Abbott's Political Motives for Refusing to Issue the Rendition Warrant for Castro and the Pretextual "Investigation"

53. On August 18, 2026, Minnesota filed an application for a temporary restraining order ("TRO") to order Governor Abbott to immediately execute his mandatory ministerial duty to issue a rendition warrant for Castro. The application further sought a TRO to enjoin the Cameron County Sheriff from releasing Castro from custody until Governor Abbott executed the rendition warrant.

54. Minnesota's TRO application was based on the threat of imminent irreparable harm to Minnesota's constitutional and statutory rights to have Castro returned to Minnesota for prosecution. This threat was heightened by the State of Texas's 90-day

limitation on the detention of fugitives awaiting extradition, which was set to run on August 27, 2026, and the risk that Castro would flee to Mexico to avoid prosecution.

55. After Minnesota sought emergency relief, on August 19, 2026, Governor Abbott publicly articulated his reason for refusing to extradite Castro to Minnesota:

I don't trust Tim Walz on anything, let alone something like this. But listen, while they're making demands, I've got a demand of my own. And that is, its time for Minnesota to step up and repay the United States of America and Americans for all the fraud that they have committed in their state under federal programs. *I will not respond to them at all* until they step up and do what's right, and they acknowledge their fault in the fraud that took place and they fully repay the United States of America for the fraud they committed.³

56. Shortly after Governor Abbott announced that he would not extradite Castro for political reasons, he shifted gears. On August 20, 2026, Governor Abbott appeared on Fox News and claimed that he had requested an investigation into whether Castro qualified as a fugitive. Governor Abbott then pivoted back to airing his unrelated political grievances against Minnesota:

Ellison has no credibility. He is in a state that may be the national leader in committing fraud against the United States of America and against American taxpayers. Now Minnesota is being investigated for about \$9 billion in fraud in the Medicaid system and other federal programs, and so they are the last people to put any credibility on whatsoever.⁴

57. Governor Abbott's position is now that he has not executed a rendition warrant for Castro because he is awaiting the results of an investigation by the Texas

³ Associated Press, *Abbott says he doesn't "trust" Tim Walz as Minnesota sues to extradite ICE agent*, YouTube (2026), <https://www.youtube.com/watch?v=m1PHVtVyiig>.

⁴ Available at <https://x.com/EricLDaugh/status/2090502439094870347>.

Secretary of State into whether Castro qualifies as a fugitive. Although Governor Abbott claims that he requested this investigation on July 31, 2026—the day after the Hennepin County Attorney sent him a letter requesting that he carry out his duty to extradite Castro—Governor Abbott’s office did not disclose the investigation to Governor Walz’s office or ask any follow-up questions about the information contained in the extradition packet. Minnesota first learned of Governor Abbott’s purported investigation only after Minnesota sought emergency relief.

58. There is no dispute that Castro was present in Minnesota at the time of the charged offenses and later traveled to Texas, and there is no meaningful factual dispute regarding Castro’s reasons for traveling from Minnesota to Texas. Because Castro’s reason for traveling from Minnesota to Texas cannot have any legal impact on his qualification as a fugitive for purposes of extradition, the purported existence of an investigation into his reason for travel cannot form a valid basis to indefinitely delay the execution of a rendition warrant for Castro.

59. Governor Abbott’s opposition to the TRO was laced with irrelevant commentary underscoring that his refusal to extradite Castro to Minnesota is based on unlawful considerations, including his political differences with Governor Walz and his disapproval of Hennepin County’s decision to charge an ICE agent with crimes based on his conduct. *See, e.g.*, Doc. No. 20 at 9 (“[I]t is difficult to ignore the possibility that Governor Tim Walz is content to look the other way when the context is sexual violence against children by illegal aliens, but not when the context is immigration enforcement by federal officers.”); *id.* (accusing Minnesota of “want[ing] to claim its pound of flesh”); *id.*

at 2-3 (expressing support for Operation Metro Surge and inaccurately quoting Governor Walz as “criticiz[ing] the operation as ‘political theater’”); *id.* at 36 (“Governor Walz cannot brook the possibility of a federal immigration officer being disciplined by the federal government instead of Minnesota. Equity favors those with clean hands.”).

60. Governor Abbott’s public statements about the political reasons that he “will not respond at all” to Minnesota’s request for Castro’s extradition combined with the obvious baselessness of his purported investigation strongly suggest that the investigation is a pretext and that Governor Abbott has made an actual decision to deny Minnesota’s request that he execute a rendition warrant for Castro. Alternatively, Governor Abbott’s continued withholding of a rendition warrant for Castro under these circumstances operates as a constructive denial of Minnesota’s request.

IV. Castro’s Release from Custody and Minnesota’s Need for an Extradition Warrant to Secure His Appearance in Minnesota for Prosecution

61. On August 27, 2026, Castro was released from custody in the Cameron County jail and is now free in Texas. Until Governor Abbott signs a rendition warrant to facilitate Castro’s extradition, Minnesota remains unable to compel Castro’s presence in court for prosecution.

62. Although Castro has now been charged in federal court in the District of Minnesota with six counts of making false statements, Minnesota retains its right to have Castro returned from Texas for extradition. Castro has not appeared in Minnesota on the federal charges, and he has not appeared in Minnesota state court on the state charges.

63. Governor Abbott’s actual or constructive decision not to issue a rendition warrant to extradite Castro to Minnesota is currently depriving the State of Minnesota of its constitutional right to Castro’s return. Such an outcome is directly contrary to the Extradition Clause’s intended purpose of enabling states to bring offenders to trial as swiftly as possible.

CAUSES OF ACTION

COUNT I

U.S. Constitution, Article IV, Section 2, Clause 2 & 18 U.S.C. § 3182 Extradition Clause

64. Plaintiff realleges and incorporates by reference the foregoing allegations as fully set forth herein.

Governor Abbott’s Duty Under the Extradition Clause and the Extradition Act

65. The Extradition Clause of the United States Constitution provides that a person charged in any state with a crime who flees from justice and is found in another state “shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the Crime.” U.S. Const. art. IV, § 2, cl. 2..

66. Congress implemented the Extradition Clause through the Extradition Act, which provides that upon production of an indictment or affidavit charging the person demanded certified as authentic by the demanding state’s executive authority, “the executive authority of the State . . . to which such person has fled shall cause him to be arrested and secured” and shall cause notice to be given to the demanding state.

67. The Extradition Clause, as implemented by the Extradition Act, “creates a mandatory duty to deliver up fugitives upon proper demand[.]” *Branstad*, 483 U.S. at 227. The duty is mandatory and ministerial—it is not a matter committed to the asylum state’s discretion. *Id.*

68. A governor’s inquiry upon receipt of a proper extradition demand is limited to four questions: (a) whether the extradition documents are facially in order; (b) whether the demanding state has charged the person with a crime; (c) whether the person named is the person demanded; and (d) whether the person is a fugitive from justice from the demanding state. *See Superior Ct. of Cal.*, 482 U.S. at 408 (citing *Doran*, 439 U.S. at 289). A governor has no authority to look beyond these four inquiries, and no discretion to decline extradition once they are satisfied.

69. A person is a “fugitive from justice” for these purposes if the person (a) was present in the demanding state at the time the offense is alleged to have been committed, and (b) thereafter left the demanding state and is found in the asylum state. *Appleyard v. Massachusetts*, 203 U.S. 222, 227 (1906). Whether the person’s decision to leave the demanding state was “volitional” or involuntary is legally irrelevant to fugitive status. *Id.* (“A person charged by indictment or by affidavit before a magistrate with the commission within a state of a crime covered by its laws, and who, after the date of the commission of such crime, leaves the state, -no matter for what purpose, or with what motive, nor under what belief,-becomes from the time of such leaving, and within the meaning of the Constitution and the laws of the United States, a fugitive from justice . . .”); *see also Gee*, 912 F.2d at 419.

Governor Abbott Is Conducting an “Investigation” Based on an Erroneous Legal Standard

70. On June 2, 2026, the State of Minnesota made a proper demand for Castro’s extradition from the State of Texas. Governor Abbott does not dispute that Minnesota’s extradition documents are facially in order; that Castro has been charged with crimes in Minnesota; and that Castro is the person named in Minnesota’s requisition warrant. Governor Abbott agrees that Minnesota has satisfied three of the four requirements for a rendition warrant. *Superior Ct. of Calif.*, 482 U.S. at 408. The only reason that Governor Abbott has refused to sign the rendition warrant—besides his unlawful political purpose—is his purported investigation into Castro’s status as a fugitive for purposes of the Extradition Clause and the Extradition Act.

71. Governor Abbott’s position is that Castro may not qualify as a “fugitive from justice” under the Extradition Clause and the Extradition Act unless Castro engaged in a volitional act of fleeing, and not mere involuntary movement across state lines at ICE’s direction.

72. Governor Abbott’s position is contrary to controlling law. Castro qualifies as a fugitive for purposes of the Extradition Clause because, under the undisputed facts of this case, Castro was present in Minnesota at the time of the offenses with which he was charged, and he was later located in Texas. *Strassheim*, 221 U.S. at 285.

The Dispute is Ripe, Imposing Ongoing Harms on Minnesota, and Entitles Minnesota to Relief

73. Governor Abbott’s adoption and articulation of a volition-based standard for being a fugitive from justice—as opposed to mere unexercised discretion over the

timing of a decision—presents a fixed, non-contingent legal question ripe for adjudication. That question is whether the Extradition Clause and the Extradition Act permit an asylum-state governor to condition extradition on proof that a fugitive engaged in a volitional act of fleeing. Resolution of this question does not depend on any future contingency and will not be clarified by any future delay.

74. In addition, Governor Abbott’s decision to conduct an “investigation” based on this erroneous legal standard has resulted in the actual or constructive denial of Minnesota’s extradition rights.

75. That denial is currently depriving Minnesota of its sovereign right to enforce its criminal laws and prosecute those who commit crimes within its borders. That harm is both ongoing and imminent.

76. Simply put, under the correct legal standard for fugitivity, Governor Abbott lacks any lawful basis for refusing to issue a governor’s rendition warrant for Castro. When a state in which a fugitive is located fails in its constitutional duty to extradite a fugitive to a requesting state—as Governor Abbott has done here—the Extradition Clause entitles the requesting state to mandamus or other appropriate relief. *Branstad*, 483 U.S. at 227-28; *Alabama v. Engler*, 85 F.3d 1205, 1208, 1210 (6th Cir. 1996).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks that the Court grant the following relief:

- a) Declare that a “fugitive from justice” under the Extradition Clause and the Extradition Act need not be shown to have left the demanding state through a

volitional act, and that presence in the demanding state at the time of the alleged offense followed by departure and presence in Texas is sufficient;

- b) Declare that Christian Castro qualifies as a fugitive from justice from the State of Minnesota under the Extradition Clause and the Extradition Act;
- c) Declare that Defendant Governor Abbott's refusal to issue a governor's rendition warrant for Christian Castro is unconstitutional and unlawful;
- d) Issue a permanent injunction or a writ of mandamus to compel Defendant Governor Abbott to issue forthwith a governor's rendition warrant commanding that Christian Castro be arrested and turned over to a duly authorized agent of the State of Minnesota for extradition;
- e) Award the Plaintiff its costs and reasonable attorneys' fees; and
- f) Order such other and further relief as this Court deems just and appropriate.

Dated: September 15, 2026

Respectfully submitted,

/s/ George C. Lobb, Esq.
GEORGE C. LOBB, ESQ.
TX State Bar No. 24042928
S.D. Tex. Bar No. 1439085
2028 Ben White Blvd.
Suite 240-8990
Austin, TX 78741
(737) 396-2662
Inboxforlawoffice@iCloud.com

KEITH ELLISON
Attorney General
State of Minnesota

/s/ Peter J. Farrell

PETER J. FARRELL*
Acting Solicitor General
Attorney-in-Charge
MN State Bar No. 0393071
KIMBERLY SVENDSEN*
Special Counsel
MN State Bar No. 0504097
LINDSEY MIDDLECAMP*
Special Counsel
MN State Bar No. 0392589
445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101-2131
(651) 757-1424
peter.farrell@ag.state.mn.us

*Attorneys for Plaintiff State of Minnesota, ex
rel. Governor Tim Walz and Attorney General
Keith Ellison*

**Pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the 15th day of September, 2026, upon all parties who have entered an appearance, using the CM/ECF system.

/s/ Peter J. Farrell

PETER J. FARRELL