

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SUSAN TINCHER, JOHN BIESTMAN,
JANET LEE, LUCIA WEBB,
ABDIKADIR NOOR, and ALAN
CRENSHAW, *on behalf of themselves and
other similarly situated individuals,*

Case No. 25-cv-04669

Plaintiffs,

**DECLARATION OF CLAYTON
KELLY**

v.

KRISTI NOEM, Secretary, U.S.
Department of Homeland Security (DHS);
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement
(ICE); MARCOS CHARLES, Acting
Executive Associate Director,
Enforcement and Removal Operations
(ERO), ICE; DAVID EASTERWOOD,
Acting Field Office Director, ERO, ICE
Saint Paul Field Office; JOHN A.
CONDON, Acting Executive Associate
Director, Homeland Security
Investigations (HSI); The Department of
Homeland Security; Unidentified Federal
Agencies; and Unidentified Federal
Agents; *in their official capacities,*

Defendants.

I, Clayton Kelly, declare as follows:

1. My name is Clayton Kelly. I am 25 years old. I am a resident of Minneapolis, Minnesota. I was born and have lived in the City of Minneapolis my whole life.
2. I love Minneapolis. It feels like a small town. There is a strong sense of community and a rich culture here. Everything I know in my life is in this city. I love the sense of community in my city. I grew up a few blocks from where George Floyd was murdered. In recent years, my city has been through so much. We have been through wave after wave of terrible things happening to us.
3. I have grown up with immigrants my whole life. In recent weeks, I have been proud of the way my community has stood up to the Federal Government's retaliatory occupation of my city. People have been on the streets, blowing their whistles, wearing yellow vests, honking their horns, and protesting against ICE activity.
4. I work as a bus mechanic for the Minneapolis MetroTransit, repairing buses to get them ready to go out on the road. I have worked as a mechanic for the last seven years and for MetroTransit for the last year. I am very proud of my work. I help repair buses so that people can get to work, pick up their kids from school, and live their lives in the city.
5. On Saturday, January 24, 2026, at approximately 10 AM, my wife and I got ready to leave our house in North Minneapolis to go to the Glam Doll donut shop to enjoy our Saturday. Before we left, we saw on the news that Alex Pretti had just been murdered by federal agents. I felt angry because this was the third time someone had been shot by federal agents in three weeks. My wife and I decided to go see what was happening in the area of Alex's murder. We did not plan on spending much time in the area. We wanted to see what had happened and then leave.
6. At approximately 10:15 AM, my wife and I left our house and drove down to the area of 26th Street and Nicollet Avenue, parking a few blocks away. We then walked over to the area, which was crowded with people parking. I also saw people walking over to the area where Alex was murdered. My wife and I started to walk down to the area as well.
7. After we had walked one block, to the corner of 26th Street and Stevens, I saw at least thirty federal agents standing in the middle of the street, alongside numerous SUV-type vehicles with tinted windows. I knew they were federal agents because they were wearing badges that read ICE, CBP, BOP, ERO, or other federal

agencies. I recognized them from news media clips and from seeing them around Minneapolis personally. The majority of the agents were masked. They wore body armor and camouflage. They were armed with handguns, 40mm launchers, pepper spray, AR-15s, and batons. The agents were just standing around at that point.

8. Near the agents, a large crowd was forming. I saw people yelling, whistling, and honking at the agents. I did not see any violence or obstruction from the crowd.
9. I joined in with the crowd, heckling the agents. I told them to retire. I told them that their families would disown them. I yelled at them from a distance of a few feet. I did not threaten the federal agents in any way. The agents stayed silent. They did not tell me to back up.
10. I then walked on with my wife, heading to the area where Alex was shot. As I walked away, I heard a federal agent yell at me to stop. I stopped. One of the federal agents, a tall white man who was wearing all green gear, a green vest, a hood, a green mask, and who was armed with a handgun, told me to go home. I told him that I was going home. He then told me to stop. I was confused by the contrary commands. I paused, not knowing whether to run away or remain where I was. I did not want to separate from my wife but also wanted to create some distance between me and the federal agents.
11. I began to turn to leave the area. Next thing I knew, I was being body-slammed into a hard surface. From that point, everything became a blur. I felt very afraid. Federal agents slammed me to the ground and put me into a headlock. Acting on instinct, I attempted to get up, but more agents piled on top of me and pushed me into the ground. Some federal agents got on top of me and put their knees into my back. Other agents pulled my arms behind me. Another pulled my legs up, like he was going to hog-tie me. It felt like the agents were all trying to restrain me in different ways. I felt blows knocking me in the head and the back. I felt disoriented and in pain.
12. With the agents on top of me, I could not breathe. I yelled out multiple times that I could not breathe. I felt like George Floyd. One of the agents told me to "Shut the fuck up." I was pinned to the ground. I then felt someone place the nozzle of a pepper spray can behind my glasses, right in front of my left eye. The agent holding the can then sprayed me in my left eye from point-blank range. It felt like he was doing this just to hurt me. I felt searing pain, some of the most intense pain I have felt in my life.
13. I had only been in the area for a few minutes. I had not done anything wrong before the federal agents assaulted me.

14. The federal agents then picked me up, with my hands cuffed behind my back, and walked me to a vehicle. My face was searing with the pepper spray. I could barely walk. The agents put me into a vehicle.
15. Attached hereto as **Exhibit A** is a true and correct copy of a video of the federal agents' assault on me, taken by a bystander who observed the assault. Attached hereto as **Exhibit B** is a true and correct copy of a second video of the federal agents' assault on me, taken by a second bystander. I have watched these videos multiple times, even though it is very difficult for me to do. They show what I have described above.
16. The federal agents then took me out of the first vehicle and put me into another vehicle. While walking to the second vehicle, my legs collapsed. I felt like I was going to pass out. The federal agents pulled me up and put me into the second vehicle. One of them told the driver to take me to the Federal Whipple Building ("Whipple").
17. While on the drive to Whipple, my face was still burning from the pepper spray. One of the agents rolled down the passenger side window and told me to put my head out of it to reduce the burn. I did so but it did not really help.
18. At Whipple, I was processed through detention. I was never offered any medical care beyond washing the pepper spray off my face. No one evaluated if I needed any medical care, even though I was having trouble walking.
19. After I was processed through the intake area, I was put in a holding cell with other detainees. I spent a few hours in the holding cell before I was taken to talk to some Homeland Security Investigations ("HSI") investigators. They asked me for my personal information. They offered me a phone call. I called a defense attorney, who told me to decline to answer any questions. I then told the investigators that I would not talk to them. They photographed and fingerprinted me. They then brought me back to the holding cell.
20. After approximately nine hours in detention, I was released. I did not know at the time (and I still do not know) what was going to happen to me, if would be charged for federal officers' assault on me, or what I would be charged with.
21. Before I was released, one of the HSI investigators showed me my phone and asked me if it was mine. I told him it was. He told me that they were seizing my phone. The HSI investigator told me to get a new phone. They did not tell me what they were looking for, although I witnessed and recorded part of the January 14, 2026 shooting of an immigrant by federal agents, storing the video on that same phone. My videos may show who was involved and timestamp the events that occurred.

22. While I was in custody, federal agents gave me a receipt for my personal property. They did not include my cell phone on the receipt.
23. As I was released, one of the HSI investigators told me something like "Don't do anything funny or you'll be back here." As I walked out, one of them told me to have a nice night.
24. Since my arrest, I am often afraid to leave the house. My wife does not want me to leave the house and repeatedly texts me asking where I am and if I am okay while I am out. I cannot fall asleep until my body shuts down from exhaustion each night. I have missed multiple days of work and have had trouble focusing. My body aches. I feel like I was in a car accident.
25. I have struggled with what to do following my arrest. I feel very angry about what happened. I want to support my community against the Federal Government and to protest against what they are doing to my hometown. But I am worried that if I go to a protest, the federal agents will recognize me. They know my address now. I'm worried that if I go back to a protest, the federal agents will make things far worse for me, just like they did with Alex Pretti, who was killed the second time he interacted with federal agents.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated and signed on 1/30/26 in Hennepin County, State of
Minnesota.

Clayton Kelly

Clayton Kelly