

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KLEIBER ALEXANDER ARIAS
GUDINO,

Petitioner,

v.

CRAIG LOWE, *in his official capacity as*
Warden, Pike County Correctional Facility;
BRIAN MCSHANE, *in his official capacity*
as Acting Field Office Director,
Philadelphia Field Office, United States
Immigration and Customs Enforcement;
TODD M. LYONS, *in his official capacity*
as Acting Director, United States
Immigration and Customs Enforcement;
KRISTI NOEM, *in her official capacity as*
Secretary of Homeland Security; PAMELA
BONDI, *in her official capacity as United*
States Attorney General,

Respondents.

Civil Action No.:

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241

INTRODUCTION

1. Kleiber Alexander Arias Gudino (“Petitioner” or “Mr. Arias Gudino”) is a Venezuelan national who has been properly granted Temporary

Protected Status (“TPS”) under 8 U.S.C. § 1254a and is unlawfully detained in Respondents’ custody. The TPS statute provides that “[a] [noncitizen] provided temporary protected status . . . **shall not be detained** by the Attorney General on the basis of the [noncitizen’s] immigration status in the United States.” 8 U.S.C. 1254a(d)(4) (emphasis added). That protection remains in place even if the TPS holder has a final removal order or lacks other immigration status. The statute unambiguously states that the government “shall not remove the [noncitizen] from the United States during the period in which [TPS] status is in effect.” 8 U.S.C. § 1254a(a)(1)(A); *see also* 8 U.S.C. § 1254a(a)(5) (providing the government has no authority to “deny temporary protected status to [a] noncitizen] based on the [noncitizen’s] immigration status”); 8 U.S.C. § 1254a(g) (stating that TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).

2. Despite the clear statutory language, Respondents detained Mr. Arias Gudino following a violent raid on his home on March 14, 2025, where officers from U.S. Immigration and Customs Enforcement (“ICE”) broke down his door at 4:00 a.m. and arrested him in front of his family and his crying one-and-a-half-year-old U.S. citizen daughter. ICE officers then took him outside—while he was only wearing underwear—placed him in one of their vehicles and secreted him away to the Pike County Correctional Facility, where he remains detained.

3. To date, Respondents have not asserted any lawful authority to detain Mr. Arias Gudino and have not provided him any mechanism to meaningfully challenge his detention. All Respondents have stated—through informal emails to counsel and messages to Mr. Arias Gudino—is that Mr. Arias Gudino “is statutorily ineligible for temporary protected status.”

4. This assertion has no basis in law or fact. TPS for Venezuela remains in effect, and Mr. Arias Gudino remains eligible. The government has not sought to withdraw his TPS grant through the multistep procedure provided by regulation. Moreover, Mr. Arias Gudino remains in compliance with the order of supervision (“OSUP”) that Respondents issued to him when—upon releasing him from their custody last year—they determined that his removal was not reasonably foreseeable and that he did not present a danger to the community.

5. Petitioner has now been unlawfully detained by ICE for 14 days, a severe and ongoing deprivation of his core interest in liberty from arbitrary physical restraint. Respondents cannot be permitted to detain Mr. Arias Gudino in flagrant violation of his protections under the TPS statute and under the Due Process Clause.

6. Mr. Arias Gudino brings this Petition pursuant to the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1254a, the Administrative Procedure Act, 5 U.S.C. § 706(2), and the Due Process Clause of the Fifth Amendment, and

respectfully requests that this Court issue a writ of habeas corpus ordering Respondents to release him from custody.

CUSTODY

7. Mr. Arias Gudino is in the physical custody of Respondents. Petitioner is detained at Pike County Correctional Facility, an immigration detention facility, in Lords Valley, Pennsylvania. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

8. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment, U.S. CONST. amend. V; and the Suspension Clause, U.S. CONST. art. I, § 9.

9. The Court has jurisdiction in equity to order Petitioner's immediate release from unlawful custody. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("The typical remedy [for unlawful detention] is, of course, release.") (citation omitted).

VENUE

10. Venue is proper in the Middle District of Pennsylvania under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise

to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) (“[T]he proper respondent to a habeas petition is ‘the person who has custody over the petitioner.’”) (citing 28 U.S.C. § 2242) (cleaned up).

PARTIES

11. Petitioner Arias Gudino is currently detained by Respondents at Pike County Correctional Facility, an immigration detention facility. He has been in ICE custody since March 14, 2025, when he was arrested in the early morning hours during an ICE raid of his home in the Bronx, NY.

12. Respondent Craig Lowe is the Warden of the Pike County Correctional Facility (“PCCF”), where Petitioner is currently detained. In his capacity as Warden, he oversees the administration and management of PCCF. He is a legal custodian of Petitioner and is named in his official capacity. His business address is 175 Pike County Blvd, Lords Valley, Pennsylvania 18428.

13. Respondent Brian McShane is named in his official capacity as Acting Field Office Director of the Philadelphia Office for ICE within the Department of Homeland Security (“DHS”). In this capacity, he is responsible for the administration of immigration laws and execution of detention and removal determinations and, as such, is an immediate custodian of Petitioner. Respondent McShane’s office is located at 114 North 8th St., Philadelphia, Pennsylvania 19107.

14. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity. In this capacity, he is responsible for administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), he routinely transacts business in the Middle District of Pennsylvania, he supervises Respondent McShane, and he is legally responsible for the pursuit of Petitioner's detention and removal. Respondent Lyons' office is located at the United States Department of Homeland Security, 500 12th Street SW, Washington, D.C. 20536.

15. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. In this capacity, she is responsible for administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), she routinely transacts business in the Middle District of Pennsylvania, she supervises Respondents Lyons and McShane, and she is legally responsible for the pursuit of Petitioner's detention and removal. Respondent Noem's office is located at the United States Department of Homeland Security, Washington, D.C. 20528.

16. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for administration of the immigration laws as exercised by the Executive Office for Immigration Review, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Middle District of Pennsylvania and is legally responsible for administering

Petitioner's removal and custody redetermination proceedings and the standards used in those proceedings. Respondent Bondi's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

STATEMENT OF FACTS

I. Temporary Protected Status Was Granted to Venezuela, Which Is Experiencing a Staggering Humanitarian Crisis, and Remains In Effect.

17. Congress created TPS in 1990 “for nationals of designated countries experiencing an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions.” *Saget v. Trump*, 375 F. Supp. 3d 280, 297 (E.D.N.Y. 2019) (citing 8 U.S.C. § 1254a). The Department of Homeland Security (“DHS”) designated TPS for Venezuela in 2021 and redesignated it twice because “[t]he regime of [Venezuelan President] Nicolás Maduro is one of the world’s most repressive dictatorships, and its mounting failures have led to one of the largest migration crises in history, with millions of Venezuelans being forced to flee the brutal and oppressive regime.” Congressman Mario Díaz-Balart, *English/Español: Díaz-Balart, Giménez, and Salazar Stand in Solidarity with the Venezuelan People* (Jan. 29, 2025), <https://mariodiazbalart.house.gov/media-center/press-releases/englishespanol-diaz-balart-gimenez-and-salazar-stand-solidarity>.

18. To be eligible for TPS, a national of a country that has been designated by the Attorney General according to 8 U.S.C. § 1254a(b) must: (1) be

a national of the TPS-designated country; (2) have been present in the United States on the date of the initial designation, redesignation, or extension; (3) be otherwise admissible into the United States;¹ and (4) register within a specified time frame. 8 U.S.C. § 1254a(c)(1)(A); 8 C.F.R. § 244.2.

19. Mr. Arias Gudino fulfilled these requirements at the time he applied for TPS and at the time United States Citizenship and Immigration Services (“USCIS”) granted his TPS application, and he still fulfills them at present.

20. Nationals who are otherwise eligible but who have been convicted of either a felony or two or more misdemeanors in the United States or who are subject to mandatory bars to asylum are barred from TPS eligibility. 8 U.S.C. § 1254a(c)(2)(B). Nationals who have been convicted of certain crimes rendering them inadmissible may apply for a waiver of inadmissibility that is specific to the TPS statute. 8 U.S.C. § 1254a(c)(2). Importantly, none of these bars apply to Mr. Arias Gudino, and he did not need to apply for a waiver.²

¹ See 8 U.S.C. § 1254a(c)(2)(A), 8 CFR § 244.3(a) (providing that the following inadmissibility grounds do not apply to TPS: public charge, 8 U.S.C. § 1182(a)(4); labor certification grounds, 8 U.S.C. § 1182(a)(5)(A); unqualified physicians, 8 U.S.C. § 1182(a)(5)(B); and documentation requirements, 8 U.S.C. § 1182(a)(7)(A)(i)).

² See USCIS, *Form I-601, Application for Waiver of Grounds of Inadmissibility, Instructions* at 13 (2024), <https://www.uscis.gov/sites/default/files/document/forms/i-601instr.pdf> (instructing TPS applicants not to file waivers for: the 3/10-year bars for unlawful

21. Mr. Arias Gudino fulfilled these requirements at the time he applied for TPS and at the time United States Citizenship and Immigration Services (“USCIS”) granted his TPS application, and he still fulfills them at present.

22. Venezuelans living in the United States first received temporary protection from removal on January 19, 2021, when President Trump—on the last day of his first Administration—directed the Secretaries of State and Homeland Security to “take appropriate measures to defer for 18 months the removal of any national of Venezuela . . . who is present in the United States as of January 20, 2021,” with limited exceptions, and “to take appropriate measures to authorize employment for [noncitizens] whose removal has been deferred, as provided by this memorandum, for the duration of such deferral.” Memorandum re: Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

23. DHS then designated TPS for Venezuela on March 9, 2021, based on the DHS Secretary’s determination that “extraordinary and temporary conditions in the foreign state prevent [Venezuelans] from returning safely” and “permitting [Venezuelans] to remain temporarily in the United States” is not “contrary to the

presence, 8 U.S.C. § 1182(a)(9)(B); permanent bar for unlawful attempted or actual reentry after accrual of unlawful presence or a removal order, 8 U.S.C. § 1182(A)(9)(c); bar for presence without admission or parole, 8 U.S.C. § 1182(a)(6)(A); bar for removal orders, 8 U.S.C. § 1182(a)(9)(A); bar for stowaways, 8 U.S.C. § 1182(a)(6)(D); bar for student violators, 8 U.S.C. § 1182 (a)(6)(G)).

national interests of the United States.” Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure, 86 Fed. Reg. 13574, 13575 (Mar. 9, 2021).

24. The Secretary found that “Venezuela is currently facing a severe humanitarian emergency” and “has been in the midst of a severe political and economic crisis for several years . . . marked by a wide range of factors including: Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID-19 pandemic, among other factors.” *Id.* at 13576.

25. DHS extended and broadened TPS protection for Venezuela twice after that initial designation. DHS extended Venezuela’s TPS designation for 18 months on September 8, 2022, through March 10, 2024. Extension of the Designation of Venezuela for Temporary Protected Status, 87 Fed. Reg. 55024 (Sept. 8, 2022). DHS again extended the 2021 designation of Venezuela for 18

months on October 3, 2023. At that time DHS also redesignated Venezuela for TPS for 18 months. Extension and Redesignation of Venezuela for Temporary Protected Status, 88 Fed. Reg. 68130 (Oct. 3, 2023) [hereinafter 2023 Venezuela Designation], allowing individuals who had come to the United States after March 2021 to become eligible. The extension of the 2021 designation ran from March 11, 2024 to September 10, 2025. The new 2023 redesignation ran from October 3, 2023 through April 2, 2025. Finally, on January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18 months, through October 2, 2026. Extension of the 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 5,961 (Jan. 17, 2025) [hereinafter January 2025 Extension”]

26. In support of that extension, the DHS Secretary found that:

Venezuela is experiencing a complex, serious and multidimensional humanitarian crisis. The crisis has reportedly disrupted every aspect of life in Venezuela. Basic services like electricity, internet access, and water are patchy; malnutrition is on the rise; the healthcare system has collapsed; and children receive poor or no education. Inflation rates are also among the highest in the world. Venezuela's complex crisis has pushed Venezuelans into poverty, hunger, poor health, crime, desperation and migration. Moreover, Nicolas Maduro's declaration of victory in the July 28, 2024 presidential election—which has been contested as fraudulent by the opposition—has been followed by yet another sweeping crackdown on dissent.

Id. at 5963 (internal quotation marks and citations omitted).

27. After the second inauguration of President Trump, the government reversed course on TPS for Venezuela. On January 28, 2025, Respondent Noem

purported to “vacate” the January 2025 Extension of TPS for Venezuela.³ That decision was the first vacatur of a TPS extension in the 35-year history of the TPS statute. DHS published it via notice in the Federal Register on February 3, 2025. Vacatur of 2025 Temporary Protected Status Decision for Venezuela, 90 Fed. Reg. 8805 (Feb. 3, 2025).

28. On February 1, 2025, Respondent Noem “decided to terminate” the 2023 Venezuela Designation,⁴ a decision that impacts approximately 350,000 Venezuelans,⁵ effective in April 2025.

29. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. *See* Termination of the October 3, 2023 Designation of Venezuela for Temporary Protected Status, 90 Fed. Reg. 9,040 (Feb. 5, 2025).

30. On February 19, 2025, the National TPS Alliance and seven individual Venezuelan TPS holders sued Respondent Noem and other federal defendants, alleging that the vacatur and subsequent termination of TPS for

³ USCIS, *Temporary Protected Status Designated Country: Venezuela*, available at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>.

⁴ *Id.*

⁵ *See* National Immigration Forum, *Temporary Protected Status (TPS): Fact Sheet* (March 14, 2025), available at <https://immigrationforum.org/article/temporary-protected-status-fact-sheet/>.

Venezuela were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *See National TPS Alliance v. Noem*, No. 3:25cv-01766 (N.D. Cal.). Plaintiffs have moved to stay the recent vacatur and termination. A hearing on that motion occurred on March 24, 2025, and a decision has not yet been issued.

31. The first Trump administration also attempted to strip several hundred thousand people of their TPS status. That attempt ultimately proved unsuccessful, as everyone who held TPS in 2017 remained eligible for it by the end of the first Trump administration. *See generally Ramos v. Nielsen*, 709 F. Supp. 3d 871 (N.D. Cal. 2023) (explaining procedural history).

32. In individual cases, there are only three bases on which DHS may withdraw TPS from a noncitizen to whom the status has been granted: (1) DHS finds that the TPS holder was not in fact eligible for TPS; (2) the TPS holder did not remain continuously physically present in the United States after being granted TPS; or (3) the TPS holder fails without good cause to register with DHS annually within 30 days of each 12-month period after being granted TPS. 8 U.S.C. § 1254a(c)(3).

33. Importantly, where DHS seeks to withdraw a person's TPS, it has to follow a detailed procedure:

- a. *First*, USCIS—not ICE—has authority to withdraw TPS. *See* 8 C.F.R. § 244.14(a). Indeed, ICE has no authority to revoke any visa, immigrant

status, or non-immigrant status;⁶

- b. *Second*, USCIS must provide written notice of the withdrawal and serve it personally on the TPS holder. 8 C.F.R. § 244.14(b)(1); *see also* 8 C.F.R. § 103.8(a)(2) (listing means by which USCIS may perform personal service);
- c. *Third*, if the basis for withdrawal is a ground of deportability that renders the noncitizen ineligible for TPS, “the decision shall include a charging document which sets forth such ground(s) with notice of the right of a *de novo* determination of eligibility for Temporary Protected Status in deportation or exclusion proceedings.” 8 C.F.R. § 244.14(b)(3). “If the basis for withdrawal does not constitute such a ground, the [noncitizen] shall be given written notice of his or her right to appeal to [USCIS’s Administrative Appeals Unit (“AAU”).” *Id.*

34. “If a decision to withdraw Temporary Protected Status is entered by the AAU, the AAU shall notify the [noncitizen] of the decision and the right to a *de novo* determination of eligibility for Temporary Protected Status in deportation or exclusion proceedings, if the [noncitizen] is then deportable or excludable.” 8 C.F.R.

⁶ *Cf.* 8 C.F.R. § 287.5 (listing powers exercised by immigration officers); *FDA v. Brown and Williamson Tobacco Corp.*, 529 U.S. 120, 125 (2000) (“[An agency] may not exercise its authority in a manner that is inconsistent with the administrative structure that Congress enacted into law.”) (quotation marks and citation omitted).

§ 244.14(c).

II. Mr. Arias Gudino Properly Applied for and Was Granted TPS, and Remains Eligible for TPS.

35. Mr. Arias Gudino applied for Temporary Protected Status *pro se* on November 3, 2023, shortly after the October 3, 2023 extension of Venezuela's designation for TPS. 2023 Venezuela Designation, *supra* p. 10. His application was granted on January 20, 2025. *See* Ex. A, TPS Approval Notice. His most recent I-94, which serves as proof of TPS registration, has been valid since January 20, 2025, and remains valid through at least April 7, 2025. *Id.*

36. Regardless of the future status of DHS' designation of TPS for Venezuela, *see infra* Section II, all that matters for purposes of this habeas petition is that TPS for Venezuela remains in effect, and that Petitioner continues to hold TPS status.

A. Petitioner's Immigration Proceedings and TPS Application

37. Mr. Arias Gudino entered the United States on or about August 3, 2022, after fleeing violence in Venezuela. *See* Ex. B., Decl. of Kleiber Arias Gudino ¶2 ("Arias Gudino Decl."). He is the father of a one-and-a-half-year-old United States citizen daughter. Until his unlawful detention by Respondents on March 14, 2025, he lived with his family in Bronx, New York.

38. After entering the United States, Mr. Arias Gudino was placed in removal proceedings. He applied for TPS *pro se* on November 3, 2023. *Id.* ¶4. On

January 3, 2024, Mr. Arias Gudino was ordered removed *in absentia* at a hearing for which he did not receive notice. *Id.* ¶5.

39. On April 15, 2024, ICE detained Mr. Arias Gudino. He did not understand why he had been detained until making contact with pro bono immigration counsel. With the help of his attorney, he learned that he had an order of removal and had been detained pursuant to 8 U.S.C. § 1231(a)(6), which is the detention statute that applies to people with final orders of removal. Arias Gudino Decl. ¶ 5.

40. Mr. Arias Gudino's immigration counsel promptly filed a motion to reopen with the Immigration Court. *Id.* The motion included an application for asylum, withholding of removal, and protection under the United Nations Convention Against Torture ("CAT").

41. On May 13, 2024, the Immigration Judge ("IJ") granted his motion to reopen his immigration proceedings on the grounds that there had been "misinformation about the [January 3] hearing."⁷

42. Mr. Arias Gudino's TPS application remained pending with USCIS at that time. However, faced with the prospect of continued detention and

⁷ At the time his motion to reopen was granted, the statute governing Mr. Arias Gudino's detention shifted from 8 U.S.C. § 1231(a)(6), which concerns detention of noncitizens with a final removal order, to 8 U.S.C. § 1226(a), the general provision for detaining noncitizens during removal proceedings.

prolonged separation from his family for the duration of his immigration case, Mr. Arias Gudino decided not to pursue relief from removal before the court. *Id.* He withdrew his application for asylum and requested that the IJ issue him a removal order. On August 15, 2024, the IJ granted Mr. Arias Gudino's request and issued him a removal order.

43. Mr. Arias Gudino then entered the 90-day "removal period" during which he was subject to mandatory detention. *See* 8 U.S.C. § 1231(a)(2)(A); 8 C.F.R. § 241.3(a).

44. On November 15, 2024, at the expiration of the removal period, ICE released Mr. Arias Gudino pursuant to regulations that require the release of a noncitizen with a final removal order where "there is no significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future." 8 C.F.R. § 241.4(i)(7); *see also id.* 241.13(g)(1) ("Unless there are special circumstances justifying continued detention, [DHS] shall promptly make arrangements for the release of the [noncitizen] subject to appropriate conditions."); *Zadvydas v Davis*, 533 U.S. 678, 699 (2001) ("[I]nterpreting [8 U.S.C. § 1231(a)(6)] to avoid a serious constitutional threat, we conclude that, once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.").

45. ICE issued Mr. Arias Gudino an OSUP, which provides the conditions for his release. *See* 8 C.F.R. § 241.4(j). Mr. Arias Gudino was later

placed on ICE's Intensive Supervision Appearance Program ("ISAP") and fitted with an ankle monitor.⁸

46. When it released him on supervision, ICE was required to "conclude that . . . (2) [Mr. Arias Gudino was] presently a non-violent person; (3) [that he was] likely to remain nonviolent if released; [and] (4) [that he was] not likely to pose a threat to the community following release" 8 C.F.R. § 241.4(e).

47. After release, Mr. Arias Gudino went to live with his mother and siblings at their home in the Bronx. Arias Gudino Decl. ¶7. He felt like his release gave him "a fresh start" and "wanted to do things right because [he] saw that this country had given opportunities to [his] family." *Id.* ¶8. Mr. Arias Gudino "wanted to work, get [his] papers, and start [his] life" in the United States.

48. Following his release from ICE custody, on January 20, 2025, USCIS granted Mr. Arias Gudino's application for TPS. After the TPS grant, Mr. Arias Gudino felt "really happy since [he] thought it meant [he] could remain in the United States with [his] family, including [his] mother, siblings, and [his] one-and-a-half-year-old daughter." Arias Gudino Decl. ¶10.

⁸ See DHS, *Intensive Supervision Appearance Program*, available at <https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Intensive%20Supervision%20Appearance%20Program%2C%20FYs%202017%20-%202020.pdf> (Apr. 11, 2022).

49. Mr. Arias Gudino received a work permit and requested a social security card, although it was only delivered to his home after he was unlawfully re-detained. *Id.* ¶11. He hoped to find work in construction and “begin a new chapter” supporting his family, including his mother, siblings, and one-and-a-half-year-old daughter. *Id.*

50. Upon informing ICE of the TPS grant, Mr. Arias Gudino was taken off ISAP supervision and his ankle monitor was removed.

51. Mr. Arias Gudino has always complied with the terms of his OSUP. At no time did ICE notify Mr. Arias Gudino that his OSUP had been revoked, which ICE is required to do if it intended to re-detain him. *See* 8 C.F.R. § 241.4(l)(1) (An order of supervision can only be revoked where “the [noncitizen is] notified of the reasons for revocation of his or her release or parole.”).⁹

B. Petitioner Remains Eligible For TPS

52. From the time he applied for TPS up to the present, Mr. Arias Gudino has remained eligible for TPS. He has remained continuously present in the United States. Twelve months have not passed since his TPS grant; therefore, he has not missed any requirement to register with DHS within 30 days of any 12-month

⁹ The noncitizen must also “be afforded an initial informal interview promptly after his or her return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1).

period after the grant. *Cf.* 8 U.S.C. § 1254a(c)(3) (setting out bases for TPS withdrawal).

53. Although he has had three contacts with the criminal system in the United States, they all predate his grant of TPS and his release on supervision and none affects his eligibility for TPS. *Cf. id.*

54. Mr. Arias Gudino was arrested on December 29, 2022 and pled guilty on February 29, 2024 to a New York City Administrative Code disorderly behavior violation under N.Y.C. Admin. Code § 10-179(a)(7), a non-criminal offense that does not affect eligibility for TPS.¹⁰

55. On February 27, 2024, Mr. Arias Gudino was arrested. However, all charges were dismissed on July 3, 2024.

56. On April 12, 2024, Mr. Arias Gudino was indicted under N.J. Stat. Ann. § 2C:20-11b(1) for shoplifting. On February 21, 2025, the District Attorney for Bergen County consented to Mr. Arias Gudino's application to resolve this case through pre-trial intervention ("PTI"), a judicial diversion program. *See* N.J. Stat. Ann. § 2C:43-12.¹¹ On March 24, 2025, a probation officer approved his

¹⁰ *See* USCIS Policy Memo, *Temporary Protected Status (TPS) adjudications involving New York traffic infractions or New York violations* (Jan. 17, 2010), available at <https://www.uscis.gov/sites/default/files/document/memos/tps-ny-traffic-infractions-violations-memo.pdf>.

¹¹ *See also* New Jersey Courts, *Pretrial Intervention (PTI) Brochure* (June 2019), available at https://www.njcourts.gov/sites/default/files/forms/10304_pti.pdf.

participation in the program. Upon successful completion of programming, the sole charge against Mr. Arias Gudino will be dismissed without a plea of guilty.

57. At no time before ICE detained Mr. Arias Gudino has USCIS, which, as explained *supra* ¶ 32 is the only agency authorized to withdraw a person's TPS, initiated the detailed procedure to withdraw Mr. Arias Gudino's TPS.

B. ICE Unlawfully Detained Petitioner

58. Around 4:00 am on March 14, 2025, Mr. Arias Gudino was asleep in his home with his family when he heard "loud knocking and banging, with a voice saying, 'open the door, police' in English." Arias Gudino Decl. ¶12. ICE officers then broke down the door and entered Mr. Arias Gudino's home. *Id.*

59. Mr. Arias Gudino "had [his] daughter in [his] arms when ICE officers took her from [him]." *Id.* ¶13. His one-and-a-half-year-old daughter "was crying" as he "tried to explain that she is an American citizen, but it did not matter." *Id.* The ICE officers took Mr. Arias Gudino outside into the cold. *Id.* "Once [he] was on the ground, ICE officers handcuffed him." *Id.*

60. Mr. Arias Gudino, who was still only wearing underwear, told the officers that he had TPS and asked why he was being arrested, "but the officers did not reply and just laughed at [him]." *Id.* ¶14. One ICE officer, who spoke Spanish, told Mr. Arias Gudino that even though he had TPS, "[he] was going to be deported anyway." *Id.* Mr. Arias Gudino then waited "for several hours in the

car while the officers searched [his] apartment.” *Id.*

61. ICE never produced a judicial warrant or any other documentation to support breaking down Mr. Arias Gudino’s door. Nor has ICE supplied any documentation to his immigration counsel, despite her requests.

62. Mr. Arias Gudino was then transported to the Pike County Correctional Facility, where he remains detained. Mr. Arias Gudino is afraid and feels like he has been “kidnapped.” *Id.* ¶17.

63. Mr. Arias Gudino’s immigration attorney has repeatedly asked ICE to explain why they detained Mr. Arias Gudino given that (1) he has been granted TPS and remains eligible for the status; (2) USCIS has not withdrawn his TPS; and (3) ICE has not revoked the order of supervision pursuant to which he was released.

64. On March 14, 2025, Mr. Arias Gudino’s immigration counsel, Ms. Rebecca Schectman (“Ms. Schectman”), sent an email to relevant employees at the New York Field Office of ICE’s Office of Enforcement and Removal Operations (“ERO”) citing the TPS statute’s non-detention provision and including as an attachment proof of Petitioner’s TPS status. Her email also included a form G-28, Notice of Entry of Appearance as Attorney, as proof of legal representation. Ex. C, Email Exchange Between Ms. Schectman and ICE (“ICE Emails”).

65. On March 15, 2025, Ms. Schectman received a response indicating that Mr. Arias Gudino was “currently detained at the Nassau County Jail while in transit.” *Id.* Later that day, Ms. Schectman was informed by email that Mr. Arias Gudino’s case fell under the jurisdiction of ERO’s Philadelphia Field Office. *Id.* Subsequently, John Guerra, Assistant Field Office Director for the New York City Field Office (Congressional/Special Projects Unit), emailed Ms. Schectman that Mr. Arias Gudino “is detained because he is statutorily ineligible for temporary protected status.” *Id.*

66. Ms. Schectman inquired as to the basis for that decision and which entity had made that decision. *Id.* Mr. Guerra responded: “Per relevant statutory and regulatory provisions the Department has made the decision as discussed below.” *Id.*

67. Mr. Arias Gudino has also sought to ascertain the basis for his detention using a tablet that allows him to communicate in Spanish with ICE. On March 17, 2015, he sent a message asking “what was going to happen to [him].” Arias Gudino Decl. ¶16. On March 18, 2015, he received a response saying only that his case was “pending.” *Id.* On or around March 23, 2025, ICE sent him a message stating that he had a final order of removal. *Id.* Mr. Arias Gudino sent another message, in which he stated that he had TPS and asked why he was being detained. *Id.* On March 25, 2025, he received a response from ICE stating that he

had TPS and a final order of removal. *Id.* On March 25, 2025, Mr. Arias Gudino again messaged ICE asking why he was being detained if he had TPS and asking that he be released so that he can care for his mother. *Id.* None of these messages even purport to provide a basis for Mr. Arias Gudino's detention.

68. Moreover, none of ICE's perfunctory responses to him stated that Mr. Arias Gudino's TPS grant has been withdrawn by USCIS or that his order of supervision has been revoked by ICE.

LEGAL FRAMEWORK

I. The TPS Statute Makes Unequivocally Clear that Mr. Arias Gudino's Detention is Unlawful.

69. The TPS statute unambiguously provides that "[a] [noncitizen] provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen's] immigration status in the United States." 8 U.S.C. § 1254a(d)(4) (emphasis added). It is hard to imagine a clearer statutory mandate proscribing detention.¹²

70. Mr. Arias Gudino's TPS protection remains valid. The statute makes clear that the government is prohibited from removing him even though he has a final removal order and lacks other immigration status. 8 U.S.C. § 1254a(a)(1)(A)

¹² "Attorney General" in Section 1254a now refers to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. § 1103; 6 U.S.C. § 557.

(providing that the government “shall not remove the [noncitizen] from the United States during the period in which such [TPS] status is in effect.”).

71. Indeed, Congress stated unambiguously that individuals with a final order of removal are statutorily eligible for TPS and, if otherwise eligible, may not be denied TPS on the basis of a removal order. 8 U.S.C. § 1254a(a)(5) (noting there is no authority to “deny temporary protected status to [a] [noncitizen] based on the [noncitizen’s] immigration status”); *see also* 8 U.S.C. § 1254a(g) (stating that the TPS statute constitutes the exclusive authority for affording nationality-based protection to “otherwise deportable” non-citizens).

72. Regardless of whether Petitioner’s TPS status may expire in the future—an issue being actively litigated—Mr. Arias Gudino had TPS status at the time of his arrest and detention. TPS for Venezuela remains in effect, and Mr. Arias Gudino remains a TPS holder.

73. He has now been illegally detained in clear violation of the TPS statute for 14 days. For that reason alone, this Court should grant the writ and order Petitioner’s immediate release. *See* 28 U.S.C. § 2241(c)(3) (authorizing writ for people detained in violation of federal law).

II. Mr. Arias Gudino’s Detention Is Unlawful Because It Violates His Due Process Rights.

74. Should the Court nonetheless choose to address constitutional questions, it should also find that Petitioner’s detention violates the Due Process

Clause of the Fifth Amendment.

75. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690.

76. Mr. Arias Gudino is suffering a severe due process violation through his arbitrary detention without any legal basis. As long as Mr. Arias Gudino has TPS, he cannot be subject to immigration detention. The fact that he has a final order of removal does not change this. Both he and his immigration counsel have repeatedly asked ICE to explain why it is detaining him despite the fact that he has TPS and in violation of the TPS statute. Despite repeated outreach, ICE has not provided any lawful justification for detaining Mr. Arias Gudino. As explained *supra* ¶32, TPS revocation is a multistep process conducted by USCIS. Here, an ICE officer has claimed—without support—that Mr. Arias Gudino no longer has TPS, *see supra* ¶64. In later correspondence with ICE, another officer acknowledged that Mr. Arias Gudino still had TPS and offered no lawful explanation for his detention. *See supra* ¶66; Arias Gudino Decl. ¶16.

C. ICE Violated Mr. Arias Gudino’s Substantive Due Process Right to be Free From Arbitrary Detention.

77. *First*, Mr. Arias Gudino’s detention violates the substantive component of the Due Process Clause because there is no valid statutory or regulatory justification for it. At a bare minimum, “the Due Process Clause includes protection

against *unlawful or arbitrary* personal restraint or detention.” *Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual’s detention, their detention also violates the Due Process Clause.

78. To meet the strictures of due process, Mr. Arias Gudino’s detention must “bear[] a reasonable relation to [the] purpose[s]” of civil immigration detention, which the Supreme Court has identified as mitigating flight risk and mitigating danger to the community. *See Zadvydas*, 533 U.S. at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715 (1972)) (quotation marks omitted). Because the INA forbids the government from detaining him, Mr. Arias Gudino’s detention could not possibly bear a reasonable relation to these purposes.

79. In addition to the clear statutory language against detaining a noncitizen with valid TPS, Respondents have not and could not show that Mr. Arias Gudino’s detention is necessary to prevent flight or to mitigate danger.

80. The regulations governing release on supervision of a noncitizen with a final removal order whose removal is not reasonably foreseeable protect the substantive due process right against arbitrary detention. *See, e.g., D’Alessandro v. Mukasey*, 628 F. Supp. 2d 368, 394 (W.D.N.Y. 2009) (“In response to *Zadvydas*, the regulations governing post-removal-order detention of [noncitizens] [8 C.F.R. §§ 241.4 and 241.13] were amended to comply with the due process concerns

illuminated in *Zadvydas*.”).

81. Therefore, in releasing Mr. Arias Gudino on an OSUP, the government necessarily determined that his removal was not reasonably foreseeable and that his continued detention would violate due process. *See* 8 C.F.R. § 241.13(g)(1) (requiring a noncitizen to be released from immigration detention, absent special circumstances, if the agency determines “there is no significant likelihood that the [noncitizen] will be removed in the reasonably foreseeable future”). Regulations also required the government at the same time to determine that Mr. Arias Gudino did not present a danger to the community. *See* 8 C.F.R. § 241.4(e)(2)-(4).

82. Following his release on an OSUP, Mr. Arias Gudino’s detention can only pass constitutional muster if, “on account of changed circumstances, the [agency] determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). And to satisfy this requirement, ICE must adduce specific facts supporting “(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future.” *Kong v. United States*, 62 F.4th 608, 619-20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)). ICE cannot make that showing because Mr. Arias Gudino has TPS and his removal is therefore prohibited by statute.

83. When Respondents took Mr. Arias Gudino back into immigration

custody, they violated his substantive due process rights. His removal is not reasonably foreseeable. He has TPS, which not only means that he cannot be detained, but also that he cannot be deported. Additionally, ICE offered no individualized determination that Mr. Arias Gudino could be removed.

D. ICE Has Violated Mr. Arias Gudino's Procedural Due Process Right to Notice and an Opportunity to Be Heard.

84. *Second*, Respondents have violated the procedural component of the Due Process Clause by failing to provide Mr. Arias Gudino notice and an opportunity to be heard.

85. Due process requires notice and an opportunity to be heard before an individual is deprived of a protected interest. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *see also Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 168 (1951) (Frankfurter, J., concurring) (“[T]he right to be heard before being condemned to suffer grievous loss of any kind . . . is a principle basic to our society.”). At the time they detained Mr. Arias Gudino and throughout their ongoing deprivation of his liberty, Respondents have refused to provide notice of the reason for his detention and have failed to provide him *any* procedure by which he could meaningfully challenge it.

86. Even if, *arguendo*, TPS for Venezuela is terminated and if Mr. Arias Gudino's removal becomes reasonably foreseeable, Respondents' flagrant violation of Mr. Arias Gudino's procedural due process rights will not become moot. Here,

due process requires, at a minimum, notice and an opportunity to be heard *at the time* of detention, not weeks or months later if a basis for detention subsequently emerges. *See, e.g., Martinez v. McAleenan*, 385 F. Supp. 3d 349, 366 (S.D.N.Y. 2019) (“[T]he Supreme Court has repeatedly upheld prisoners’ rights to challenge the constitutionality of their detentions, and allow[ed] courts to implement corrective remedies, regardless of whether there were other bases for the petitioners to be subsequently detained.”).

87. Both 8 C.F.R. § 244.14, which provides the procedure for withdrawing TPS, and 8 C.F.R. § 241.4(l), which provides the procedure for revoking of an order of supervision, are constitutionally necessary regulations that protect noncitizens’ due process rights. To lawfully detain someone like Mr. Arias Gudino who has TPS and was released on an OSUP, the government must first at a minimum comply with these procedures. *See Leslie v. Att’y Gen of the United States*, 611 F.3d 171, 180 (3d Cir. 2010) (“[W]hen an agency promulgates a regulation protecting fundamental statutory or constitutional rights of parties appearing before it, the agency must comply with that regulation.”).

88. In failing to comply with these constitutionally necessary regulations, Respondents denied Mr. Arias Gudino notice and an opportunity to contest the deprivation of his protected interests.

89. Because Respondents have failed to provide Mr. Arias Gudino with

notice and opportunity to be heard, they have violated Mr. Arias Gudino's right to procedural due process and have subjected him to an ongoing unlawful deprivation of his core liberty interest.

III. The Proper Remedy Is Immediate Release.

90. The proper remedy for Respondents' detention of Mr. Arias Gudino is to order his release.

91. "It is clear, not only from the language of [28 U.S.C.] §§ 2241(c)(3) and 2254(a), but also from the common-law history of the writ, that the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (ordering release where detention became unlawful once condition release date had passed); see also *Munaf*, 553 U.S. at 693.

92. Release is the only appropriate remedy for Respondents' shocking disregard for both statutory command and fundamental due process rights. No amount of *post hoc* process can remedy this ongoing violation.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT – 8 U.S.C. § 1254a

93. Petitioner realleges and incorporates by reference each and every

allegation contained above.

94. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

95. Petitioner has been properly granted TPS by USCIS. He remains eligible for TPS, and USCIS has not revoked his TPS.

96. Section 1254a(d)(4) states “[a] [noncitizen] provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the [noncitizen’s] immigration status in the United States.” (emphasis added). There is no exception to this rule provided in the statute.

97. Thus, Petitioner’s detention violates Section 1254a, and he is entitled to immediate release from custody.

COUNT TWO
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
5 U.S.C. § 706(2)

98. Petitioner realleges and incorporates by reference each and every allegation contained above.

99. The APA enables courts to “hold unlawful and set aside agency action, findings, and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] (D) without observance of

procedure required by law.” 5 U.S.C. § 706(2).

100. 8 C.F.R. § 244.14 provides the exclusive mechanism by which TPS can be withdrawn from an individual granted TPS status. The regulation assigns withdrawal authority to USCIS. It provides three bases for withdrawal and it requires written notice to be personally served on the TPS holder. If the basis for withdrawal is a ground of deportability that renders the noncitizen ineligible for TPS, “the decision shall include a charging document which sets forth such ground(s) with notice of the right of a *de novo* determination of eligibility for Temporary Protected Status in deportation or exclusion proceedings.” 8 C.F.R. § 244.14(b)(3).

101. Respondents Lyons, Noem, and McShane have putatively withdrawn Petitioner’s TPS without observance of any portion of this regulatory procedure. Respondents’ putative withdrawal exists only in the form of reasonless and unsubstantiated statements in emails from an ERO employee that Mr. Arias Gudino “is detained because he is statutorily ineligible for temporary protected status” and that, “[p]er relevant statutory and regulatory provisions the Department has made the decision as discussed [above].” *See* ICE Emails.

102. Respondents’ action is therefore arbitrary and capricious, in violation of the constitutional right to due process, in excess of statutory jurisdiction, and without observance of procedure required by law.

COUNT THREE
VIOLATION OF SUBSTANTIVE DUE PROCESS
U.S. Const. amend. V

103. Petitioner realleges and incorporates by reference each and every allegation contained above.

104. The Due Process Clause of the Fifth Amendment protects the substantive right of all persons in the United States, including noncitizens, to be free from unjustified deprivations of physical liberty. U.S. CONST. amend. V; *see generally Reno v. Flores*, 507 U.S. 292 (1993). “[G]overnment detention violates the [Due Process Clause] unless the detention is ordered in a *criminal* proceeding with adequate procedural protections, or, in certain special and narrow nonpunitive circumstances, where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (quotation marks and citations omitted).

105. Where, as here, Congress has prohibited the detention of Petitioner on the basis of his immigration status, *see* 8 U.S.C. § 1254a(d)(4), his detention is arbitrary and unlawful and serves no special justification.

106. Petitioner’s detention furthermore does not serve the special justifications for immigration detention: mitigating flight risk and mitigating risk to the community. Respondents released Petitioner on an order of supervision, with which he has complied. In doing so, they acknowledged that his continued detention

would violate due process, *see, e.g., Zadvydas*, 533 U.S. at 690, and determined both that his removal was not reasonably foreseeable and that he was not a danger to the community.

107. Due process forbids Respondents from re-detaining Petitioner except if, “on account of changed circumstances, [ICE] determines that there is a significant likelihood that [he] may be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). Respondents have not made such a determination.

108. Petitioner’s detention is not narrowly tailored to serve any other compelling state interest.

109. Petitioner’s detention therefore deprives him of his right to substantive due process, and he is entitled to immediate release.

COUNT FOUR
VIOLATION OF PROCEDURAL DUE PROCESS
U.S. Const. amend. V

110. Petitioner realleges and incorporates by reference each and every allegation contained above.

111. The procedural component of the Due Process Clause prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. *Mathews*, 424 U.S. at 333.

112. Respondents have repeatedly refused to provide Petitioner notice of the reason for his detention or any procedure by which he could meaningfully challenge

his detention.

113. Respondents further failed to comply with constitutionally necessary regulations that protect Mr. Arias Gudino's due process right to notice and an opportunity to be heard. *See* 8 C.F.R. § 244.14; 8 C.F.R. § 241.4(l). The government must at a minimum comply with these regulations at the time it deprives Petitioner of a protected interest. *Leslie*, 611 F.3d at 180.

114. Respondents' violation of Petitioner's procedural due process rights relates back to the time Respondents unlawfully took Petitioner into custody. Petitioner may seek redress for this violation and for the ongoing harm it is causing him regardless of subsequent events that may provide a lawful basis for his detention. *See, e.g., Martinez*, 385 F. Supp. 3d at 366 (citing *Carafas v. LaVallee*, 391 U.S. 234 (1968)).

115. Petitioner's detention therefore deprives him of his right to procedural due process, and he is entitled to immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;

3. Declare that Petitioner's detention violates the Immigration and Nationality Act, and specifically 8 U.S.C. § 1254a;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
5. Hold unlawful and set aside Respondents' putative withdrawal of Petitioner's TPS;
6. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
7. Enjoin Respondents from further detaining Petitioner so long as TPS for Venezuela remains in effect and he continues to hold TPS status;
8. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
9. Grant such further relief as this Court deems just and proper.

Dated: March 28, 2025

Respectfully submitted,

/s/ Kevin Siegel

Kevin Siegel* (NY Bar No. 5800511)

Lucas Marquez* (NY Bar No. 4784583)

BROOKLYN DEFENDER SERVICES

177 Livingston Street, 7th Floor

Brooklyn, NY 11201

Tel: 718-254-0700

Email: ksiegel@bds.org

Email: lmarquez@bds.org

/s/ Vanessa L. Stine

Vanessa L. Stine (PA 319569)

Keith Armstrong (PA 334758)**

AMERICAN CIVIL LIBERTIES UNION OF

PENNSYLVANIA

P.O. Box 60173

Philadelphia, PA 19102

Tel: 215-592-1513

Email: vstine@aclupa.org

Email: karmstrong@aclupa.org

Pro Bono Counsel for Petitioner

**Application for admission pro hac vice
pursuant to Local R. 83.2.1 forthcoming.*

***Application for general admission
pending.*

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for a Writ of Habeas Corpus and all attachments using the CM/ECF system. I will also furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Craig Lowe, Warden
Pike County Correctional Facility
175 Pike County Blvd
Lords Valley, Pennsylvania 18428

Brian McShane,
Acting Field Office Director
U.S. Immigration and Customs
Enforcement
Philadelphia Field Office
114 North 8th St
Philadelphia, PA 19107

Kristi Noem, Secretary
U.S. Department of Homeland
Security
c/o Office of the General Counsel
2707 Martin Luther King Jr. Ave,
SE Washington, DC 20528-0485

Pamela Bondi, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Gerard Karam, U.S. Attorney
Middle District of Pennsylvania
c/o Civil Process Clerk
228 Walnut Street Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754

Dated: March 28, 2025

/s/ Kevin Siegel
Kevin Siegel
Pro Bono Counsel for Petitioner