

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Juan Francisco Mendez,)
)
 Petitioner,)
)
 v.)
)
 Superintendent Christopher Brackett, Warden,)
 Stafford County Department of Corrections,)
 Patricia H. Hyde, Acting Director of Boston)
 Field Office, U.S. Immigration and Customs)
 Enforcement, Enforcement Removal Operations;)
 Kristi Noem Secretary of the U.S. Department of)
 Homeland Security; and Pamela Bondi,)
 Attorney General of the United States,)
 in their official capacities,)
)
 Respondents.)
)
 _____)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. This is a petition for a writ of habeas corpus, filed on behalf of the Petitioner, Mr. Juan Francisco Mendez, who was arrested by Immigration and Customs Enforcement Agents in Massachusetts and brought to New Hampshire where he currently is detained. Mr. Francisco Mendez's country of origin is Guatemala, and his wife has filed an I-730 petition seeking a green. It is the belief of the undersigned that an approximate time for the issuance of a green card is 1-2 years.

2. Mr. Francisco Mendez's wife currently has asylum status and has a clear path to lawful status through his pending I-730 petition. Mr. Francisco Mendez has no prior criminal record, nor a final order of removal from an immigration judge. He should not be removed at this time given his pending I-730 petition. Accordingly, to vindicate Petitioner's constitutional,

statutory, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

3. Absent an order from this Court, it is the belief of undersigned that Petitioner will be removed from the Country.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at the Strafford County Department of Corrections, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting

individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner is a Guatemalan Citizen, who has a current I-730 application. Petitioner is currently detained at the Stafford County Department of Corrections.

11. Respondent Christopher Brackett is the Superintendent / Warden of the Stafford County Department of Corrections, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Brackett is a legal custodian of Petitioner.

12. Respondent Patricia Hyde is sued in her official capacity as the Acting Director of the Boston Field Office of U.S. Immigration and Customs Enforcement. Respondent Hyde is a legal custodian of Petitioner and has authority to release him.

13. Respondent Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, the component agency responsible for Petitioner’s detention. Respondent Noem is a legal custodian of Petitioner.

14. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for


Immigration Review (EOIR), which administers the immigration courts and the BIA.

Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

15. Petitioner is a 29-year-old citizen of Guatemala, and an asylee.

16. He is married to Marilu Domingo Ortiz, who is currently in the United States on Asylum Status.

17. He and Ms. Domingo Ortiz have a nine year old boy, K 

18. Ms. Domingo Ortiz was laid off from her employment, leaving Mr. Francisco Mendez as the primary financial supporter of the family.

19. Mr. Francisco Mendez has been working at Norpell, a fish factory in the New Bedford.

20. Ms. Domingo Ortiz has filed an I-730 petition, which if granted would provide Petitioner a green card and a path to becoming a lawful permanent resident.

21. Immigration Customs Enforcement Agents broke Mr. Francisco Mendez's window of his car, opened the car doors, and removed him forcibly.

22. Mr. Francisco Mendez remains held in custody at the Strafford County Department of Correction.

23. Petition does not have any prior criminal history.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

24. The allegations in the above paragraphs are realleged and incorporated herein.

25. The continued detention of Petitioner without an individualized bond hearing violates the Fifth Amendment's guarantee of due process of law.

For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or in the alternative schedule a bond hearing before an immigration judge;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted
Juan Francisco Mendez
By and through his Attorney,
/s/ Ryan P. Sullivan
Ryan P. Sullivan, Esq.
NH. Bar No. 278931
300 High Street
Andover, MA 01810
(978) 474-0054

Pro bono counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Juan Francisco Mendez, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 16 day of April, 2025.

/s/ Ryan P. Sullivan
Ryan P. Sullivan, Esq.