

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA)
)
v.) CASE NO. 1:25-cv-00147
)
Juan Francisco Mendez,)
Defendant)

EMERGENCY MOTION FOR IMMEDIATE RELEASE

Mr. Francisco Mendez hereby moves for immediate release from custody. His immigration case has been terminated, yet he remains detained without any lawful basis.

Mr. Francisco Mendez was violently arrested by ICE on April 14, 2025. He appeared today in the Immigration Court for the first time. The Immigration Judge determined that ICE has never filed a charging document (called a Notice to Appear or "NTA") against him. The Immigration Court terminated the case for failure to prosecute. The government did not reserve an appeal. There is presently no pending immigration case or charge against Mr. Francisco Mendez. He has been detained at the Strafford detention facility for almost a month.

After the Immigration Court terminated the case, Mr. Francisco Mendez's counsel contacted the Strafford detention facility to inquire about logistics for his release. Counsel have been informed that he remains detained there and is not being

released. Counsel have not received any justification for his continued detention.

Any further detention of Mr. Francisco Mendez is patently unlawful. He is currently being deprived of his liberty without any due process of law or any statutory authorization. See U.S. Const. Amend. V. His detention further violates the Due Process clause because it does not promote the purposes of immigration detention—ensuring appearance at future immigration proceedings and preventing danger to the community pending the conclusion of an immigration proceeding—because there is no immigration proceeding at all. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“[W]here detention’s goal is no longer practically attainable, detention no longer bears a reasonable relations to the purpose for which the individual was committed.” (cleaned up)). Petitioner respectfully asks this Court to order Mr. Francisco Mendez’s release from custody forthwith.

Respectfully submitted
JUAN FRANCISCO MENDEZ
By and through his Attorney,
/s/ Ryan P. Sullivan
Ryan P. Sullivan, Esq.
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Dated: May 09, 2025

CERTIFICATE OF SERVICE

I, Ryan P. Sullivan, herein certify that on this 9th day of May, 2025, a copy of the within motion was e-filed for all parties involved.

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