



4. Accordingly, Petitioner respectfully requests that the Court grant a writ of habeas corpus under 28 U.S.C. § 2241, order his immediate release, and enjoin any transfer outside this jurisdiction.

### **JURISDICTION**

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
6. Venue is proper because Petitioner resides and was detained in East BridgeWater, MA, and on information and belief is detained in the District of New Hampshire.

### **PARTIES AND FACTS ALLEGED**

7. Petitioner, a 33-year-old Ecuadorian national with deep family ties to the United States, including a U.S. citizen spouse and two U.S. citizen children, is currently being held in immigration detention in the District of New Hampshire without lawful justification. Petitioner was detained by Immigration and Customs Enforcement (“ICE”) on May 16, 2025, despite having an approved Form I-130 and a pending Form I-601A, Application for Provisional Unlawful Presence Waiver.
8. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
9. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
10. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
11. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.

12. All respondents are named in their official capacities.
13. Petitioner Luis Guaman Guaman is a thirty three-year-old Ecuadorian national with a approved I-130 Immediate relative petition filed by his United State Citizen spouse and pending I-601A provisional waiver. On information and belief, He was unlawfully detained by federal immigration agents on or about May 16, 2025.
14. Petitioner is currently detained in the District of New Hampshire and one or more of the Respondents is his immediate custodian.
15. ICE has signaled its intent to transfer him out of the district, potentially undermining this Court's jurisdiction.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of Fifth Amendment Right to Due Process**

ICE's detention of Petitioner is unlawful, excessive, and arbitrary under the Fifth Amendment. Petitioner has no violent criminal history. His only conviction — a single DUI — has been fully resolved through successful completion of all legal requirements. He presents no current danger to the community and no risk of flight.

He is actively pursuing legal immigration relief — with an approved I-130 and pending I-601A waiver — that puts him squarely within DHS's own discretionary guidance to avoid enforcement against individuals with pending immigration benefits and strong family ties.

Petitioner is the sole owner and operator of *Summers Exterior Inc.*, a construction company that has been serving the New England area for over three years. Through this business, Petitioner has consistently paid his taxes and contributed to the local economy. He has established himself as a reliable and hardworking member of the community.

Petitioner is also the sole financial provider for his family. His spouse is a United States citizen, and together they have two U.S. citizen children. His detention threatens not only the livelihood of his family but also the emotional and financial stability of his young children. These deep-rooted ties underscore Petitioner's significant equities and the urgent need for judicial intervention to prevent irreparable harm.

**ICE CANNOT TRANSFER PETITIONER TO DEFEAT JURISDICTION**

Any attempt by ICE to transfer Petitioner out of the District for the purpose of evading judicial review must be enjoined. It is well established that habeas jurisdiction attaches at the time the petition is filed and remains with the court through the duration of the proceedings. *See In re Gee*, 941 F.3d 153, 164 (5th Cir. 2019); *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001).

A transfer under such circumstances would constitute a violation of due process and substantially interfere with Petitioner's constitutional right of access to the courts. Federal courts have repeatedly rejected governmental efforts to defeat jurisdiction through removal or relocation of petitioners. Accordingly, this Court should prohibit any transfer that would undermine its authority or obstruct Petitioner's ability to pursue legal relief.

**RELEASE IS WARRANTED UNDER CONDITIONS**

Given Petitioner's strong family ties, local business ownership, tax history, pending legal relief, and lack of any current public safety threat, continued detention serves no rational purpose. Release with supervision or reporting conditions is appropriate and lawful.

**PRAYER FOR RELIEF**

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

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of New Hampshire;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that the Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Petitioner respectfully requests that this Court award reasonable attorneys' fees and costs incurred in connection with this action and,
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,  
On behalf of the Petitioner  
By His Attorney

Date: May 19, 2025

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