

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

SERGIO CRUZ CRUZ)	
)	
Petitioner)	
)	
v.)	CA No. 25-CV00262-JJM-PAS
)	
PAMELA BONDI, et als.)	
)	
Respondents)	

PETITIONER'S RESPONSE TO RESPONDENTS' NOTICE
RE IMMIGRATION COURT BOND HEARING AS
ORDERED BY THIS COURT

Inasmuch as undersigned petitioner's counsel was present at the Chelmsford Immigration Court last week for the bond hearing as ordered by this Court, for the record counsel supplements the December 10, 2025 government notice as follows:

The Immigration Court which is part of the US Department of Justice (DOJ) imposed a bond in the amount of \$15,000.00, which is ten times (10x) the minimum bond of \$1,500 and the highest undersigned counsel has seen in the many bond hearings he has observed and/or been involved in. The Immigration Judge's (IJ) rationale was that even if petitioner is eventually granted "withholding of removal" the new policy implemented this year is that those with such a status can be sent to any third country in the world.¹ Accordingly, the IJ deemed petitioner a "flight risk."

¹ Undersigned counsel has been involved in many asylum and withholding cases over the years, and although a person granted "withholding" may be sent to third countries, up until this year those with such a status are normally allowed to live and work in the United States indefinitely. As a practical matter, it seems likely that most of those granted withholding will remain in the United States unless they have a serious criminal record.

Undersigned counsel informed that IJ that when ICE released petitioner from custody pursuant to this Court's order, ICE affixed an "ankle monitor" to petitioner's body. The IJ responded that she has no control over ICE which operates under the US Department of Homeland Security (DHS). The ankle monitor was not mentioned in this Court's November 26 Memorandum and Order (p. 27, n. 5).

The result is that two departments of the Executive Branch, DOJ and DHS, have separately imposed what could be viewed as akin to "double punishment" -- a very high bond amount on a family of limited means as well as an "ankle bracelet" which over time can take its toll on a person's leg. As for the ankle device, petitioner points out the following: As set forth in the Amended Petition, Exhibit 9, in 2018 petitioner filed a Form I-589 application for asylum and withholding of removal, and submitted to biometrics. The formal I-589 Receipt Notice sent to all applicants reads in part, "[y]ou may remain in the United States until your asylum application is decided." Pursuant to the application, he was issued Employment Authorization Documents (EAD) by the USCIS which checked his biometrics each time for various reasons including whether there was any criminal record (there was not). In the 2-1 decision in Garcia v. Sessions, 856 F3d 27 (1st Cir 2017) the question was whether a reinstated removal order precluded the filing and consideration of an asylum application, leaving the only relief available the "withholding of removal." Acknowledging a conflict in the federal statutes, after much discussion, the majority concluded asylum was not available. However, in reaching its conclusion in its 2017 decision the majority applied "Chevron deference." But last year in a landmark decision the Supreme Court overturned the longstanding Chevron doctrine in Loper Bright Enterprises v. Raimondo, 603 US 369 (2024). Thus, whether or not there

is a valid reinstated removal order, petitioner's position is that his case should be considered for asylum as well as withholding. It should also be noted that Sergio's 2018 Form I-589 asylum application is still pending with USCIS.

Petitioner discusses this issue because, depending on what happens with his appeal to be filed with the BIA, he may have to take his case to the First Circuit to seek a ruling on the recognized conflict within the federal statutes under a Loper Bright analysis. Thus, the appellate process could be very lengthy and in the meantime he would be wearing the ankle device with the attendant health problems to skin and body.

Finally, petitioner's counsel notes that in the much publicized case of a mother labeled by ICE as a "criminal illegal alien" who was arrested and whisked off to detention in Louisiana far from family, friends and legal counsel, in a 15-minute Immigration Court bond hearing shortly after detention, the mother was granted the minimum \$1,500 bond without objection from the DHS/ICE attorney who did not reserve appeal of the bond grant. See attached news article. By contrast, in this Sergio Cruz Cruz case, DHS/ICE counsel both objected to the grant of the very high \$15,000.00 bond and reserved appeal.

Respectfully submitted,

/s/ William A. Hahn

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2025, I electronically filed the foregoing document and it is available for viewing and downloading from the Court's CM/ECF system, and that the participants in the case that are registered CM/ECF users will be served electronically by the CM/ECF system.

/s/ William A. Hahn

THE BOSTON GLOBE

TUESDAY, DECEMBER 9, 2025

Mother of Karoline Leavitt's nephew granted bond

The mother of White House Press Secretary Karoline Leavitt's nephew is set to be released after a federal immigration judge granted bond Monday to the longtime Massachusetts resident.

Bryna Ferreira, 33, who emigrated from Brazil as a child, has been held since Nov. 12 when she was swarmed by immigration agents while leaving her nephew home to pick up the 11-year-old son she shares with her former fiancé, Leavitt's brother Michael. She

was eventually transferred to the South Louisiana Immigration and Customs Enforcement Processing Center, where she has been held since.

During the approximately 15-minute hearing, Jason Thomas, an attorney for Ferreira, argued for granting bond, saying that she is not a danger to society nor a flight risk, and he criticized the government for labeling her a "criminal illegal alien,"

according to Todd Pomerlean, who is also representing Ferreira, as she continues to fight her possible deportation.

Lawyers for the Department of Homeland Security made no objection, and the government waived its right to appeal the decision, Ferreira's lawyers said. Judge Cynthia Goodman set a \$1,500 bond, the lowest amount possible, Pomerlean said.

"Which means [the government] agreed to everything we said today in court," said Pomerlean, who slammed the Trump administration's "character assassination campaign" against Ferreira.

The White House did not immediately respond to a request for comment on Monday afternoon.

SHANNON LARSON