

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CANDIDA RAMIREZ LOPEZ,

Petitioner,

-against-

**PETITION FOR WRIT
FOR HABEAS CORPUS**

DONALD J. TRUMP, in his official capacity as
President of the United States; JUDITH
ALMODOVAR, in her official capacity as
Acting Field Office Director of New York,
Immigration and Customs Enforcement;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement,
KRISTI NOEM, in her official capacity as
Secretary of the United States Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY, and U.S.
IMMIGRATION AND CUSTOMS ENFORCMENT,

Case No. 25-4826

Respondents.

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INTRODUCTION

1. Candida Ramirez Lopez is a fifty-three-year-old mother and grandmother with no criminal history who has a pending U-Visa application, due to a sexual assault, and who has been in the United States on supervised release for over five years. During those five years, she has complied with every requirement of her supervised release, attending all check-ins and wearing a monitoring device.

2. On June 4, 2025, she attended a required check-in at the Immigration and Enforcement contractor who manages her supervised release.

3. While there, she was separated from her attorney without cause, and thereafter disappeared by Respondents.

4. Since June 4, she has had no contact with her attorneys or her family, nor has her whereabouts been revealed on the Immigration and Customs Enforcement detainee tracker or to her attorneys, despite numerous increasingly desperate inquiries.

5. Her attorneys were prevented from filing an application for a stay of removal on the grounds that the application could only be filed in the jurisdiction where Ms. Ramirez Lopez is detained—a location that has been withheld from her counsel for over 48 hours.

6. To date no reason has been given to her attorneys as to why she was detained, particularly given that Immigration and Customs Enforcement saw no reason to detain her five years ago when they placed her on supervised release, and there has been no material change in her circumstances.

7. Congress created the U-Visa program to encourage crime victims to cooperate with law enforcement to ensure enforcement of certain crimes, including sexual battery and rape. Detaining Ms. Ramirez Lopez, a crime victim who filed a police report and has at all times been willing to cooperate with law enforcement, undermines Congress's intent.

PARTIES

8. Petitioner Candida Ramirez Lopez is a Honduran national. She is a mother of four children, grandmother to two children and her youngest child is currently finishing his senior year of high school. Ms. Ramirez Lopez has no criminal history; she currently has a pending application for a U nonimmigrant visa based on her status as a crime victim and her cooperation with law enforcement in prosecuting that crime. Ms. Ramirez Lopez and her family live in Staten Island.

9. Respondent Donald J. Trump is named in his official capacity as the President of the United States. In this capacity, he is responsible for the policies and actions of the executive branch, including the Department of Homeland Security. Respondent Trump's address is the White House, 1600 Pennsylvania Ave. NW, Washington, D.C. 20500.

10. Respondent Judith Almodovar is named in her official capacity as the Acting Field Office Director of the New York Field Office for Immigration and Customs Enforcement within the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. Respondent Almodovar's address is New York Immigration and Customs Enforcement Field Office, 26 Federal Plaza, New York, New York 10278.

11. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in the Southern District of New York; is legally responsible for pursuing any effort to remove Petitioner; and as such is a custodian of Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

12. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the Immigration and Nationality Act, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Southern District of New York; is legally responsible for pursuing any effort to detain and

remove Petitioner; and as such is a custodian of Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

13. Respondent U.S. Department of Homeland Security ("DHS") is an executive department of the United States Government headquartered in Washington, D.C. DHS is the parent agency of Immigration and Customs Enforcement.

14. Respondent Immigration and Customs Enforcement (ICE") is a component agency of DHS and is responsible for enforcing federal immigration law, including the detention and removal of immigrants.

JURISDICTION & VENUE

15. The Court has subject matter jurisdiction pursuant to Article I, § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

16. The Court also has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus) and the Administrative Procedure Act, 5 U.S.C. § 701 et seq.

17. Venue is proper in the Southern District of New York Under 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Petitioner has been detained at 26 Federal Plaza in New York, New York in the Southern District of New York by ICE and was under the custody and control of ICE officials in the Southern District at the time of the filing of this petition.

18. The New York ICE Field Office and Respondent Almodovar directed Ms. Ramirez Lopez's detention in New York, New York and representatives of the New York ICE Field Office told her counsel that she was being taken to 26 Federal Plaza in New York, New

York. Meanwhile, Respondents have continuously withheld information about Ms. Ramirez Lopez's location from Petitioner's counsel since she was detained more than 60 hours ago.

LEGAL BACKGROUND

U-Visa Background

19. The Administration's draconian enforcement policy with respect to U-Visa applicants like Petitioner directly contradicts the Congressional intent behind the U-Visa program, which is intended to enhance public safety. Upon information and belief, it was the Agency's longstanding practice to refrain from taking enforcement actions against U-Visa applicants absent serious countervailing factors, which is in keeping with the relevant provisions of the Immigration and Nationality Act.

20. Congress authorized the U-Visa program in 2000 as part of a broad effort to extend legal protection to noncitizens who were victimized by crimes committed after their arrival in the United States. *See* Pub. L. No. 106-386, § 1513(a)(2)(B), 114 Stat. 1464 (codified at 8 U.S.C. § 1101(a)(15)(U)). The purpose of the U-Visa provisions is to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of [noncitizens], and other crimes ... , while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States." Pub. L. 106-386 at § 1513(a)(2)(A).

21. A grant of a U-Visa is a grant of nonimmigrant status, allowing the noncitizen to live and work in the United States as a visa holder. After at least three years of physical presence in the United States, a person granted a U-Visa nonimmigrant status may apply for permanent resident status. *See* 8 U.S.C. § 1255(m).

22. The U-Visa legislation limits the maximum number of persons accepted to 10,000 per year. 8 U.S.C. § 1184(p)(2).

23. The regulations at 8 C.F.R. § 214.14(d)(2) authorize the United States Citizenship and Immigration Service (“USCIS”) to issue deferred action and work authorization to U-Visa applicants who, solely due to the 10,000 annual cap, are not granted U-Visa status as a principal applicant. This places the applicant on the waitlist for the visa.

24. In addition, the U-Visa statute and regulations authorize certain family members to qualify for derivative U-Visa nonimmigrant status where they were not the direct victim of a crime, but were a spouse, child, and sometimes a parent or sibling, of an applicant who was a direct victim of a crime. 8 U.S.C. § 1101(a)(15)(U)(ii); 8 C.F.R. § 214.14(a)(10).

25. If USCIS determines that the petitioner has met the requirements for U-1 nonimmigrant status, regulations indicate that USCIS “*will approve*” Form I-918. 8 CFR § 214(c)(5)(i).

26. A person with an order of removal is eligible to apply for a U-Visa. Once the U-Visa is approved, he or she may seek reopening of the removal order before an immigration judge to terminate removal proceedings. 8 C.F.R. § 214.14(f)(6)). If the removal order was issued by the Department of Homeland Security, as opposed to an immigration judge, then the removal order is cancelled by operation of law once the U-Visa is approved. *Id.*

27. Congress has authorized the Secretary of Homeland Security to grant “an administrative stay of a final order of removal” to allow U-Visa applicants to remain in the United States pending approval of their application, if the Secretary determines that the application “sets forth a prima facie case for approval.” 8 U.S.C. § 1227(d)(1).

28. USCIS has sole jurisdiction over all petitions for U-Visas, but ICE is responsible for granting administrative stays of removal to U-Visa applicants subject to final orders of removal. 8 C.F.R. § 241.6; 8 C.F.R. § 214.14(c)(ii). U-Visa Stay Directives.

29. An application is bona fide where it 1) is complete and properly filed; 2) includes completed biometric and biographical background checks; and 3) presents a prima facie case for approval of the benefit as the phrase is used in 8 U.S.C. § 1227(d)(1). *Id.* at § 3.1.

30. Upon information and belief, USCIS guidance indicates that the bona fide determination process “satisfies the prima facie standard that U.S. Immigration and Customs Enforcement (ICE) previously requested in specific circumstances.”

Humanitarian Protections Background

31. Under the Immigration and Nationality Act and United States treaty obligations, if a person under order of removal indicates a fear of return, DHS must refer him or her to an asylum officer to determine whether she or he can articulate a “reasonable fear of persecution or torture.” 8 C.F.R. §§ 208.31, 241.8(e).

32. If so, the person is referred to an immigration judge (IJ) to apply for withholding of removal or protection under the United Nations Convention Against Torture (CAT). 8 C.F.R. §§ 208.31(e) (requiring asylum officer to refer case to IJ); 1208.31(e) (same); 241.8(e) (same); 1241.8(e) (same); 208.2(c)(2) (IJ jurisdiction in referred cases); 1208.2(c)(2) (same); 1208.16 (withholding only hearings before IJ).

33. Removal of the noncitizen is automatically stayed pending resolution of the “withholding only” proceedings before the Immigration Court.

FACTUAL SUMMARY

Ms. Ramirez’s Lopez’s Arrival and Early Days in the United States.

34. Ms. Ramirez Lopez first came to the United States in 2005, fleeing from her abusive husband in Honduras. After she entered, she had contact with immigration authorities and was put into removal proceedings. She moved to Louisiana, where she had family that could support her. However, her husband came to find her in the United States, and he continued to torment and abuse her.

35. She was ordered removed *in absentia* by the Harlingen Immigration Court on October 21, 2005.

36. Fortunately, her husband returned to Honduras, and Ms. Ramirez Lopez believed she was safe. However, while she was pregnant with her youngest child, she received a call that her husband had attacked her eldest child back in Honduras. She flew back to Honduras, knowing that she had to protect her children from her husband.

37. While living in Honduras, Ms. Ramirez Lopez ran a small restaurant out of their home. Gang members from MS-13 began threatening her, telling her that she needed to pay them a “war tax.” She did not pay them, and they demanded that she start selling drugs for them. After she refused to cooperate, they threatened to harm her and her family.

38. One night, a gang member came by her house and shot at Ms. Ramirez Lopez, killing one of her patrons. After the murder attempt, Ms. Ramirez Lopez was able to convince her husband that she and her youngest child should seek safety in the United States.

39. Ms. Ramirez Lopez and her son Cristofer arrived in the United States on March 9, 2019. Cristofer was placed into removal proceedings, and Ms. Ramirez Lopez was placed under an order of supervision, as she had a prior removal order.

40. Cristofer applied for political asylum and also applied for Special Immigrant Juvenile Status (SIJS), based on abandonment by his father. His SIJS application was granted in

December 2023. Cristofer is currently a senior in high school in Staten Island, set to graduate in the coming weeks.

41. In May 2021, Ms. Ramirez Lopez was the victim of attempted rape and abusive sexual contact at her home in Staten Island. She made a complaint to the New York Police Department, and cooperated with the investigation. Based on this incident, Ms. Ramirez Lopez has applied for a U-Visa, for immigrant victims of crime who cooperate with law enforcement.

42. Her U-Visa application remains pending as of February 14, 2025.

43. This incident of sexual assault, in addition to the other traumatic incidents that Ms. Ramirez Lopez suffered in her life, have caused her to suffer adverse effects of trauma. She works with a psychologist to help process her experiences.

44. Ms. Ramirez Lopez also suffers from high blood pressure, for which she takes 20 mg Lisinopril daily, and it is very likely she does not currently have access to her medication.

45. For several years, Ms. Ramirez Lopez has been under an order of supervision from both ICE and ICE contractors, through the Intensive Supervision Appearance Program (“ISAP”).

46. Ms. Ramirez Lopez has reported to her ICE check-ins consistently since she first entered the United States.

47. In preparation for her check-in on March 6, 2025, Ms. Ramirez Lopez and her attorneys at Legal Services NYC, submitted a request for a Reasonable Fear Interview to the NYC ICE Outreach email mailbox and to the New York Asylum Office.

48. At the March 6 check-in, Ms. Ramirez Lopez and her counsel, David Wilkins, appeared at the ICE office on the 5th floor of 26 Federal Plaza.

49. There, they submitted the original signed copy of Ms. Ramirez Lopez's request for a Reasonable Fear Interview to ICE and also told the deportation officer on duty about her pending U-Visa application (whose receipt had not yet been issued by USCIS).

50. ICE scheduled her to return on June 17, 2025.

51. In the interim, her counsel David Wilkins reached out to and corresponded with the ICE officers assigned to the case, Christopher Finnie, Anthony Caballero, and David Scott.

52. Ms. Ramirez Lopez also received a notice from the New York Asylum Office that they were not scheduling Credible and Reasonable Fear Interviews for immigrants who, like Ms. Ramirez Lopez, are not detained.

53. Ms. Ramirez Lopez was also subject to an ISAP order of supervision. As a result, she was wearing an electronic monitor on her wrist and was required to report in-person and virtually. She was at all times compliant with her ISAP order of supervision.

54. On Monday, June 2, 2025, Ms. Ramirez Lopez received an automated message that she was expected to check-in in person at the ISAP offices on Tuesday June 3rd or Wednesday June 4th.

55. On Wednesday, June 4th, her counsel, David Wilkins, accompanied Ms. Ramirez Lopez to the ISAP facility at 7 Elk Street, New York, NY.

56. From the waiting room, Ms. Ramirez Lopez was called to go into the ISAP offices.

57. When her attorney attempted to accompany her, he was told that he had to wait in the hallway.

58. Thereafter, another official came out and asked her attorney, Mr. Wilkins, whether he had submitted a notice of appearance, also known as a G-28 form, for her case and he confirmed that he had.

59. Then a different officer came out to the waiting room and told Mr. Wilkins that, actually, ICE could not speak to the attorney as his name did not appear in the “USCIS” system.

60. Mr. Wilkins indicated that he had previously submitted the G-28 for Ms. Ramirez Lopez *directly* to ICE, which meant that he had made an appearance on her case and as authorized as her attorney to speak with the agents.

61. The officer insisted that if the G-28 notice of appearance was not “in the USCIS system,” that ICE would not give information to Mr. Wilkins.

62. Mr. Wilkins, concerned that he was not being permitted to represent his client, demanded to speak to a supervisor. A supervisor then came out to the lobby, reviewed the physical G-28 notice of appearance form, and said that he would email it to the corresponding ICE deportation officers.

63. At that time, Mr. Wilkins also sent an email to the deportation officers (Finnie and Caballero) to request that ISAP speak with him as her counsel of record.

64. Shortly thereafter, Mr. Wilkins asked the supervisor where Ms. Ramirez Lopez was. The supervisor would not say where she was, only that she was no longer in the building, and had probably been brought to the ICE building across the street at 26 Federal Plaza.

65. Mr. Wilkins went to the ICE offices on the fifth floor of 26 Federal Plaza and spoke with Christopher Finnie who told him that Ms. Ramirez Lopez had been detained and was upstairs for processing.

66. Officer Finnie told Mr. Wilkins that he could locate his client through the ICE detainee locator website.

67. Immediately thereafter, Mr. Wilkins began monitoring the ICE detainee locator website.

68. The next day, June 5, no information about Ms. Ramirez Lopez or her location appeared on the ICE detainee locator. Mr. Wilkins emailed Officers Finnie and Caballero, inquiring about his client's whereabouts. Officer Finnie responded that he was out of office, but would check and respond the next day.

69. The next day, June 6, a full 48 hours after her detention, the ICE detainee locator still showed no information about Ms. Ramirez Lopez or her whereabouts.

70. In his continuing attempts to find his client who had been suddenly detained without notice and who had been disappeared for a full two days, Mr. Wilkins emailed Officers Finnie and Caballero again, but received no response.

71. That same day, Mr. Wilkins emailed William Joyce and Judith Almodovar of ICE, again without response other than an automated out-of-office message from Officer Joyce, directing correspondents to reach out to Bryan Flanagan,

72. Mr. Wilkins then emailed Bryan Flanagan of ICE, and received no response.

73. Mr. Wilkins then emailed Mayra Pardo-Figueroa, Michael V. Charles, and Joseph T. Pujol of ICE, also without response.

74. Mr. Wilkins was also calling detention facilities that detain female inmates, desperate to find his client. He called the Aldine, Texas ICE detention facility, where they indicated they did not have any information about the whereabouts of Ms. Ramirez Lopez.

75. Mr. Wilkins also called the Oakdale, Louisiana, ICE facility, which did not answer, and he left a message.

76. Finally, on June 6 at 4:48 p.m., Officer Pujol responded to Mr. Wilkins's email, stating that Ms. Ramirez Lopez "remains in transit to their final detention housing."

77. As of 10:30 PM on June 6, 2025, Ms. Ramirez Lopez's information does not appear at all in the ICE online detainee locator system.

78. As of 7:00 PM on June 6, 2025, Ms. Ramirez Lopez has not been in contact with her attorneys, her son, or partner since she was detained on June 4, 2025.

Thwarted Attempt to Request a Stay of Removal from the New York ICE Field Office

79. On Friday, June 6th at approximately 3:00 p.m., after being unable to locate Ms. Ramirez Lopez for more than 48 hours, another of Ms. Ramirez Lopez's attorneys at Legal Services NYC, Carolyn Norton, went to the ICE Field Office located at 26 Federal Plaza to submit an Application for a Stay of Deportation or Removal, ICE Form I-246 ("Stay Application").

80. ICE policy requires that Stay Applications be submitted to the local Enforcement and Removal Operations Field Office that has jurisdiction over the detainee's custody. Upon information and belief, at the time Ms. Norton attempted to submit the Stay Application, Ms. Ramirez Lopez was still being held at 26 Federal Plaza, New York, New York.

81. Attorney Norton submitted the Stay Application at the window on the 9th floor and was told the Stay Application would be subject to supervisor review.

82. Approximately thirty minutes later, an ICE employee returned the Stay Application to Ms. Norton, stating ICE could not accept the application because Ms. Ramirez Lopez was "in transit."

83. Ms. Norton inquired as to where Ms. Ramirez Lopez was being transited to and was told that information would not be disclosed for “security reasons.”

84. Ms. Norton was instructed to check the ICE online detainee locator system to determine Ms. Ramirez Lopez’s whereabouts.

85. Ms. Norton explained that her office had been repeatedly checking the locator system for the past 48 hours and that there was no information available about Ms. Ramirez Lopez in the system.

86. Ms. Norton was then instructed to check the system in a few days and to then resubmit the Stay Application at the Enforcement and Removal Operations Field Office closest to where Ms. Ramirez Lopez was detained.

87. Ms. Norton requested again that the New York Field Office accept the Stay Application as that was the last known location where Ms. Ramirez Lopez was detained and therefore the location that had jurisdiction.

88. The ICE agent once again refused to accept the Stay Application, leaving Ms. Ramirez Lopez with no recourse to request relief from her government.

Current State of Affairs

89. As of 10:30 p.m. on June 6, 2025—three days after Ms. Ramirez Lopez went for a check-in at the ISAP offices—Ms. Ramirez Lopez remains effectively disappeared by Respondents, her whereabouts unknown, her attorneys and family unable to contact her, and her attorneys unable to provide effective representation after having been repeatedly and intentionally impeded by Respondents.

90. As of 10:30 p.m. on June 6, 2025, Ms. Ramirez Lopez—who has no criminal background and who has appeared for every required check in for the past five years—has been

detained for completely unknown reasons while being repeatedly and intentionally prevented by Respondents from consulting with or being adequately represented by her attorneys.

91. Nothing in Ms. Ramirez Lopez's situation has changed since she was initially put on supervised release five years ago, and certainly nothing that would warrant detaining her without access to counsel.

92. By detaining Ms. Ramirez Lopez while her U-Visa application is pending, Respondents are acting counter to the clear statutory purpose of the U-Visa enabling legislation, to protect immigrant crime victims so that they may assist in the prosecution of the serious crimes to which they have fallen victim.

93. Upon information and belief, it was the Agency's longstanding practice to refrain from taking enforcement actions against U-Visa applicants absent serious countervailing factors.

CLAIMS FOR RELIEF

FIRST CLAIM

Violation of Fifth Amendment Right to Due Process

94. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

95. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

96. The government's detention of Ms. Ramirez Lopez is unjustified, and the course of events suggest she is going to be summarily removed despite her reasonable fear of return to Honduras, and the pendency of her meritorious U-visa application.

97. The government has not demonstrated that Ms. Ramirez Lopez—who has no criminal history, has close ties in the community, and has a U-Visa application pending based on her status as a crime victim—needs to be detained. See *Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community).

98. Ms. Ramirez Lopez is neither a danger nor a flight risk and her detention is arbitrary on its face. There is no credible argument that Ms. Ramirez Lopez cannot be safely released back to her community. She has faithfully complied with every condition of her order of supervision for years without incident and no change in circumstances exists to warrant the revocation of her order of supervision.

99. Ms. Lopez Ramirez has also been denied due process in that she has not been able to communicate with her attorney. Attorney Wilkins has a G-28 Notice of Appearance on file with the Department of Homeland Security. He also submitted a request for a reasonable fear interview to assess Ms. Ramirez Lopez’s fear of being deported to Honduras more than three months ago. Instead of processing this request and determining if Ms. Lopez Ramirez continued to remain in fear of returning to Honduras, Respondents put her into detention when she dutifully appeared for her appointment with a private contractor that manages ICE’s device monitoring program.

100. Since being in detention for now more than sixty hours, Ms. Ramirez Lopez has been unable to communicate with her family or her attorney.

101. Ms. Lopez Ramirez’s detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution and therefore her continued detention is unlawful.

SECOND CLAIM

Violation of the Administrative Procedure Act and the *Accardi* Doctrine

102. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

103. The Administrative Procedures Act (“APA”) provides that a court “shall . . . hold unlawful and set aside agency action . . . found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). When the government has promulgated “[r]egulations with the force and effect of law,” those regulations “supplement the bare bones” of federal statutes, such that the agencies are bound to follow their own “existing valid regulations.” *United States ex rel. Accardi Shaugnessy*, 347 U.S. 260, 266, 268 (1954). The *Accardi* doctrine also obligates agencies to comply with procedures it outlines in its internal manuals. See *Mortov. Ruiz*, 415 U.S. 199, 235 (1974) (finding that an agency is obligated to comply with procedural rules outlined in its internal manual).

104. Respondents’ course of enforcement action against Ms. Ramirez Lopez, including detaining her and taking steps to remove her, contravenes the humanitarian protections she is entitled to pursue with no justification whatsoever.

105. To the extent that Respondents have revoked Ms. Ramirez Lopez’s order of supervision without notice or an opportunity to be heard, they violated the statute and the applicable regulations—8 C.F.R. §§ 241.4(l) and 241.13(i)—by failing to provide her with a particularized notice of the reason(s) of the revocation of her release or an opportunity to respond to the allegations contained therein.

106. Ms. Ramirez Lopez has no adequate remedy at law.

THIRD CLAIM

Release on Bail Pending Adjudication

107. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

108. This Court has the “inherent authority” to grant bail to habeas petitioners like Ms. Ramirez Lopez. See *Mapp v. Reno*, 241 F.3d 221, 230 (2d Cir. 2001) (holding that federal courts have inherent authority to set bail pending the adjudication of a habeas petition when the petition has raised substantial claims and extraordinary circumstances “make the grant of bail necessary to make the habeas remedy effective”). In considering a petitioner’s fitness for bail, courts assess (1) “whether the petition raises substantial claims” and (2) “whether extraordinary circumstances exist that make the grant of bail necessary to make the remedy effective.” *Elkimya v. Dep’t of Homeland Sec.*, 484 F.3d 151, 154 (2d Cir. 2007).

109. This petition raises numerous substantial constitutional and statutory claims challenging Ms. Ramirez Lopez’s arbitrary and capricious detention. As for the second factor, extraordinary circumstances exist here that make Ms. Ramirez’s release necessary to make the remedy effective. Ms. Ramirez Lopez has been fully compliant with all the terms of her order of supervision since she reentered the United States in 2019. She has a son who is still in high school and is graduating in the coming weeks. Ms. Ramirez Lopez also has a pending U-Visa application which she is patiently waiting for Respondents to adjudicate. Nothing in her circumstances have changed to warrant her detention – she has been in compliance with her order of supervision, she has no criminal history, she fears returning to her home country due to protracted abuse at the hands of her husband who holds a position of power in Honduras as a law enforcement officer and she is also sadly a crime victim in the United States where she cooperated with law enforcement in their investigation.

110. Ms. Ramirez has established substantial claims and she has also demonstrated extraordinary circumstances thereby making her eligible for bail.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Require Respondents to keep Petitioner in this District pending these proceedings or if relocated Require Respondents to keep Petitioner in this District pending these proceedings;
- 3) Order the immediate release of Petitioner pending these proceedings;
- 4) Declare that Respondents' actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
- 5) Declare that Respondents' actions to arrest and detain Petitioner violate the the Administrative Procedures Act;
- 6) Enjoin Respondents from removing Petitioner from the United States pending these proceedings;
- 7) Require Respondents to permit Petitioner to contact her attorneys and vice versa throughout these proceedings;
- 8) Require Respondents to disclose the location of Petitioner to her attorneys at all times during these proceedings; and
- 9) Award reasonable attorneys' fees and costs for this action; and
- 10) Grant such further relief as the Court deems just and proper.

Dated: June 6, 2025
New York, New York

Respectfully submitted,

By: /s/

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