

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

**SEGUNDO ROBERTO GUAMAN  
VEINTIMILLA**

**Petitioner,**

**v.**

**E.L. TATUM, JR.**, Warden of the  
Federal Correctional Institute, Berlin;  
**PATRICIA H. HYDE**, Acting Field Office  
Director of the Immigration and Customs  
Enforcement, Enforcement and Removal  
Operations, Boston Field Office

**Respondents.**

**Case Number: 1:25-cv-230-JL-TSM**

**AMENDED PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

**INTRODUCTION**

Petitioner Segundo Roberto Guaman Veintimilla is a noncitizen from Ecuador who was unlawfully detained by Respondents at the Federal Correctional Institute in Berlin, New Hampshire (“FCI Berlin”) for 14 days from May 30, 2025 to June 13, 2025. He was detained despite an Immigration Judge’s (“IJ”) May 27, 2025 order requiring his release if he could post bond—a condition Petitioner satisfied on May 30, 2025. Respondents only released Petitioner after Petitioner filed this habeas petition on June 13, 2025. Having already violated the IJ’s May 27, 2025 bond order once by needlessly detaining Petitioner for 14 days after he had posted bond, Respondent Immigration and Customs Enforcement (“ICE”) has violated the IJ’s bond order once again. Since June 17, 2025, Respondent ICE has subjected Petitioner to GPS monitoring through an ankle bracelet though such a condition was never imposed by the IJ in its May 27, 2025 order.

Petitioner prevailed at his May 27, 2025 bond hearing, where the IJ ordered his release with one condition: upon payment of a \$7,500 bond. *See* Ex. A. Despite Petitioner posting this \$7,500 bond payment with Respondents on May 30, 2025, *see* Ex. B, Respondents did not release Petitioner from their custody as of the time of this petition's filing original filing on June 13, 2025, leading to nearly two weeks of unlawful detention. Petitioner's immigration counsel informed, and reached out to, Respondents numerous times to secure Petitioner's release notwithstanding the payment of this bond. However, notwithstanding these efforts, Petitioner unlawfully remained in Respondents' detention at the time of this petition's original filing. In addition to these two weeks of unlawful detention, Petitioner effectively still remains detained by virtue of ICE's unlawful decision to subject Petitioner to GPS monitoring through an ankle bracelet even though such a condition was never imposed by the IJ. This continuing detention violates the applicable statute and regulation, as well as the Due Process Clause of the Constitution. This Court should order Respondents to immediately release Petitioner from Respondents' custody including the GPS monitoring pursuant to the IJ's bond orders.

Petitioner further alleges as follows:

### **PARTIES**

1. Petitioner Segundo Roberto Guaman Veintimilla is a resident of Massachusetts who came to the United States more than two years ago prior to his immigration detention on March 22, 2025. He is presently being unlawfully detained by Respondents.
2. Respondent E.L. Tatum, Jr. is the warden of FCI Berlin to the best of Petitioner's knowledge, and he is being sued in his official capacity as the warden. He was Petitioner's immediate custodian.

3. Respondent Patricia Hyde is the Acting Boston Field Office Director, U.S. Immigration and Customs Enforcement, and she is being sued in her official capacity. She is Petitioner's immediate and legal custodian.

### **JURISDICTION AND VENUE**

4. The Court has jurisdiction under 28 U.S.C. § 1331, 2241 (habeas corpus) and Article I, Section 9, Clause 2 of the U.S. Constitution ("Suspension Clause").

5. Venue is proper in the District of New Hampshire because Petitioner is currently detained at FCI Berlin in Berlin, New Hampshire, which is in the territorial jurisdiction of this Court. 28 U.S.C. § 1391; *Vasquez v. Reno*, 233 F. 3d 688, 696 (1st Cir. 2000).

### **FACTS**

6. Petitioner Segundo Roberto Guaman Veintimilla was born in Ecuador and immigrated to the United States more than two years prior to his immigration detention on March 22, 2025. *See* Ex. D (Dec. Pires) ¶3; Ex. C (Dec. Pet.) ¶2.

7. On or about March 22, 2025, Respondents took Segundo Roberto Guaman Veintimilla into immigration custody as a collateral arrest during a raid in Milford, Massachusetts. *See* Ex. D ¶4; Ex. C ¶2.

8. No final order of deportation has been issued for Segundo Roberto Guaman Veintimilla at this time. *See* Ex. D ¶7.

9. Petitioner has no criminal record. *See* Ex. D ¶5; Ex. C ¶3.

10. On May 27, 2025, Petitioner appeared before an IJ, and he was granted release following a hearing for a change in custody status pursuant to 8 C.F.R. § 1236(d)(1) and 8 U.S.C. § 1226(a)(2). *See* Ex. D ¶6; Ex. C ¶5.

11. The order required Petitioner to post a \$7,500 bond and complete a form I-352. *See* Ex. D ¶6; Ex. C ¶5; Ex. A.

12. The IJ's order that entered on May 27, 2025 indicated that the Department of Homeland Security was waiving its right to appeal the decision on the change in custody status. *See* Ex. D ¶7; Ex. C ¶6; Ex. A.

13. On May 29, 2025, Petitioner made a bond request and signed the I-352 form. *See* Ex. D ¶8; Ex. C ¶7; Ex. B.

14. On May 30, 2025, Petitioner successfully posted his \$7,500 bond payment. *See* Ex. D ¶8; Ex. C ¶8; Ex. B.

15. On June 3, 2025, the United States Immigration and Customs Enforcement website indicated that Segundo Roberto Guaman Veintimilla was released on June 3, 2025. *See* Ex. D ¶12; Ex. C ¶9; Ex. B.

16. However, as of June 13, 2025 at the time of this petition's original filing, Respondents had not released Segundo Roberto Guaman Veintimilla from FCI Berlin. *See* Ex. D ¶21; Ex. C ¶10.

17. On June 3, 4, and 5, 2025, Petitioner's immigration counsel reached out to the ICE officer at FCI Berlin and to the ICE office in Burlington, Massachusetts. *See* Ex. D ¶¶14-16.

18. Petitioner also continuously requested information to Respondents about his release, but he was told to wait. *See* Ex. C ¶11. Instead of being released, Petitioner was moved to another cell. *See* Ex. C ¶12.

19. Petitioner's immigration counsel inquired if new charges had been filed against Petitioner or if some other reason existed to justify the delay in Petitioner's release from FCI Berlin. *See* Ex. D ¶16.

20. At no point have Respondents provided a justification for Petitioner's continued detention. *See* Ex. D ¶18.

21. On one occasion, on June 6, 2025, Petitioner's immigration counsel reached out to the ICE Boston Field Office and was told that the issue of Petitioner's continued detention would be escalated internally. Between that time and the filing of the original petition on June 13, 2025, Respondents had not engaged in any communications with Petitioner's immigration counsel, let alone any communications that would justify this continued detention. *See* Ex. D ¶20.

22. On June 13, 2025, Petitioner filed his original habeas corpus petition to challenge the unlawful detention.

23. On the same day, Respondents informed the Court that Petitioner had already been released. However, this was not accurate.

24. After independently verifying and confirming Petitioner's continued presence at FCI Berlin by Petitioner's counsel, the Court held a status conference at 5:00 p.m. *See* Ex. D ¶26.

25. Respondent FCI Berlin released Petitioner to the custody of Respondent ICE at around 4:59 pm on June 13, 2025. Thus, Petitioner was still in ICE custody as of the Court's 5:00 p.m. status conference.

26. On June 13, 2025, at 5:42 p.m., after the approximately 20-minute status conference, the Court issued an order stating the following (ICEP No. 5): "The petitioner's emergency motion for habeas relief is granted to the extent that the Respondents shall immediately effectuate the petitioner's release from BOP and ICE custody in compliance with the Immigration Judge's order, with which the petitioner has already complied by posting the ordered bond."

27. After receiving Petitioner from Respondent FCI Berlin at around 4:59 p.m., Respondent ICE transported Petitioner to the ICE Boston Field Office in Burlington, Massachusetts and released him around 9:00 p.m. on June 13, 2025.

28. Respondents placed a GPS monitoring ankle bracelet on Petitioner on June 17, 2025. A picture of this intrusive bracelet is below:



29. The IJ's bond order did not include any conditions on the GPS monitoring.

### **CLAIMS FOR RELIEF**

#### **COUNT 1**

**8 U.S.C. § 1226, 8 C.F.R. § 1236.1, AND 8 C.F.R. § 1003.19**

30. The foregoing allegations are realleged and incorporated herein.

31. Under the statute and regulation, the Attorney General through an Immigration Judge can release Petitioner on "bond of at least \$1,500 with security . . . and containing conditions[.]" 8 U.S.C. § 1226(a)(2); 8 C.F.R. § 1236.1(d)(1) (noncitizen "may, at any time before an order . . . becomes final, request amelioration of the conditions under which he or she may be released" and "the immigration judge is authorized to exercise the authority in section 236 of the Act . . . to detain the alien in custody, release the alien, and determine the amount of bond").

32. Pursuant to the IJ's May 27, 2025 bond order, Respondents must have released Petitioner once the bond was posted without additional conditions. *See* Exs. A & B.

33. However, Petitioner remains held under Respondents' custody in violation of the bond order. This is despite Respondents' waiver of the appeal of the IJ's bond order to the BIA under 8 C.F.R. § 1003.19(f).

34. Petitioner's continuing detention is unlawful. *See Orellana Juarez v. Moniz*, Civil Action No. 25-cv-11266-MJJ, 2025 U.S. Dist. LEXIS 110708, at \*14 (D. Mass. June 11, 2025) ("Respondents may not impose additional conditions *after an IJ has ordered release on a bond and set conditions of release*, as here.") (emphasis in original); *Jeanfranco Alejandro Flores Salazar*, No. 25-11159-LTS, at \*15 (June 11, 2025) (ECF No. 26) ("His Petition ... is ALLOWED. Patricia Hyde, Acting Director of ICE's Boston Field Office, and/or an ICE official who supervises her and has the legal authority to carry out this Order, shall RELEASE Flores Salazar from GPS monitoring and intensive supervision FORTHWITH.") (Sorokin, J.).

**COUNT 2**  
**U.S. CONSTITUTION - FIFTH AMENDMENT**

35. The foregoing allegations are realleged and incorporated herein.

36. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that "[n]o person shall . . . be deprived of life, liberty, or property, without due process of law." U.S. Const. amend V.

37. Respondents have no lawful justification to continue detaining Petitioner.

38. Petitioner's detention violates his due process rights.

**PRAYER FOR RELIEF**

Petitioner asks that this Court grant the following relief:

(1). Assume jurisdiction over this matter;

- (2). Order the immediate release of Petitioner, including the GPS monitoring ankle bracelet, pursuant to the IJ's bond order;
- (3). Award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and 5 U.S.C. §504, if applicable; and
- (4). Order any further relief this Court deems just and proper.

Respectfully submitted this 20th day of June 2025.

Segundo Roberto Guaman Veintimilla,

By and through his Counsel,

/s/ SangYeob Kim

Gilles R. Bissonnette (NH Bar: 265393)

SangYeob Kim (NH Bar: 266657)

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