

RAMIREZ-SMITH LAW
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Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

Kevin Edgardo Ramirez Solis,)
)
Petitioner,)
)
v.)
)
Mike Hollinshead, Sheriff, Elmore County;)
Jared Callahan, Acting Director of Boise U.S.)
Immigration and Customs Enforcement)
Field Sub-Office;)
Jason Knight, Director of the Salt Lake City)
U.S. Immigration and Customs Enforcement)
Field Office;)
Kristi Noem, Secretary of the U.S. Department of)
Homeland Security; and **Pam Bondi,**)
Attorney General of the United States,)
in their official capacities,)
)
Respondents.)
_____)

File No.



MOTION FOR LEAVE TO AMEND PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Kevin Edgardo Ramirez Solis, by and through his counsel Jacob C. Rourk of Ramirez-Smith Law, respectfully files this Motion for Leave to Amend his July 9, 2025 First Amended Petition for Writ of Habeas Corpus. Mr. Ramirez Solis’ proposed Second Amended Petition for Writ of Habeas Corpus is filed contemporaneously with this motion.

1. Petitioner was arrested by ICE on June 24, 2025, by their violent use of window-breaking instruments to force him from his vehicle in which he remained stationary. He faced imminent removal from the jurisdiction based on DHS’s practice of speedily

transporting aliens detained in Idaho to Las Vegas, Nevada, where he would be then detained outside of the federal jurisdiction of Idaho: his home state, and the state in which the relevant events transpired. He therefore filed his Petition for Writ of Habeas Corpus on June 25, 2025. He utilized his first amendment to develop his petition on July 2, 2025, 7 days later.

2. However, subsequently, Mr. Ramirez Solis moved for a bond redetermination with the Portland Immigration Court, which the court set for July 18, 2025. At that hearing, the court erroneously denied jurisdiction to grant Mr. Ramirez Solis' bond redetermination request, arguing he was subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as an alien seeking admission, despite having lived in the United States since 2018.
3. This development has significantly deprived Petitioner further of Due Process, and of his statutory rights under U.S.C. § 1226(a), and under the APA. He is being ongoingly detained now in Elmore County Detention Center in Mountain Home, Idaho, without being afforded a hearing wherein an immigration judge would determine his eligibility for bond on the merits.
4. "Amendments in matters of substance may be made on such terms as justice may require." Super. Ct. R. 12(a)(3). "[A] trial court may permit a substantive amendment to pleadings in any stage of the proceedings, upon such terms as the court shall deem just and reasonable, when it shall appear to the court that it is necessary for the prevention of injustice." *Sanguedolce v. Wolfe*, 164 N.H. 644, 647 (2013) (citation and quotation omitted). "Accordingly, liberal amendment of pleadings is permitted unless the changes would surprise the opposing party, introduce an entirely new cause

of action, or call for substantially different evidence.” *Id.* at 647-48. In this case, justice requires permitting Mr. Pepen to amend his Petition. Only after full briefing should the Court consider the merits of the Petition and the Department’s oral request to have the case dismissed as moot.

5. There is no prejudice to Respondents in permitting Mr. Ramirez-Solis to amend his petition. No formal discovery has commenced, and the parties have not expended significant resources to date which would be wasted. Denial would contrarily deprive Petitioner of his ability to present important developments in the unlawfulness and unconstitutionality of his detention.
6. Accordingly, Mr. Ramirez Solis, through his retained counsel, seeks leave to amend his Petition so that the Court may consider the questions presented by the denial of his bond redetermination.
7. Petitioner seeks to amend his petition to include addition of these new facts, and two new counts arising therefrom.
8. In sum, justice would be served by permitting Mr. Ramirez-Solis to amend his First Amended Petition for Writ of Habeas Corpus.

Certificate of Service

I hereby certify that a copy of the foregoing Motion for Leave to Amend Petition for Writ of Habeas Corpus has been served on the Respondents on this date, July 21, 2025, through email.

/s/Jacob C. Rourk
Jacob C. Rourk
Ramirez-Smith Law
Counsel for Petitioner