

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

GEUDY COLON REYES,
PETITIONER,

C.A. NO: 1:25-cv-00310

V.

TODD LYONS, ICE DIRECTOR BOSTON
FIELD OFFICE, KRISTI NOEM SECRETARY
OF THE US DEPT. OF HOMELAND
SECURITY, PAMELA BONDI, US
ATTORNEY GENERAL
RESPONDENT,

**MEMORANDUM IN SUPPORT FOR EMERGENCY WRIT OF HABEAS CORPUS
AND MOTION FOR TEMPORARY RESTRAINING ORDER**

Now comes petitioner by and through counsel and seeks the immediate release of Mr. Colon Reyes as the basis for ICE detaining him is a complete legal fallacy. Mr. Reyes is being detained on a 'vandalism' charge. Said vandalism charge does not exist. There is no arrest for Mr. Colon Reyes, no charge for Mr. Colon Reyes, and hence zero basis for Mr. Colon Reyes being held for one more second by the Federal Government.

Detention based on non-existent criminal charges exceeds the lawful authority of both state and federal immigration officials, and the detainee should be released immediately. *Abel v. United States*, 362 U.S. 217, *Hernandez v. United States*, 939 F.3d 191.

Statement of Facts

Mr. Reyes is being detained for a 'vandalism' charge and was picked up earlier this week by Federal ICE officials for a 'vandalism' charge. There is zero pending criminal charges against Mr. Reyes, no arrest records history or the like concerning any vandalism charge as a matter of

law in Rhode Island. These criminal charges do not exist as a matter of law under Rhode Island jurisdiction. Hence any basis for ICE to hold Mr. Colon Reyes is unfounded and his detention at this point is unfounded.¹

Challenging Unlawful Detention

Noncitizens held by federal, state, or local agencies pursuant to a detainer for longer than forty-eight hours are being held in violation of the INA and regulations. *Aguilar-Hernandez v. AG of the United States*, 544 Fed. Appx. 67. A noncitizen may challenge prolonged detention by seeking judicial review through a petition for a writ of habeas corpus in state or federal court. Persons who are arrested or detained may challenge their detention through a writ of habeas corpus on grounds including improper due process or violation of basic constitutional rights.

Detention Based on Non-Existent Criminal Charges is Unlawful

When a person is detained by ICE based on criminal charges that do not exist under Rhode Island law, the detention lacks legal foundation. Law enforcement agencies derive their authority from law, and they cannot enforce non-existent crimes. Since Rhode Island has primary authority for defining and enforcing its criminal law, the absence of the alleged crime in Rhode Island's legal code means there is no valid basis for the initial detention. *Cty. of Ocean v. Grewal*, 475 F. Supp. 3d 355.

Right to Challenge Detention Through Habeas Corpus

The individual being detained has the right to challenge their detention through a writ of habeas corpus. null. This is particularly applicable when the detention is based on non-existent criminal

¹ Enclosed in Exhibit A of this nonsensical detention is a search for Mr. Reyes in the RI Court system displaying no vandalism charge pending or past.

charges, as this constitutes a clear violation of due process. By law, individuals should be released immediately.

Respectfully Submitted,
Petitioner, GUEDY REYES
By and through HIS Attorney,

/s/ Lawrence P Almagno Jr.
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Dated: July 1, 2025

CERTIFICATE OF SERVICE

I hereby certify that on the **1 Day of July** the within document was filed through the Odyssey File & Serve and will be sent electronically to all registered participants as identified on the RI ECF Filing System.

/s/Lawrence P. Almagno Jr.