

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

GEUDY COLON REYES,  
PETITIONER,

C.A. NO:

V.

PATRICIA HYDE Acting Director of  
Boston Field Office, U.S. Immigration and  
Customs Enforcement; KRISTI NOEM,  
Secretary of the U.S. Department of  
Homeland Security; PAMELA BONDI,  
Attorney General of the United States; in  
their official capacities,  
RESPONDENTS,

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**AMENDED EMERGENCY WRIT OF HABEAS CORPUS AND MOTION FOR  
TEMPORARY RESTRAINING ORDER**

Now comes Petitioner seeking immediate bond and or in the alternative an order preventing the movement, deportation of petitioner and, or prevention of the federal government to transfer petitioner outside the State of Rhode Island. Petitioner has been part of DACA since 2008, a lifelong resident of the State of Rhode Island, with a severely disabled autistic son who is in need of daily care and attention of Petitioner. The reason for Mr. Reyes being picked up by Immigration officials, upon information and belief is a vandalism charge that does not exist. No Arrest record exists and is a legal nullity for the detention of Mr. Reyes. Based upon past history, without an order from this Court releasing Mr. Reyes or at a minimum preventing his movement outside of this Jurisdiction, the Government will move him and deny him the ability to participate in his own defense, and the genesis of the entire proceeding is completely baseless, as there is no arrest record for Mr. Reyes. Absent an order from this Court, on information and belief and based on DHS's actions in similar cases, DHS will take Mr. Reyes into DHS custody, detain him, and remove him from this District. In so doing, DHS would deprive Mr. Reyes of his

right to participate in his own defense. Mr. Reyes seeks immediate relief from this Court enjoining DHS from removing him from this District or from the United States, and ordering Respondents to release him from their immediate and constructive custody.

### **JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant writs of habeas corpus where a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 USCS § 2241.
2. This Court also has jurisdiction under 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States. 28 USCS § 1331, and 28 USC § 2201.
3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
4. Venue is proper in this Court because Petitioner is currently detained within the jurisdiction of this Court at Department of Homeland Security in Warwick RI in the District of Rhode Island.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

5. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28
6. U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).
7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### **PARTIES**

8. Petitioner Guedy Reyes has lived in Rhode Island for 89.19% of his life, he was is a national of Dominican Republic who was previously granted protection under the Deferred Action for Childhood Arrivals (DACA) program.
9. Respondent Acting Director of Boston Field Office Director Patricia Hyde is the Field Office Director of ICE Boston, and is Petitioner's immediate custodian. Respondent is sued in her official capacity.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the immigration laws. Respondent is sued in her official capacity.
11. Respondent Pamela Bondi is the US Attorney General responsible for the administration and enforcement of the Department of Justice. Respondent is sued in her official capacity.

#### **FACTUAL BACKGROUND**

12. Petitioner was brought to the United States as a child on or about 1992 at the age of four years old.
13. Petitioner is a pillar of the community and has lived here for his entire life, dedicating the past ten years of his life to care for his autistic son who has severe autism and is non-verbal.
14. Petitioner was granted DACA status on or about 2008, which was valid until approximately one year ago.
15. Petitioner has a son with severe special needs autistic that lives in East Providence with 24/7 care, between the mother and father he is under constant adult supervision, he graduated Hope High School in 2006, and he volunteers he does construction for low income people for free, in addition to having a handyman construction company, and is employed by Blackstone Construction in East Providence RI.
16. On June 30 2025, Petitioner was taken into ICE custody at Jefferson Blvd.
17. Petitioner has been detained by ICE at Jefferson Blvd /Wyatt since June 30, 2025
18. There is currently no details about any hearing provided by ICE nor by looking up his A number.
19. Without any information from ICE on his location or hearings Petitioner has been prevented from attempting to obtain a release from Detention.
20. Counsel upon information and belief has been informed that the detention is for a vandalism charge out of East Providence Rhode Island.

21. A search of the RI Court Records demonstrate no arrest charge or case for Vandalism out of East Providence Rhode Island or any other jurisdiction in this State.

#### LEGAL CLAIMS

15. Petitioner's detention by ICE violates the Due Process Clause of the Fifth Amendment to the United States Constitution, which prohibits the government from depriving any person of liberty without due process of law. USCS Const. Amend. 5.
16. As a former DACA recipient, Petitioner had a reasonable expectation of protection from detention and deportation based on the government's prior promises and actions. Which Petitioner has relied upon in starting a business, having a child, caring for said child with severe disabilities, and for which in turn the Child has fundamentally relied upon via his father being here caring for him for his entire life.<sup>1</sup>
17. ICE has authority to arrest and detain aliens pending a decision on whether the alien is to be removed from the United States under 8 U.S.C. § 1226(a), but such detention must comply with constitutional requirements. 8 USCS § 1226.
18. Even after a final order of removal, detention must comply with constitutional due process requirements, particularly when detention becomes prolonged or indefinite. 8 USCS § 1231.
19. Here there is no order of removal so his detention is without merit.
20. Mr. Reyes upon information and belief has never received a final order of removal, to be held upon any basis without any notice is a violation of 8 USCS Section 1226, his 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendment Rights, in addition to Procedural and Substantive Due Process Rights.
21. Petitioner is entitled to seek habeas corpus relief to challenge this detention, as confirmed by federal law and court precedent. 28 USCS § 2241.
22. The judicial review provisions of 8 U.S.C. § 1252 expressly preserve review of constitutional claims raised in habeas corpus petitions. 8 USCS § 1252.
23. Petitioner's continued detention is not reasonably necessary to effectuate removal and therefore violates due process.

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<sup>1</sup> The Petitioner at no point in time had any communications from the respondents that they would care for, put to bed, assist his child with using the bathroom, assisting him with fits when he is scared or doesn't understand what is happening.

24. Petitioner poses no flight risk or danger to the community, as evidenced by lack of criminal history, the autistic child that the prevention of him working now puts a burden on the State of Rhode Island and Federal Government, and which is a further cruel punishment to a US Citizen Child who is approximately ten years old.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus directing Respondents to show cause why Petitioner should not be released from custody;
2. This court assume jurisdiction over Petitioners matter, declare the respondents actions violates the due process clause and 8 U.S.C. Section 1231 and issue a writ of habeas corpus ordering the respondents to release him immediately.
3. Conduct a hearing on the legality of Petitioner's detention;
4. Order Petitioner's immediate release from custody or, in the alternative, order a bond hearing before an Immigration Judge with appropriate procedural protections;
5. Award Petitioner reasonable costs and attorney's fees; and
6. Grant any other relief that this Court deems just and proper.

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

*/s/ Lawrence P Almagno Jr.*  
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