UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

GEUDY COLON REYES,
PETITIONER,

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

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,

REPLY TO RESPONDENTS MEMORANDUM[1] AND MOTION TO STRIKE EXHIBITS 10-1, 10-2, 10-3[2]

Now comes Petitioner in response to the utterly baseless factual and legal argument made by the respondent. Again Petitioner will restate that there is zero administrative remedy for him, and more importantly unlike the 9th Circuit the 1st Circuit does not hold the belief that one must exhaust administrative remedies prior to this court having the Jurisdiction to make a determination. 28 USCS Section 2241 does not specifically require petitioners to exhaust direct appeals before filing petitions for habeas coups. The argument of the Government regarding exhaustion is not a statutory requirement but rather judicially fashioned one and this court has discretion to waive said requirements in accordance with U.S. Const. Art. III Section 1 Jones v. Zenk, 2007 U.S. Dist Lexis 44310 (N.D. Ga. June 19 2007). However the 4th Amendment would trump all of these

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[1] The Governments Memo consists of zero facts to support it's position.
[2] The documents contained in exhibits 10-1, 10-2, and 10-3 do not exist as a matter of law, the documents being published herein now provide a separate cause of action for Petitioner as the Government has now published documents that are not in existence pursuant to RIGL 12-1-12 and have done so with malice.

administrative remedies in the current situation as Mr. Reyes has never been arrested or charged with a crime as a matter of law. The Federal Govt. is relying upon a State Law Charge that does not exist, and hence the State Law they rely upon Governs this action, and Rhode Island State Law holds Mr. Reyes has never been arrested. See Exhibit A.

The government's argument that the Petitioner has failed to exhaust administrative remedies by not seeking a bond determination from an immigration judge is trumped by the futility exception to the exhaustion requirement. In Matter of Q. LI, Respondent Interim Decision #4095 *Decided May 15, 2025,* held that Immigration Judges cannot redetermine custody for arriving aliens in removal proceedings under 8 C.F.R. §1003.19(h)(2)(i)(B), hence this supports legal precedent supporting the proposition that exhaustion is not required when administrative remedies would be futile. Moorman v. Lincoln, 2022 U.S. Dist. LEXIS 179397.

The Visa Waiver Program (VWP) provides a useful analogy. In that context, respondents argued that an immigration judge does not have the authority to conduct a bond redetermination hearing under section 1187 Dukuray v. Decker, 2018 U.S. Dist. LEXIS 183372, . If immigration judges similarly lack authority to make bond determinations for individuals who entered without inspection or are applying for admission (as held in Matter of Q. Li), then requiring the client to seek a bond determination from an immigration judge is futile.

Courts have recognized that the exhaustion requirement may be waived "where the remedy provides no genuine opportunity for adequate relief, or pursuit of the remedy would be futile." Moorman v. Lincoln, 2022 U.S. Dist. LEXIS 179397, Snyder v. Flathead Cty. Det. Ctr., 2019 U.S. Dist. LEXIS 62022. Since immigration judges are consistently denying bond jurisdiction for similarly situated aliens, this constitutes a situation where administrative remedies

provide "no genuine opportunity for adequate relief.". Dorval v. Barr, 2019 U.S. Dist. LEXIS 188327, Resheroop v. Garland, 577 F. Supp. 3d 180.

As Demonstrated in Exhibit A, there is no record for Mr. Reyes, and detention without flight risk determination, for which the Government has failed to challenge, and as supported by the State Deputy Majority Leader, Almagno, and Colon's letters of support for release demonstrate Mr. Reyes is not a flight risk [that is why he was such an easy target --- he works and supports his son]. USCS Const. Amend. 5, Gittens v. Holder, 2013 U.S. Dist. LEXIS 108842. Ponnapula v. Ashcroft, 235 F. Supp. 2d 397, Alaka v. Elwood, 225 F. Supp. 2d 547.

The use of these records is sanctionable use of sealed or expunged records by ICE conflicts with the intent of state laws designed to protect individuals from the consequences of such records. For instance, statutes like 12 USCS § 1785 highlight that sealed or expunged records are intended to be removed from consideration extending to federal immigration enforcement 12 USCS § 1785. Furthermore, the Rhode Island Supreme Court in State v. Poulin, 66 A.3d 419 emphasized that sealing statutes are designed to provide individuals who have been acquitted or exonerated with the benefits of having their records sealed, distinguishing this from expungement, which applies to convictions State v. Poulin, 66 A.3d 419.

ICE Is relying upon State Law to detain Mr. Reyes, the Stat Law holds that this doesn't exist and hence they must follow the State Law and release Mr. Reyes forthwith without even the need for bond as they are mistaken and have used records that don't exist in violation of RIGL and now are subject to civil lawsuit for false imprisonment as they are now knowingly and willingly holding Mr. Reyes with zero basis for said hold. The Government has failed to demonstrate via clear and convincing evidence that Mr. Reyes is a threat, a requirement to hold him. [3]

[3] This is the day prior to the Declration of this Country's Independence from England. We fought a revolution over preventing King George from having his whims with the colonists based

Mr. Reyes must be released immediately.

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

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upon the debts of England's wars, as the colonists were fed up with having their natural rights trampled upon, much like Mr. Reyes his natural rights are being trampled upon with fake charges and being held in violation of his constitutional rights as a RI Resident. Mr. Reyes did apply to have his DACA renewed, he never received a letter rejecting his renewal, he never received correspondence stating anything or prompting him to act in any manner. He went to renew his DACA as he always has at the Dorcas Intl Center. To hold him at the Wyatt Detention Center or move him to Florida's new Alcatraz by not releasing him today would be an affront to the foundation of this Country, in the sprit of the Fourth of July this court has no other option but to release Mr. Reyes.