

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

GEUDY COLON REYES,
PETITIONER,

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,

SUPPLEMENTAL REPLY TO RESPONDENTS MEMORANDUM

Now comes Petitioner Geudy Reyes Colon and further argues that this Court under it's Article III Powers is the final arbiter of cases and controversies as held in the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 144 S. Ct. 2244 (2024).

As held in *Raimondo* person does not need to exhaust administrative remedies with Immigration and Customs Enforcement (ICE) prior to having a federal court determine bail or bond on a habeas petition. In *Loper Bright*, the Supreme Court concluded that courts may not defer to agency rules and regulations interpreting statutes. 603 U.S. at 412-13. Instead, they must exercise "independent judgment." *Id.* at 412. *Bennett v. OPM*, 2025 MSPB LEXIS 926, *12.

Here we have administrative Judges being removed routinely and replaced if they find for detainees, we have the Department of Justice, which is the Agency which governs Administrative Courts of Immigration, actively moving persons and forum shopping to circuits and Judges that find in favor of Removal outside of basis of law and fact, moreover they are moving detainees to jurisdiction hundreds of miles and thousands of miles outside of the First Circuit to courts that require in person appearances, or require a petition to appear virtually that

is not decided until the day of the hearing as is occurring in Colorado for a local Rhode Island Immigration Attorney who had a client shipped from New England to Colorado, this in effect has deprived the detainee of legal representation.

When an Administrative Agency has done nothing to cast doubt to the legitimacy of its decisions, and even if it were to be argued that this position is false, *Raimondo* holds that Courts have Article III power and do not have to sit back and watch an Administrative Agency fumble around when The Court has the power, knowledge and ability to determine the controversy before it in this very moment. Justice delayed in this situation is Justice Denied.

Statement of Facts

Petitioner reiterate' s and restates all facts previously argued orally and what has been previously submitted.

Legal Standards/Rules

In *Loper Bright Enterprises v. Raimondo*, the Supreme Court overturned the long-standing rule that courts must defer to agency interpretations of statutes within an agency's expertise. *United States v. Rutherford*, 120 F.4th 360. The Court concluded that courts may not defer to agency rules and regulations interpreting statutes and instead must exercise independent judgment *ANTHONY BENNETT, Appellant, v. OFFICE OF PERSONNEL MANAGEMENT, Agency., 2025 MSPB LEXIS 926, DOCKET NUMBER SF-0842-23-0375-I-1, Bestfoods v. United States*, 24 C.I.T. 552. The Court characterized such deference as the antithesis of "the traditional conception of the judicial function," especially when it forces courts to. [defer] even when a pre-existing judicial precedent holds that the statute means something else *United States v. Rutherford*, 120 F.4th 360,

Administrative Exhaustion Requirements in Immigration Cases

A habeas petitioner must normally exhaust administrative remedies before seeking

federal court intervention in immigration matters. *Michalski v. Decker*, 279 F. Supp. 3d 487. While 28 U.S.C. § 2241 does not include a statutory exhaustion requirement, district courts have recognized such a requirement as a prudential matter before immigration detention may be challenged in federal court by a writ of habeas corpus. *Michalski v. Decker*, 279 F. Supp. 3d 487. The Immigration and Nationality Act (INA) has historically required a habeas corpus petitioner to exhaust all available administrative remedies before seeking judicial review by a federal court. *Boyd v. Immigration & Customs Enforcement*, 344 F. Supp. 2d 869.

Exceptions to Administrative Exhaustion Requirements

Despite the general requirement, the exhaustion doctrine in the context of challenging immigration detention (as opposed to removal orders) is a matter of judicial deference to the administrative agency, not a jurisdictional prerequisite. *Remoi v. INS*, 2001 U.S. Dist. LEXIS 2197, *Remoi v. INS*, 2001 U.S. Dist. LEXIS 2197. If a district court determines that administrative remedies are inadequate or unavailable, it may exercise jurisdiction over a challenge to detention even before administrative remedies have been exhausted. *Remoi v. INS*, 2001 U.S. Dist. LEXIS 2197. Additionally, exhaustion is not required where it would be futile 'or where the agency has predetermined the issue' before it *Monestime v. Reilly*, 704 F. Supp. 2d 453. Courts have reviewed the 'constitutionality of an alien's detention while administrative proceedings were ongoing. *Monestime v. Reilly*, 704 F. Supp. 2d 453, *Monestime v. Reilly*, 704 F. Supp. 2d 453.

The Supreme Court's decision in *Loper Bright Enterprises v. Raimondo* fundamentally changes how courts approach agency interpretations of statutes. By rejecting Chevron deference and requiring courts to exercise independent judgment rather than deferring to agency interpretations, *Loper Bright* potentially strengthens arguments against mandatory exhaustion of administrative remedies in certain contexts. ANTHONY BENNETT, Appellant, v. OFFICE OF

PERSONNEL MANAGEMENT, Agency., 2025 MSPB LEXIS 926, DOCKET NUMBER SF-0842-23-0375-I-1.

While Loper Bright directly addressed agency statutory interpretation rather than administrative exhaustion requirements, its reasoning about judicial independence from agency determinations provides a strong logical, reasonable, articulate, sound, and intelligent foundation for ignoring the Governments Administrative Exhaustion Argument as their argument lacks any and all statutory basis and is only based upon the prudential (non-statutory) exhaustion requirements in immigration detention cases. The Court's emphasis that judicial deference to agencies is the "antithesis" of "the traditional conception of the judicial function" mandates that this court, in this case, today must exercise its independent Authority and not kick the can to an Agency that will have Mr. Reyes sent to Florida for Television Cameras and political purposes. A VERY IMPORANT NOTE THAT THIS COURT MUST CONSIDER IS JUST BECAUSE THERE COULD BE AN IMMIGRATION PROCEEDING OCCURING ON THE 17TH IN MASSACHUSETTS DOES NOT MEAN THAT THIS WILL ACTUALLY HAPPEN SHOULD THE COURT DEFER TO THE GOVERNMENTS ARGUMENT. As the Same Local Immigration Attorney has experienced, the day of a TRIAL APPEARING FOR A TRIAL IN AN ADMINSTRATIVE IMMIGRATION COURT HE DISCOVERS HIS CLIENT WAS SHIPPED HALFWAY AROUND THE COUNTRY THE DAY PRIOR AND THE HEARING POSTPONED FOR A YEAR AND RESCHEULED IN THAT NEW JURISDICTION and the reason he was given is that Prisons and Immigration Courts are different agencies and thus don't communicate. This is utterly ridiculous to rely upon any statements of the Government, the United States Senate has approved each Judge in this Court, and through that approval given this Court the ability to decide cases and controversies, this court should use its power not defer it to sham proceedings in Administrative Courts. Courts Must exercise their independent authority in reviewing agency actions. *United States v. Rutherford*, 120 F.4th 360.

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

/s/ Lawrence P Almagno Jr.
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Dated: July 3, 2025

CERTIFICATE OF SERVICE

I hereby certify that on the 3 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. _____

Mr. Reyes must be released immediately.

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

/s/ Lawrence P Almagno Jr.
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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.