

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Ariel Josue Ashqui-Mejia,	)	
	)	Case No. 25-cv-308-JL-AJ
Petitioner,	)	
	)	<b>PETITION FOR WRIT OF</b>
v.	)	<b>HABEAS CORPUS</b>
	)	
COREY RIENDEAU, Superintendent Federal	)	
Correctional Institution Berlin,	),	
PATRICIA HYDE, Field Office Director,	)	
MICHAEL KROL, HSI New England Special	)	
Agent in Charge, and TODD LYONS, Acting	)	
Director U.S. Immigrations and Customs	)	
Enforcement, and KRISTI NOEM, U.S. Secretary	)	
of Homeland Security,	)	
	)	
Respondents.	)	
	)	

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**INTRODUCTION**

1. Petitioner Ariel Josue is an 18-year-old Ecuadorian national, who has a hearing for Special Immigrant Juvenile Status in Queens County Family Court in New York on Thursday, September 4<sup>th</sup>, 2025. On information and belief, he was unlawfully detained by federal immigration agents in July 2025. Upon information and belief, he has also been unlawfully set for expedited removal proceedings, for which he is ineligible having become an Unaccompanied Child (UAC) upon separation from his mother for over 72 hours and by— on information and belief— being placed in Office of Refugee Resettlement (ORR) custody.<sup>1</sup>

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<sup>1</sup> If the then-minor Petitioner was indeed not placed in ORR custody after 72 hours of separation from his mother, that is a violation of his statutory rights. The Petitioner reserves the right to bring a future claim seeking redress for any such violation of his statutory rights that may emerge as more facts become known.

2. The Form I-213 erroneously states that Petitioner resides at an address in Texas, whereas Petitioner resides in New York. Petitioner has never resided at that address in Texas, has never been to the city of Los Fresnos, does not know anyone residing at or anything about that address, and has never provided that address on any documents or in any encounter or conversation.
3. Upon information and belief, the Petitioner was held in ORR custody in or near El Paso, Texas, and was released into his mother's custody when they were reunified. At this time of reunification after approximately 5 days of family separation,<sup>2</sup> the Petitioner stated that he would be going to New York City. The Petitioner was then issued a Notice to Appear (NTA) on the adult docket with a New York, New York address and Court location. Specifically, the Petitioner was assigned to appear at the New York, New York Immigration Court (26 Federal Plaza) on September 17<sup>th</sup>, 2024. The NTA makes no mention of sending the then-minor Petitioner to the adult-only Immigration and Customs Enforcement (ICE) detention facility in Los Fresnos, Texas,<sup>3</sup> which it would have done if that was the intended location.
4. The NTA does not ask Petitioner to appear in Port Isabel Immigration Court, which is the court to which jurisdiction would have been assigned if ICE had intended to send the Petitioner to Los Fresnos, Texas, nor was any subsequent NTA issued requiring Petitioner

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<sup>2</sup> Counsel for the Petitioner is seeking the appropriate paperwork regarding the Petitioner's UAC status, such as ORR paperwork. As an alien who fits the statutory definition of having been a UAC, Petitioner is entitled to a bond hearing, is ineligible for Expedited Removal proceedings, and is entitled to affirmative asylum proceedings. Per this Court's previous order, Counsel for the Petitioner is working to obtain such paperwork to resolve all violations of Petitioner's rights outside of the matter before this Court. However, the Petitioner reserves his right to bring any and all claims to seek redress for any injury with respect to his UAC status that may not be remedied.

<sup>3</sup> In the event that ICE had indeed intended to send the then-minor Petitioner to an adult detention facility, this would have been a violation of his statutory rights, and of his rights under the *Flores* settlement agreement. Should facts to this extent arise, the Petitioner similarly reserves his right to bring a claim seeking redress for this violation of his rights.

to appear at Port Isabel Immigration Court. The failure to provide the specific address within New York clearly had no bearing on the jurisdiction to which ICE intended to send the Petitioner, which always was New York. Upon information and belief, it was ICE's practice at the time to assume onward journey to New York, New York, even if a specific address was not provided.

5. No files made available to the Petitioner or to Petitioner's counsel make any mention of Los Fresnos. Similarly, all files made available to Petitioner and Petitioner's counsel correctly state his date of birth as a minor who was, upon information and belief, placed in ORR custody, and separated from his mother for more than 72 hours, it would have been impossible to designate him for an adult-only ICE detention facility. Only an adult would have been designated for this facility.
6. Petitioner is also listed in the I-213 as being 6'5", whereas petitioner is 5'2". Petitioner has never claimed to be 6'5". Therefore, the Form I-213 indicates that there has been a misidentification.
7. Additionally, the Form I-213 states a date of arrest that conflicts with multiple Form I-830s' stated dates of arrest. The Petitioner was not held by CBP for four days before being transferred to the Plymouth, Massachusetts detention center. Therefore, the Form I-213 is invalid.
8. Finally, the Petitioner reports that he explained he was a high school student. He did not state the wage of \$19.00 per hour stated on the I-213, nor is that the wage he believes he was due to receive.
9. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

10. Petitioner asks this Court to find that he was unlawfully detained and order his release.

### **JURISDICTION**

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).

12. Venue is proper because on information and belief, Petitioner is detained in the District of New Hampshire.

### **PARTIES AND FACTS ALLEGED**

13. The Petitioner is a high school student, who turned 18 years old on July 8, 2025. He resides in New York, New York.

14. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.

15. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.

16. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.

17. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.

18. Respondent Corey Riendeau is the Superintendent of the Federal Correctional Institution of Berlin, New Hampshire and is petitioner's immediate custodian.

19. All respondents are named in their official capacities.

20. Petitioner is a Ecuadorian national with pending applications for 1) Asylum, Withholding of Removal, and relief under the Convention Against Torture, and 2) Special Immigrant Juvenile Status. On information and belief, he was detained without cause by U.S.

Immigration and Customs Enforcement agents in July 2025.

21. On information and belief, Petitioner is currently in custody in the District of New Hampshire, and one or more of the Respondents is his immediate custodian.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process**

1. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of New Hampshire;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

*Pro Bono Counsel for Petitioner*

Dated: August 20th, 2025