

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

VILMA NOEMI APARICIO-DERAS,

*Petitioner,*

v.

JONATHAN TUREK, in his official capacity as Acting Superintendent of Chittenden Regional Correctional Facility; PATRICIA H. HYDE, in her official capacity as Acting Field Office Director of the Boston Immigration and Customs Enforcement Office; TODD M. LYONS, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security,

*Respondents.*

Case No. 2:25-cv-726

**PETITION FOR  
WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1. This case presents a request for immediate relief on behalf of Vilma Noemi Aparicio-Deras – a civil immigration detainee held by Respondents at the Chittenden Regional Correctional Facility (“Chittenden Facility”) in South Burlington, Vermont – who is at imminent risk of grievous bodily harm or death due to Respondents’ failure to provide her necessary medical care required as a part of her post-surgical regimen.

2. U.S. Immigration and Customs Enforcement (“ICE”) agents arrested Ms. Aparicio-Deras on August 23, 2025 at Optimo Car Wash in Newington, Connecticut.

3. On August 17, 2025, six days before her arrest by ICE, Ms. Aparicio-Deras had surgery for kidney stones in which [REDACTED] As part of her post-surgery recovery plan, her urologist ordered her to take standard-of-care medications including pain medicine, and medicine to control urinary frequency and bladder spasms. Shortly

after surgery, her urologist also prescribed Ms. Aparicio-Deras an antibiotic, likely because of an infection.

4. Upon being detained by ICE, Ms. Aparicio-Deras promptly informed ICE and Chittenden Facility officials of her medical needs. When Respondents performed a radiological scan on Ms. Aparicio-Deras, [REDACTED]

[REDACTED]  
[REDACTED] and that she required prescription medications for her treatment.

5. For her first seven days in ICE custody, Ms. Aparicio-Deras was without her medication because ICE withheld it from her. After repeated requests by Ms. Aparicio-Deras and her counsel, ICE for the first time gave Ms. Aparicio-Deras her medications on the night of August 30, 2025. The following morning, August 31, Ms. Aparicio-Deras was again denied her medications and was told by ICE she must sign a form stating that she failed to request her medications. ICE's denial of medical care has led to Ms. Aparicio-Deras suffering from debilitating symptoms, which are increasing in severity by the day, including the inability to eat, inability to sleep, severe stomach pain, tingling in her feet, and nausea.

6. By subjecting Ms. Aparicio-Deras to conditions of confinement that amount to punishment and failing to ensure her safety and health, Respondents have violated her Fifth Amendment substantive due process rights.

7. On information and belief, ICE did not have prior information about Ms. Aparicio-Deras, reasonable suspicion to stop her, or a warrant or probable cause for her arrest. Rather, in order to reach a quota of 3,000 immigration-related arrests a day set by the White House and the

Department of Homeland Security,<sup>1</sup> ICE has unlawfully targeted car washes and other locations across the country based on gross generalizations regarding the occupation of noncitizens—and Latinos in particular; apparent race or ethnicity; and the immigration status of Spanish-speaking individuals. ICE's stop and detention of Ms. Aparicio-Deras as the result of a racially targeted worksite raid constitutes a violation of the Fourth Amendment's prohibition against unreasonable searches and seizures.

8. Ms. Aparicio-Deras files a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and seeks immediate release to receive necessary medical treatment and, in light of her unlawful detention, a court order that she not be transferred outside of Vermont.

#### **PARTIES**

9. Petitioner Vilma Noemi Aparicio-Deras is an immigration detainee in the Chittenden Facility. Due to her lack of access to her medications, she is currently experiencing severe pain. She is at high risk for post-surgical complications while in detention and has not been given adequate medical care since arriving at the facility.

10. Respondent Jonathan Turek is named in his official capacity as Acting Superintendent of the Chittenden Regional Correctional Facility. Respondent Turek is responsible for the overall administration of the detention facility. He is a legal custodian of Petitioner. Respondent Turek's address is Chittenden Regional Correctional Facility, 7 South Farrell Street South Burlington, VT 05403.

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<sup>1</sup> See Ted Hesson, Jeff Mason & Kristina Cooke, *The White House aide driving Trump's aggressive immigration agenda*, Reuters (July 11, 2025), <https://www.reuters.com/legal/government/white-house-aide-driving-trumps-aggressive-immigration-agenda-2025-07-11/>.

11. Respondent Patricia H. Hyde is named in her official capacity as the Acting Field Office Director of the Boston Immigration and Customs Enforcement Office within the United States Department of Homeland Security. She is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a legal custodian of Petitioner. Respondent Hyde's address is Boston ICE Field Office, 1000 District Avenue, Burlington, MA 01803.

12. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a legal custodian of Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

13. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. She is responsible for the administration of the immigration laws pursuant to Section 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(a); routinely transacts business in this District; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a legal custodian of Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

#### **JURISDICTION**

14. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 2241, Article I, § 9, cl. 2 (the Suspension Clause), and Article III of the U.S. Constitution, and the Fourth


and Fifth Amendments.

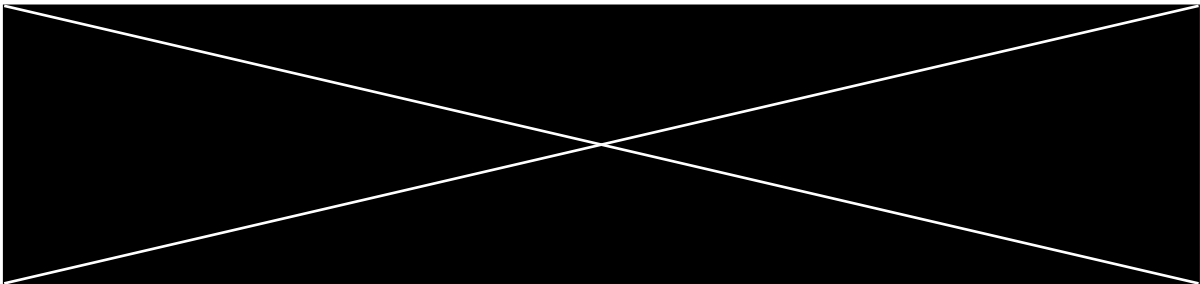
15. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201, and this Court has authority to grant declaratory and injunctive relief. *Id.* §§ 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

### VENUE

16. Petitioner is currently detained in Vermont. Venue is proper in the District of Vermont under 28 U.S.C. §§ 2241(a), 1391(b)(2), and 1391(e)(1). Petitioner has been and is presently detained at the discretion of Mr. Turek.

### FACTUAL ALLEGATIONS

17. On August 17, 2025, Ms. Aparicio-Deras underwent surgery after being diagnosed with nephrolithiasis, a condition in which hard deposits form in the kidneys. As part of the surgery, doctors 




three times a day as needed for bladder spasms. Ms. Aparicio-Deras was also directed to drink plenty of fluids to help her manage symptoms. On August 19, 2025, Ms. Aparicio-Deras's surgeon added a prescription for an antibiotic to treat a likely infection.

18. Six days after her surgery, on August 23, 2025, Ms. Aparicio-Deras was working at the Optimo Car Wash in Newington, Connecticut. That morning, ICE officers entered the worksite. On information and belief, ICE did not have a warrant for any individual employed at the car wash, reasonable suspicion to stop or probable cause to arrest Ms. Aparicio-Deras or any

other individual; they were not looking specifically for Ms. Aparicio-Deras or any other individual; and they did not have a nondiscriminatory reason to target this particular site.

19. ICE arrested Ms. Aparicio-Deras and placed her into immigration custody on August 23. ICE then transported Petitioner from Connecticut to the Chittenden Facility in Vermont, where she remains today.

20. Although Ms. Aparicio-Deras was ordered removed on or about March 5, 2025, by an immigration judge in New York, that removal order was issued *in absentia*. Even though Ms. Aparicio-Deras had filed a notice of change of address with the immigration court indicating that she had moved from New York to Connecticut, Ms. Aparicio-Deras did not receive notice of immigration court hearing that preceded the issuance of removal order. As a result, she was unaware of this hearing and thus was not in attendance. Ms. Aparicio-Deras has since filed a motion to rescind the *in absentia* removal order.

21. Ms. Aparicio-Deras fears being returned to her home country of Guatemala due to danger posed by  If her motion to rescind the *in absentia* removal order is granted, Ms. Aparicio-Deras intends to file for asylum and other forms of relief to enable her to remain in the United States and seek lawful permanent residence.

22. As of the morning of August 31, 2025, after eight days of ICE custody, Ms. Aparicio-Deras has only once received any of the daily medications she needs, even after she repeatedly informed ICE staff of her medical needs. She is also not being given sufficient water to drink, other than the water from the sink in her facility.

23. This lack of necessary medical treatment has led to Ms. Aparicio-Deras suffering from debilitating symptoms, which are increasing over time and may cause permanent injury or death if not treated immediately. Ms. Aparicio-Deras has severe stomach pain due to stomach

inflammation, nausea, a lack of appetite and inability to process food, tingling in her feet, and a lack of ability to sleep. She is also at high-risk for infection, if not already has infection, and must take her prescribed antibiotics to prevent this risk.

**CLAIMS FOR RELIEF**

**FIRST CLAIM OF RELIEF**

**Violation of Fifth Amendment Right to Due Process--Unlawful Punishment; Freedom from Cruel Treatment and Conditions of Confinement**

24. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

25. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process Clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Fifth Amendment to the U.S. Constitution establishes due process protections for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Black v. Decker*, 103 F.4th 133, 143 (2d Cir. 2024) (quoting *Zadvydas*, 533 U.S. at 693 (internal quotations omitted)). The Fifth Amendment further guarantees that civil detainees, including all immigrant detainees, may not be subjected to punishment. The government violates this substantive due process right when it subjects civil detainees to treatment and conditions of confinement that amount to punishment or does not ensure the detainees’ safety and health.

26. Respondents have violated Ms. Aparicio-Deras’s Fifth Amendment substantive due process rights by subjecting her to conditions of confinement that amount to punishment. Ms. Aparicio-Deras is suffering from debilitating medical symptoms caused by ICE withholding necessary medical treatment.

**SECOND CLAIM FOR RELIEF**

**Violation of the Fourth Amendment - Seizure Without Reasonable Suspicion and Arrest Without Probable Cause**

27. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

28. The Fourth Amendment prohibits the government from conducting “unreasonable searches and seizures.” Guided by this principle, the Supreme Court has held that immigration enforcement officers must be motivated by “reasonable suspicion” when stopping individuals to question their immigration status: except for “at the border and its functional equivalents,” immigration enforcement officers cannot target an individual for questioning without “specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that [the person seized] . . . may be illegally in the country.” *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). The Second Circuit has recognized that stopping an individual for no reason at all, or “based on race (or some other grossly improper consideration),” could constitute “an egregious violation” of the Fourth Amendment. *Almeida-Amaral v. Gonzales*, 461 F.3d 231, 235 (2d Cir. 2006); *accord Rodriguez v. Barr*, 943 F.3d 134, 141 (2d Cir. 2019).

29. ICE’s seizure of Ms. Aparicio-Deras represents a flagrant violation of the Fourth Amendment. Ms. Aparicio-Deras was not stopped by ICE based on the “reasonable suspicion” that she lacked immigration status in the United States, nor was her arrest based upon probable cause.

30. Instead, Ms. Aparicio-Deras’s stop, arrest, and subsequent detention was the result of a racially targeted dragnet that has focused on car washes, and based on an unlawful, generalized assumption that undocumented noncitizens, Latino-appearing people, and Spanish-speakers are to be found at such locations.

31. Because Ms. Aparicio-Deras's arrest was unlawful under the Fourth Amendment, so, too, is her ongoing detention.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Order Petitioner's immediate release pending adjudication of this Petition;
- 3) Enjoin Respondents from removing Petitioner from the District of Vermont pending adjudication of this Petition;
- 4) Award Petitioner costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, or other statute; and
- 5) Grant such further relief as the Court deems just and proper.

Dated: August 31, 2025

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*Counsel for Petitioner*

*\*Motion for admission forthcoming*

*†Motion for law student intern appearance forthcoming*

*‡For identification purposes. Nothing in this pleading is intended to represent the institutional views of Yale Law School, if any.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2025, a true copy of the above document was filed via the Court's CM/ECF system and that a copy will be sent automatically to all counsel of record.

August 31, 2025

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