

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

VICTOR MANUEL SANCHEZ LOPEZ, by and
through his next friend, VICTOR SANCHEZ,

Petitioner,

v.

MICHAEL NESSINGER, in his official capacity as
Warden of the Donald W. Wyatt Detention 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.

PETITION FOR WRIT
OF HABEAS CORPUS

September 24, 2025

INTRODUCTION

Petitioner VICTOR MANUEL SANCHEZ LOPEZ is the father of three U.S. citizen children. and has resided in the United States for over twenty years. On April 8, 2020, he won release from U.S. Immigration and Customs Enforcement (ICE) custody. For five years, he has been at liberty, subject only to periodic check-ins with ICE. During this time he has worked as a registered home improvement contractor, cared for and supported his family, and been a leader in the Connecticut immigrants' rights community. On the afternoon of September 24, 2025, Mr. Sanchez appeared for his scheduled check-in with ICE at 450 Main Street in Hartford, Connecticut, where he was abruptly detained with no advance notice and no opportunity to be heard. Mr. Sanchez suffers from diabetes, high blood pressure, high cholesterol, and arthritis,

and he is without his medications while in detention. He brings this petition through his next friend and adult son Victor Sanchez.

PARTIES

1. Petitioner VICTOR MANUEL SANCHEZ LOPEZ is the father of three U.S. citizens and a resident of Hartford, Connecticut.

2. Respondent Michael Nessinger is named in his official capacity as the Warden of the Donald W. Wyatt Detention Facility. He is responsible for the overall administration of the detention facility. Respondent Nessinger's address is Donald W. Wyatt Detention Facility, 950 High Street, Central Falls, RI 02863.

3. Respondent Patricia H. Hyde is named in her official capacity as the Acting Field Office Director of the Boston Field Office for ICE within DHS. 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.

4. 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.

5. 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 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.

JURISDICTION

6. 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 Fifth Amendment.

7. 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

8. Venue is proper in the District of Rhode Island under 28 U.S.C. §§ 2241(a), 1391(b)(2), and 1391(e)(1).

9. Counsel searched Mr. Sanchez's name, A number, and country of birth in the ICE detainee locator. As of 9:00 pm on September 24, 2025, the ICE detainee locator reflects that Mr. Sanchez is detained at Donald W. Wyatt Detention Facility in Central Falls, Rhode Island.

FACTS

10. Petitioner VICTOR MANUEL SANCHEZ LOPEZ is a long-time Connecticut resident and father of three U.S. citizen children. He owns and operates his own business as a registered home improvement contractor. He is an active participant in his community and is particularly engaged in immigrant rights advocacy in Connecticut. He cares for and provides financial support for his three U.S. citizen children, ages 19, 17, and 2. His 2-year-old son suffers

from a congenital heart defect.

11. Mr. Sanchez suffers from diabetes, high blood pressure, high cholesterol, and arthritis. He takes daily medications to control these conditions.

12. Mr. Sanchez was previously detained by ICE from July 9, 2019 to April 8, 2020. On April 5, 2020, the United States District Court for the District of Massachusetts ordered briefing on Mr. Sanchez's bail application. That hearing occurred on April 7, 2020, and Mr. Sanchez was released from ICE custody on recognizance on April 8, 2020.

13. Since that time, Mr. Sanchez has been at liberty, subject only to periodic check-ins with ICE. He has completed his check-ins without incident for the past five years.

14. On the afternoon of September 24, 2025, Mr. Sanchez attended a regularly scheduled ICE check-in in Hartford, Connecticut. At this check-in, Mr. Sanchez was suddenly detained.

15. On information and belief, Mr. Sanchez did not have his medications with him when he was detained and currently does not have access to his medications. On information and belief, ICE knew or foresaw that they were going to detain Mr. Sanchez and could have ensured he had his medications with him but took no steps to do so.

16. Counsel searched Mr. Sanchez's name, A number, and country of birth in the ICE detainee locator. As of 9:00 PM on September 24, 2025, the ICE detainee locator reflects that Mr. Sanchez is detained at Wyatt Detention Facility in Central Falls, Rhode Island. Counsel called the facility, which confirmed that he is currently detained there.

17. Mr. Sanchez's adult son and Next Friend Victor Sanchez was able to speak with Mr. Sanchez on the evening of September 24, 2025, confirming that he is at the Wyatt Detention Facility.

18. Staff at the Wyatt Detention Facility confirmed to counsel that Mr. Sanchez is detained there. Staff stated that counsel would not be able to speak with Mr. Sanchez until 7:00 a.m. on September 25, 2025.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

REDETENTION WITHOUT PRE-DEPRIVATION PROCESS VIOLATES MR. SANCHEZ'S RIGHT TO PROCEDURAL DUE PROCESS UNDER THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE

19. Individuals released from custody have a constitutionally protected interest in their continued liberty. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997) (finding liberty interest for petitioner on pre-parole conditional supervision program when parole was denied and he was ordered back into custody); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973) (holding that a liberty interest attaches for individuals released on probation); *Morrissey v. Brewer*, 408 U.S. 471, 482-83 (1972) (“[T]he liberty of a parolee . . . includes many of the core values of unqualified liberty and its termination reflects a ‘grievous loss’ on the parolee and often on others.”).

20. Because of the liberty interests implicated by redetention, due process requires a procedurally adequate process to test the basis for detention, including notice of the reasons for redetention and an opportunity to be heard. *See Villiers v. Decker*, 31 F.4th 825, 837 (2d Cir. 2022) (“[A]n individual whose release is sought to be revoked [by ICE] is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing.”); *see also Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1144-45 (9th Cir. 2018) (upholding preliminary injunction requiring hearings for class of minors redetained by ICE after initial release from immigration detention); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (enjoining ICE from redetaining petitioner “unless and until a hearing, with adequate

notice, is held in Immigration Court to determine whether his bond should be revoked or altered”). At such a hearing, a court must decide if redetention is warranted. Mr. Sanchez received neither notice nor any such process.

21. In Mr. Sanchez’s case, any procedure for revocation of his release must take account of the lengthy detention he has already endured and the five years he has spent at liberty since being released.

SECOND CLAIM FOR RELIEF

CONFINING MR. SANCHEZ WITHOUT ACCESS TO NECESSARY MEDICATION VIOLATES HIS FIFTH AMENDMENT DUE PROCESS RIGHT TO BE FREE FROM UNLAWFUL PUNISHMENT AND CRUEL TREATMENT

22. “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 establishes due process protections for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021) (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.

23. Respondents have violated Mr. Sanchez’s Fifth Amendment substantive due process rights by subjecting him to conditions of confinement that amount to punishment. Mr. Sanchez suffers from diabetes, high blood pressure, high cholesterol, and arthritis. He takes amlodipine daily to treat his high blood pressure, metformin twice a day and Jardiance once a

day to manage his type 2 diabetes, and atorvastatin calcium and fenofibrate daily to treat his high cholesterol. He is currently being detained without access to his medications, most critically his blood pressure and diabetes medications. Without these medications Mr. Sanchez faces numerous life-threatening conditions, including risks of stroke, heart attack, kidney failure, a Hyperglycemic Hyperosmolar Nonketotic coma, and sepsis.

24. Respondents have violated Mr. Sanchez's Fifth Amendment substantive due process rights by subjecting him to conditions of confinement that amount to punishment. Mr. Sanchez is suffering from medical symptoms caused by ICE withholding necessary medical treatment.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending adjudication of this Petition;
- 3) Order the immediate release of Petitioner pending these proceedings;
- 4) Award reasonable attorneys' fees and costs for this action; and
- 5) Grant such further relief as the Court deems just and proper.

Dated: September 24, 2025

Respectfully submitted,
/s/ Sonja L. Deyoe
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Counsel for Petitioner

**Motion for admission pro hac vice 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.