



4. On August 21, 2021, Jesus requested a Bond Redetermination from the Immigration Judge. The Bond Redetermination hearing was scheduled for September 4, 2025. Prior to the Bond Redetermination hearing DHS submitted a pre-hearing statement titled "Department of Homeland Security's Notice of the Respondent's Ineligibility for Bond" wherein they argued that the Jesus was statutorily ineligible for bond.
5. On September 4, 2025, Immigration Judge Yul-mi Cho, disagreeing with DHS's sole argument of ineligibility, granted the request for Bond Redetermination and set a bond amount of \$8000.00, pursuant to 8 U.S.C. § 1226(a)(2).
6. On September 5, 2025, DHS filed a Notice of Intent to Appeal Custody Redetermination automatically staying the Immigration Judge's custody redetermination decision pursuant to 8 C.F.R. § 1003.19(i)(2).
7. On September 19, ten business days after the Immigration Judge's decision, Jesus' daughter paid the Bond \$8000.00, and the payment was accepted by DHS. When she went to collect her father from the defendant's office in Burlington, MA, she was informed that he would not be released. The ICE officer informed her that DHS had submitted an appeal of the bond decision on September 17, 2025, notwithstanding there was no appeal on the EOIR's online docketing system. For multiple days straight, Jesus' daughter returned to the DHS office requesting his release from detention.
8. On September 25, 2025, the EOIR online docketing system reflected for the first time an appeal submitted with the date of September 17, 2025, even though it had not been reflected as submitted until September 25, 2025.
9. Petitioner asks this Court to find that he was unlawfully detained and order his release.

**JURISDICTION**

10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
11. Venue is proper because Jose is currently detained in the state of Rhode Island.

**PARTIES**

12. The Petitioner, Jesus Castillo Gudiel, is a 49-year-old man who prior to detention, resided with his children and mother of his children in Bridgeport, CT. He is a self-employed painter.
13. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
14. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
15. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
16. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
17. All respondents are named in their official capacities.
18. Petitioner is a Guatemalan national who was detained by ICE after a traffic stop. His only criminal history is DUI from 2009. Other than the 2009 DUI charge, he has not been convicted of any wrongdoing.
19. On information and belief, Petitioner is currently in custody in the State of Rhode Island, and one or more of the Respondents is his immediate custodian. He has been granted Bond over the objections of DHS. The bond has been paid and DHS has refused to release him. DHS has appealed the bond decision on the erroneous basis that he is eligible for bond.

**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 State of Rhode Island;
- (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) Award attorney's fees under the Equal Access to Justice Act 28 U.S.C. § 2412(d) and 5 U.S.C. §504, if applicable; and
- (7) Grant any further relief this Court deems just and proper.

Dated: September 26, 2025

Respectfully submitted,

*Hans Bremer*

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