

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Rueda Torres, Liliana Del Cisne

*Petitioner,*

v.

LaDeon FRANCIS, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of Homeland Security; and Pamela BONDI, in her official capacity as Attorney General of the United States,

*Respondents.*

Case No. 246-107-679

**PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C.  
§ 2241**

**ORAL ARGUMENT REQUESTED**

**INTRODUCTION**

Petitioner Ms. Rueda Torres is a 33-year-old woman from Ecuador, who was, upon information and belief, released on recognizance/paroled into the United States on or around October 28, 2022. On October 9, 2025, Petitioner was forcibly arrested by the Department of Homeland Security (DHS) after attending a hearing in immigration court. Notwithstanding the fact that Petitioner had filed a timely application for asylum and the fact that the Immigration Judge had scheduled a subsequent hearing for Petitioner, immediately after leaving the Immigration Judge's courtroom, Petitioner was encircled by DHS agents without explanation and detained.

There have not been—nor have Respondents alleged any—changes since Petitioner was initially released on her own recognizance from detention into the United States. She remains procedurally in *exactly* the same posture as when she was initially released: in removal

proceedings before an immigration judge pursuant to Section 240 of the Immigration and Nationality Act. Moreover, there have been no changed circumstances as to whether Petitioner is a flight risk or danger to the community. On the contrary, Petitioner has established stronger ties to the community and complied with her legal obligations by attending a scheduled immigration court hearing. Upon information and belief, she has never been convicted by any law enforcement entity in the United States or any other country.

Petitioner's unlawful and continued detention pursuant to DHS's indiscriminate courthouse arrest policy—without any individualized determination as to why detention is appropriate—has caused immense and ongoing harm to Petitioner, her family, and her community. Ms. Rueda Torres brings this petition to seek immediate release.

### **JURISDICTION**

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner was ordered removed under 8 U.S.C. § 1225(b)(1).
3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

4. Venue is proper because at the time of filing, Petitioner was detained at 26 Federal Plaza in New York, New York, which is within the jurisdiction of this District, and, at the time of

filing, remains at 26 Federal Plaza. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) (citing *Ex Parte Endo*, 323 U.S. 283 (1944)).<sup>1</sup>

5. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to her claims occurred in this District.

#### **REQUIREMENTS OF 28 U.S.C. § 2243**

6. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

#### **PARTIES**

8. Petitioner is lawfully present as an applicant for asylum, withholding of removal, and protection under the Convention Against Torture. Petitioner was detained by ICE at 26 Federal Plaza, New York, New York 10278. She is in the custody, and under the direct control, of Respondents and their agents.

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<sup>1</sup> As of 3 pm on September 9, 2025, Petitioner was detained in New York, at the ICE Facility in 26 Federal Plaza.

9. Respondent LaDeon Francis is named in his official capacity as the Acting Field Office Director of the New York City ICE Field Office within DHS. In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. Respondent Francis's address is New York City ICE Field Office, 26 Federal Plaza, 9th Floor, Suite 9-110, New York, New York 10278.
10. Respondent Kristi Noem is named in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Southern District of New York; is legally responsible for pursuing any effort to detain and remove Petitioner; and as such is a custodian of Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-04855.
11. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review ("EOIR"), pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of New York and is legally responsible for administering Petitioner's removal and custody proceedings and for the standards used in those proceedings. As such, she is the custodian of Petitioner. Respondent Bondi's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530.

**STATEMENT OF FACTS**

12. Petitioner is a 33-year-old citizen of Ecuador. She timely sought asylum in the United States based on the persecution [REDACTED] Her asylum is based on Political opinion, membership in a particular social group, and the convention against torture.
13. Upon information and belief, Petitioner was released from detention on her own recognizance into the United States on or about October 28, 2022. Her case was docketed with the New York City Immigration Court.
14. Petitioner filed timely a *pro se* application for asylum with the immigration court, detailing her fear of removal to Ecuador.
15. Petitioner is the mother of 3 minor children, one of whom is a U.S. citizen under 2 years of age. She has no criminal convictions.
16. On October 9, 2025, Petitioner attended an immigration court hearing at 26 Federal Plaza.
17. During her hearing, Immigration Judge Dandeleit scheduled her for her next Master Court Hearing on September 2023, 2026.
18. When Petitioner left the courtroom, she was immediately apprehended by ICE officers. She was not informed why she was being arrested.
19. Upon Petitioner's detention, her husband is left to care for their 3 minor children, including a two-year-old U.S. citizen. Husband's job is not enough to support the family, and they face grave financial hardships if Petitioner is to remain in detention.

**LEGAL FRAMEWORK**

20. Since mid-May 2025, the DHS has been indiscriminately arresting noncitizens who attend immigration court hearings. ICE officers waiting in lobbies, hallways, and elevator wells in Immigration Court buildings arrest individuals leaving their hearings.

21. The ongoing civil arrests at immigration courts by Respondents stem from a significant change in policy and practice. On April 27, 2021, Respondents issued a memorandum titled “Civil Immigration Enforcement Actions in or near Courthouses.” That memo strictly limited civil immigration enforcement in or near courthouses to four specific circumstances: (1) national security threats; (2) imminent risk of death, violence, or physical harm; (3) hot pursuit of public safety threats; or (4) imminent risk of evidence destruction in criminal cases. Moreover, absent hot pursuit, ICE could only make civil arrests of public safety threats where no safe alternative location existed or with senior-level pre-approval. The memo explicitly covered immigration courts, and one of the core rationales underlying this policy was that “[e]xecuting civil immigration enforcement actions in or near a courthouse may chill individuals’ access to courthouses, and as a result, impair the fair administration of justice.”
22. This framework underwent a fundamental transformation on January 20, 2025, when Respondents rescinded the April 2021 Memo and issued new interim guidance. The guidance was finalized on May 27, 2025. In or around May 21, Respondents built upon this memo by initiating a policy of indiscriminate detentions at immigration courts around the country. No individualized custody review—considering, inter alia, pending applications for relief or other equitable factors such as age, health, or caretaking responsibilities—occurs.
23. As of this time, due to changes in caselaw issued by the Board of Immigration Appeals, few immigrants are eligible for bond, even where, as here, they are detained pursuant to 8 U.S.C. § 1226(a). Moreover, DHS has enacted a blanket policy automatically appealing cases where noncitizens are granted bond, making the request to release on bond futile. *Joseph v. Decker*,

2018 WL 6075067 at \*6 (S.D.N.Y. Nov. 21, 2018); *see also Rodriguez-Figueroa v. Barr*, 442 F. Supp. 3d 549, 561 (W.D.N.Y. 2020).

**CLAIMS FOR RELIEF**

**COUNT ONE  
VIOLATION OF THE DUE PROCESS CLAUSE  
OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION  
SUBSTANTIVE DUE PROCESS**

24. The allegations in the above paragraphs are re-alleged and incorporated herein.
25. Petitioner is being detained without cause and in violation of her Constitutional right to Due Process under the Fifth Amendment.
26. The government's ongoing detention of Petitioner is unjustified and unlawful.
27. The goals of immigration detention are to "ensur[e] [his] appearance ... at future immigration proceedings," and to "[p]revent[] danger to the community." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Neither goal is served by Petitioner's detention.
28. Petitioner was detained by ICE at Immigration Court, demonstrating that there was no need for detention to ensure her presence at those proceedings. Her very presence in the Immigration Court at the time of her detention demonstrated that she was willing and able to attend her immigration proceedings.
29. Moreover, her detention jeopardizes Petitioner's ability to gather the evidence needed to equitably pursue his immigration relief.
30. The Due Process Clause guarantees detained immigrants the right to be detained in a safe situation, free from punitive conditions of confinement. *See* U.S. Const. amend. V.
31. Respondents' failure to adequately protect Petitioner from these punitive conditions, or release her from detention altogether, violates her due process rights.

32. Petitioner has no adequate remedy at law.

33. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

**COUNT TWO  
VIOLATION OF THE DUE PROCESS CLAUSE  
OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION  
PROCEDURAL DUE PROCESS**

34. The allegations in the above paragraphs are realleged and incorporated herein.

35. Petitioner is being detained without cause and in violation of her Constitutional right to Due Process under the Fifth Amendment.

36. The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

37. Petitioner has a liberty interest in not being detained.

38. Respondents provided Petitioner with no notice or opportunity to be heard prior to arresting and detaining her.

39. Respondents have offered Petitioner no meaningful opportunity to be heard or challenge his detention since detaining her.

40. Petitioner has no adequate remedy at law.

41. Petitioner's detention thereby deprives her of her rights to Due Process under the Fifth Amendment of the United States Constitution.

**COUNT THREE**  
**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

42. The allegations in the above paragraphs are realleged and incorporated herein.
43. The Administrative Procedure Act prohibits agency action that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
44. Petitioner’s detention—where there was no change of circumstances supporting his detention—is arbitrary and capricious. Respondents had no reason to believe Petitioner had become a flight risk or danger to the community, and thus her detention was and is arbitrary and capricious.
45. Respondents’ courthouse arrest policy, whereby they indiscriminately detain individuals present in the U.S. for under two years irrespective of the individual circumstances in their case, is arbitrary and capricious in violation of the Administrative Procedure Act as applied to Petitioner. Petitioner’s arrest pursuant to this policy involved no individualized determination that justifies his detention.
46. Petitioner has no other adequate remedy at law. Even if she is released, so long as Respondents maintain this ongoing courthouse detention campaign, she may be subjected to it at any of her future hearings.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court grant the following:

- 1) Assume jurisdiction over this matter;
- 2) Order Respondents to show cause why the writ should not be granted within three days and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
- 3) Enjoin Respondents from transferring Petitioner from the jurisdiction of this District or from the United States pending the resolution of this case under the All Writs Act;
- 4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- 5) Declare that Respondents' actions violate the Administrative Procedure Act;
- 6) Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Rueda Torres immediately on her own recognizance or on reasonable conditions of supervision;
- 7) In the alternative, the Court should direct Respondents to immediately provide Petitioner with a constitutionally adequate, individualized hearing within fourteen days before an impartial adjudicator. At that hearing:
  - (a) ICE must bear the burden of establishing by clear and convincing evidence that continued detention is justified;
  - (b) The adjudicator must meaningfully consider alternatives to imprisonment such as release on recognizance, parole or electronic monitoring; and
  - (c) The adjudicator must meaningfully consider Petitioner's ability to pay in setting a monetary bond;
- 8) Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
- 9) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Date: October 9, 2025

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Fabian Arias, Next Friend  
555 Kappock Street, 11A  
Bronx, New York 10463  
646 244 5404

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of Liliana Del Cisne Rueda Torres because I am a personal friend of hers. I know much of this information from my own personal interactions and friendship with Ms. Rueda Torres and her family. I know the information regarding her arrest because I was present in court with her at the time. On information and belief, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: October 9, 2025

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Fabian Arias, Next Friend  
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