

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

ALESSANDRA DE FATIMA LOMEU,
Plaintiff,

v.

LUIS SOTO,
in his official capacity as Director/Warden of
Delaney Hall Detention Facility;

JOHN TSOUKARIS,
in her official capacity as Field Office
Director, New Jersey Field Office, U.S.
Immigration & Customs Enforcement;

PAMELA BONDI,
in his official capacity as Attorney General,
U.S. Department of Justice;

KRISTI NOEM,
in his official capacity as Acting Secretary,
U.S. Department of Homeland Security; and

TODD M. LYONS,
in his official capacity as Acting Director, U.S.
Immigration & Customs Enforcement;
Defendants.

Civil Action No.:
2:25-cv-16589

**COMPLAINT FOR
DECLARATORY
&
INJUNCTIVE RELIEF**

Plaintiff, Alessandra De Fatima Lomeu, respectfully petitions this Honorable Court, pursuant to 28 U.S.C. § 2201 and 2202 for declaratory and injunctive relief, as follows:

INTRODUCTION

1. Plaintiff Alessandra De Fatima Lomeu (“Ms. Lomeu”) is a citizen of Brazil who came to the United States (“U.S.”) in June 2005, at the age of twenty-three and has lived here ever since. Ms. Lomeu is a loving wife of eleven years to her U.S. Citizen husband, a dedicated stepmother to her U.S. Citizen daughters, a pillar of her community, and a law-abiding New Jersey resident.

2. On October 2, 2025, while attending a second mandated biometric appointment, Ms. Lomeu was taken into U.S. Immigration and Customs Enforcement (“ICE”) custody and thereafter, detained at Delaney Hall Detention Facility (“Delaney”).
3. Ms. Lomeu’s Writ of Habeas Corpus petition, which was initially filed on October 13, 2025, and further amended on October 15, 2025, was granted, on October 23, 2025, by the Honorable Evelyn Padin, U.S.D.J. In the October 23rd Court Order, her Honor specifically found Ms. Lomeu was unlawfully detained under 8 U.S.C. § 1225 (b) (2) (A), in violation of her due process rights instilled by the 5th Amendment; moreover, her Honor ordered Ms. Lomeu’s immediate release and should Ms. Lomeu be re-arrested by Defendants, it shall be under 8 U.S.C. 1226 (a) with the requirement of a timely bond hearing.
4. Upon her release, Ms. Lomeu received her Order of Release on Recognizance requiring an initial ICE check-in on November 13, 2025. As always, Ms. Lomeu will comply with any requirements in navigating her lawful immigration status, however and as evidenced by the frequent in-person ICE check-ins, Ms. Lomeu runs the risk of being detained again and subjected to the punitive, and further deadly confinement conditions, she has already tragically endured. Ms. Lomeu is wildly grateful for her release, and further the order requiring any re-arrest and detention be under 8 U.S.C. 1226 (a) with a timely bond hearing, however, and as this Honorable Court knows, the “reasonable time period” for detained, non-asylum-seeking immigrants to obtain a requested bond hearing falls within the six-month range and, arguably, due to the current administration, it is likely any re-detention will be prolonged. *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 225(3d Cir. 2018); *Zadvydas v. Davis*, 533 U.S. 678, 701(2001).
5. Should Ms. Lomeu be arrested again, in attempting to lawfully comply with ICE check-ins,

she will inevitably be placed in the same devastatingly, and dire, conditions for any time up to six months. Again, and as always, Ms. Lomeu will comply with any orders/directions to navigate her immigration status, however, and at every turn, she runs risk of being confined and subjected to not only the punitive conditions, but the unlawful confinement pending her meritorious immigration applications, which the Honorable Court has already ruled as unconstitutional.

6. Ms. Lomeu respectfully requests that this Court grant a declaration that her continual threatened re-arrest is unlawful and the issuance of an injunction to prevent her re-arrest.

PARTIES

7. Ms. Lomeu is currently, and lawfully, navigating her immigration processes with pending I-130 Petition for Alien Relative, I-765 Application for Employment Authorization, and 42-B Application for Cancellation of Removal. Even further, Ms. Lomeu was recently released from immigration
8. Defendant Luis Soto is named in his official capacity as the Director/Warden of Delaney. Mr. Soto is responsible for the operation of Delaney, where Ms. Lomeu was detained.
9. Defendant John Tsoukaris is named in his official capacity as the Director of the New Jersey Field Office for ICE. Mr. Tsoukaris is responsible for arrests, processing, detention, production, transfer, and release of individuals in removal proceedings. He is a legal custodian of Ms. Lomeu.
10. Defendant Pamela Bondi is named in her official capacity as the U.S. Attorney General (“AG”). AG Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review (“EOIR”). She is a legal custodian of Ms. Lomeu.

11. Defendant Kristi Noem is named in her official capacity as the Acting Secretary of the U.S. Department of Homeland Security (“DHS”). Ms. Noem is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. She is a legal custodian of Ms. Lomeu.
12. Defendant Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Ms. Lomeu.

JURISDICTION & VENUE

13. This Court has proper jurisdiction over Ms. Lomeu’s Complaint for Declaratory and Injunctive Relief. Under 28 U.S.C. § 1331, being this matter arises under the United States Constitution and presents a federal question, this Court has original jurisdiction over the federal issue arising in this matter. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, this Court has the authority to grant injunctive and declaratory relief as it sees fit.
14. Venue is proper in the District of New Jersey under 28 U.S.C. § 1391 (b) (2), (c), (e). Furthermore, this Court is the proper venue because it is where a substantial part of the events and omissions gave rise to the claim and fulfills residency requirements.

STATEMENT OF FACTS

15. Due to the whirlwind that is this current administration, and its disturbing policy changes thereof, non-citizens navigating immigration processes have endured the never-ending nightmare, torment and threats of arrest, and further unconstitutional re-arrest. The sweeping and continual arrests at courthouses, ICE check-ins, USCIS appointments especially being that USCIS Special Agents may arrest non-citizens, and simply snatching off the streets, is

this administration's political agenda to deter law-abiding individuals, who have loved and made this nation their home, from staying herein. The targeting of, especially black and brown, non-citizens is tearing this nation's communities apart and resulting in unprecedented times of unconstitutional, and plain out inhumane, arrests and re-arrests.

16. For over twenty years, Ms. Lomeu, who was born in Brazil, has been a law-abiding New Jersey resident. While in the United States, Ms. Lomeu fell in love and married her U.S. Citizen husband, Hudson Rodrigues Almeida – the happy couple have been together for over a decade. Not only did Ms. Lomeu gain a lifelong partner, but two kind-hearted stepdaughters, Allyson and Ashley, who she has loved and cared for as her own girls.
17. Ms. Lomeu is currently navigating her immigration processes with pending I-130 Petition for Alien Relative filed by her U.S. Citizen spouse, I-765 Application for Employment Authorization, and 42-B Application for Cancellation of Removal.
18. On October 2, 2025, while attending a second mandated biometric appointment, Ms. Lomeu was taken into ICE custody and detained at Delaney.
19. On October 13, 2025, Ms. Lomeu filed a Writ of Habeas Corpus petition with this Honorable Court; said petition was amended on October 15, 2025.
20. On October 23, 2025, the Honorable Evelyn Padin, U.S.D.J., entered an Order finding: Ms. Lomeu was unlawfully detained under 8 U.S.C. § 1225 (b) (2) (A), in violation of her due process rights instilled by the 5th Amendment; Ms. Lomeu shall be immediately released; and should Ms. Lomeu be re-arrested by Respondents, it shall be under 8 U.S.C. 1226 (a) with the requirement of a timely bond hearing.

21. Upon her release, Ms. Lomeu received her Order of Release on Recognizance requiring an initial ICE check-in on November 13, 2025 – Ms. Lomeu will be in attendance at every, frequent ICE check-in and/or other mandated requirements sought by Defendants.
22. As evidenced by her initial arrest, and the other hundreds of non-citizens daily swept up at courthouses, ICE check-ins, USCIS appointments, and on the streets, Ms. Lomeu runs risk of being detained again and subjected to the punitive, and further deadly confinement conditions, she has already endured.
23. Ms. Lomeu understands any re-arrest and detention shall be under 8 U.S.C. 1226 (a), however, and due to the ambiguous “reasonable time period” precedent for detained, non-asylum-immigrants seeking a bond hearing, Ms. Lomeu may very well wait up to six-months for a bond hearing while in detention – additionally, there is always risk of prolonged unconstitutional confinement beyond the six month period.
24. Because Ms. Lomeu endured an array of deadly confinement conditions while in her initial ICE detention, the fear of being returned to detention is earth shattering. While in ICE detention, Delaney failed to take Ms. Lomeu’s blood pressure and timely provide Ms. Lomeu with her blood pressure medication and ovarian medication. Ms. Lomeu suffers with high blood pressure and an ovarian disorder. As a result of not receiving her timely medications, Ms. Lomeu suffered with persistent splitting headaches, feelings of wooziness, amplified ovarian pain, and profuse and non-stop menstrual bleeding. Said symptoms were further exacerbated through untimely meals and not being permitted to utilize the bathroom at night etc. Should Ms. Lomeu be re-arrested by the Defendants, there is no doubt she will endure the same conditions.

25. For over twenty years, Ms. Lomeu has built a home and family, respected the laws herein, and loved this nation for all it has permitted her to achieve – she simply requests refrainment from re-arrest to continue to abide by all immigration processes from the safety of her home.

LEGAL FRAMEWORK

I. MS. LOMEU HAS A MERITORIOUS CLAIM FOR DECLARATORY & INJUNCTIVE RELIEF.

A. Declaratory Judgment

26. Individuals seeking a declaratory judgment must demonstrate a substantial, immediate controversy between the parties to warrant judicial intervention. 28 U.S.C. § 2201.

27. The controversy must be definite, concrete, and capable of specific relief through a conclusive character, rather than an advisory opinion. *Maniscalco v. Brother Int'l Corp. (USA)*, 627 F. Supp. 2d 494, 504 (D.N.J. 2009); *Teva Pharmaceuticals USA, Inc. v. Novartis Pharmaceuticals Corp.*, 482 F.3d 1330, 1336 (3d Cir. 2007). Additionally, the party seeking declaratory relief must demonstrate a substantial likelihood of future injury to establish standing under Article III of the U.S. Constitution. *Maniscalco*, 627 F. Supp. 2d at 504.

28. First, the controversy at issue in the instant complaint is Defendants unconstitutionally re-arresting Ms. Lomeu while abiding procedurally to their own mandated check-ins. Although such re-arrest may have seemed speculative and/or not concrete with past administrations, there is no doubt that such an ICE re-arrest meets the level of definiteness required for specific relief; moreover, and given this administration's demonstrated pattern of reinitiating enforcement after release, the re-arrest of Ms. Lomeu is neither speculative nor hypothetical. Second, Ms. Lomeu clearly indicates a substantial likelihood of future injury – due to ICE quite literally roaming the streets, ICE's continual actions of enforcement, and of course their ability to arrest at any check-in, Ms. Lomeu faces an immediate threat in deprivation of liberty

by the Defendants, again. In summation, Ms. Lomeu meets and arguably exceeds the standard required under 28 U.S.C. § 2201.

B. Injunctive Relief

29. For injunctive relief, a movant must demonstrate that she is likely to succeed on the merits, that she is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in her favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 320 (3d Cir. 2020); *Osorio--Martinez v. AG United States*, 893 F.3d 153, 178 (3d Cir. 2018).
30. First, Ms. Lomeu is likely to succeed on the merits of her claim being that any further re-arrest would instantaneously violate her due process rights especially being that ICE lacks any change in circumstance to warrant re-arrest.
31. Second, and absent the preliminary relief sought, Ms. Lomeu will suffer irreparable harm should she be subjected to unlawful re-detention, which will very likely be at Delaney. Moreover, and as evidenced in her granted Writ of Habeas Corpus petition, while in ICE detention, the Delaney failed to take Ms. Lomeu's blood pressure and timely provide Ms. Lomeu with her blood pressure medication and ovarian medication. Ms. Lomeu suffers with high blood pressure and an ovarian disorder. As a result of not receiving her timely medications, Ms. Lomeu suffered with persistent splitting headaches, feelings of wooziness, amplified ovarian pain, and profuse and non-stop menstrual bleeding. Said symptoms were further exacerbated through untimely meals and not being permitted to utilize the bathroom at night. Even if Ms. Lomeu were not placed in Delaney, it is abundantly clear that ICE detention facilities across the nation, and as evidenced by the bare minimum policy standards

set forth by ICE itself, she would endure the same conditions. Even further, and although she would be entitled to a bond hearing, Ms. Lomeu may be required to endure re-confinement for up to six months pending a “reasonably timed” bond hearing. *Guerrero-Sanchez*, 905 F.3d at 225; *Zadvydas*, 533 U.S. at 701.

32. Third, the harm endured by Ms. Lomeu full-heartedly outweighs any minimal, or rather alleged burden on the government by continuing her unlawful detention - if anything, the government is burdening itself by fiscally detaining Ms. Lomeu and wasting judicial resources. Moreover, Ms. Lomeu, and as illustrated by her successful habeas corpus petition, has clearly shown the required bond hearing would be meritorious based on her lack in criminal record and not being a flight risk. Re-detention, especially in reflecting on the required bond hearing, would simply be a waste of the Defendants’ time and financial resources. ICE may easily continue its enforcement measures through less restrictive and more financially sound means.

33. Fourth, the public interest is served by preventing unlawful rearrest, ensuring compliance with our Constitution and accountability.

34. In summation, Ms. Lomeu meets the requisite elements for this Honorable Court to grant injunctive relief.

II. REARREST OF MS. LOMEU WOULD VIOLATE HER 4TH AMENDMENT RIGHTS.

35. The Fourth Amendment to the U.S. Constitution protects all individuals in the United States, including those with or without immigration status, against unreasonable searches and seizures; further, the Fourth Amendment requires any arrest to be based on probable cause. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 266-67 (1990); *Yoc-Us v. AG United States*, 932 F.3d 98, 105 (3d Cir. 2019).

36. Importantly, re-arrests, or rather second arrests, that are unsupported by new probable cause, or court order, are invalid under the Fourth Amendment. *Carlson v. Landon*, 342 U.S. 524, 546 (1952); *Stewart v. Abraham*, 275 F.3d 220, 224 (3d Cir. 2001).
37. Although the Third Circuit gives broad discretion to ICE in detaining immigrants, it is implied the necessity of new, independent probable cause for re-arrests to comply with the Fourth Amendment's protection against unreasonable searches is applicable in immigration proceedings.
38. Not only would the re-arrest of Ms. Lomeu run afoul her Fifth Amendment Due Process rights, due to the punitive conditions as indicated in her habeas corpus petition, the re-arrest on the same basis of her pending immigration applications before USCIS arguably violate her Fourth Amendment protections against unreasonable search and seizures.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE FOURTH AMENDMENT PROTECTIONS AGAINST UNREASOABLE SEARCHES

1. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
2. Pursuant to the Fourth Amendment of the United States, re-arrest of Ms. Lomeu, without further probable cause, will inevitably constitute an unreasonable search and seizure.

COUNT TWO

REDETENTION OF MS. LOMEU WILL VIOLATE THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

3. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

4. Ms. Lomeu is not a flight risk nor is she a danger to the community.
5. Ms. Lomeu will be subjected to the same confinement conditions as in her first unlawful detention.
6. Re-arrest of Ms. Lomeu, with such egregious confinement conditions, and risk of prolonged detention, will violate of her Fifth Amendment Due Process Rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction over the instant matter;
2. Declare Defendants' actions and threats of re-arrest violate the U.S. Constitution;
3. Enter a preliminary and permanent injunction restraining Defendants from re-arresting Plaintiff;
4. Order any such other relief as this Court deems just and proper.

Dated: 11/05/25

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Complaint for Declaratory and Injunctive Relief using the PACER system.

Dated: 11/05/25

Respectfully Submitted,



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