

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RONI ESDUARDO LOPEZ HERNANDEZ,)	
)	Case No. _____
Petitioner,)	
)	PETITION FOR WRIT OF
v.)	HABEAS CORPUS
)	
PATRICIA HYDE, Field Office Director,)	
MICHAEL KROL, HSI New England Special)	
Agent in Charge, and TODD LYONS, Acting)	
Director U.S. Immigrations and Customs)	
Enforcement, and KRISTI NOEM, U.S. Secretary)	
of Homeland Security,)	
)	
Respondents.)	
)	
_____)	

INTRODUCTION AND ALLEGED FACTS

1. Petitioner, Roni Esduardo Lopez Hernandez, [hereinafter, "Roni"], is a Guatemalan national who entered the United States without inspection on or about January 15, 2008, without detection by the DHS. He has been present in the United States since his initial entry.
2. On September 29, 2025, Roni was stopped by DHS officials outside the Rhode Island District Court as he was entering for a scheduled court appearance for charge of Driving Under the Influence. He was taken into ICE custody and has been in ICE custody since that time. He is currently detained at the Wyatt Detention Facility, in Rhode Island.
3. On September 29, 2025, he was placed in removal proceedings with the Issuance of a Notice to Appear, where DHS determined he was an alien present in the United States who has not been admitted or paroled. (Exhibit 1).

4. On October 14, 2025, undersigned counsel submitted a Motion for Bond Re-determination with the Chelmsford Immigration Court. On information and belief, the Petitioner believes the Immigration Judge will determine she does have jurisdiction to hold a Bond hearing in his case. (Exhibit 2).
5. Roni has been in the United States for seven-teen years, has pending application for a U visa as of November 21, 2017, which USCIS has determined is *Bona Fide*. (Exhibit 3). He is also the beneficiary of a pending application for asylum as June 11, 2020, with valid work authorization. (Exhibits 4 and 5). He is in the process of actively seeking immigration status pursuant to the U visa, as a victim of serious crime, and as an asylee.
6. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
7. Petitioner asks this Court to find that he was unlawfully detained and order his release.

JURISDICTION

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

PARTIES

10. The Petitioner, Roni Esduardo Lopez Hernandez, is a 38 year old young man who lives in Providence, Rhode Island. He is the father of two United States citizen children born in the years 2011 and 2012. After having been stabbed in the chest, and assisting the police with their investigation, he applied for a U Visa with the submission of a Form I-918B, Petition for Nonimmigrant Status, accompanied by the required affidavit signed by the police indicating he was a victim of a serious crime and assisted with the investigation and

prosecution of the attacker. He also is the beneficiary of a pending asylum claim and lawfully works with a valid Employment Authorization Document.

11. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
12. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
13. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
14. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
15. All respondents are named in their official capacities.
16. Petitioner is a Guatemalan national with a pending application for U visa status and asylum. He was detained while arriving for his scheduled court appearance on for a DUI charge. See Exhibit 4. Prior his detention by ICE, he fully complied with his arrest and, other than minor traffic offenses, this was his first encounter with law enforcement. He has not been convicted of any wrongdoing.
17. 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. His removal proceedings have recently been initiated and the Immigration Judge will deny his motion to be released on 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: October 14, 2025

Respectfully submitted,

Hans Bremer

Hans J. Bremer
Bremer Law & Associates, LLC
717 Allens Avenue, Suite 105
Providence, RI 02905
RI Bar No.: 8063
(401) 621-4000
Hans.j.bremer@bremerlawllc.com

Counsel for Petitioner