

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIA REGLA SEPULVEDA-BAEZ,
Petitioner,

v.

Civil Action No. _____

ALEJANDRO MAYORKAS, Secretary,
U.S. Department of Homeland Security;
PATRICK J. LECHLEITNER, Acting Director,
U.S. Immigration and Customs Enforcement;
JOHN TSOUKARIS, Field Office Director,
ICE Enforcement and Removal Operations, Boston,
Respondents.

_____ /

**MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I. INTRODUCTION

Maria Regla Sepulveda-Baez, lawful spouse of a United States citizen, seeks immediate release from unlawful immigration detention. Petitioner has been detained by ICE for over thirteen days without probable cause, criminal conduct, immigration violation, or any articulated law enforcement justification. Her detention violates the Fifth Amendment's Due Process Clause and is exacerbated by a jurisdictional void wherein neither ICE nor the Immigration Court will provide her a constitutionally adequate bond hearing. Petitioner poses no danger to the community and no unmitigable flight risk. Her continued detention serves no legitimate governmental purpose while causing catastrophic harm to her United States citizen husband's mental health.

II. STANDARD FOR INJUNCTIVE RELIEF

To obtain a temporary restraining order and preliminary injunction, Petitioner must demonstrate: (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent relief; (3) the balance of equities favors relief; and (4) the injunction serves the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Nken v. Holder*, 556 U.S. 418, 434 (2009).

The First Circuit has clarified that these four factors are not prerequisites to be rigidly weighed, but rather "serious, substantial, difficult and doubtful questions" may warrant preliminary relief when the balance of hardships tips decidedly in the movant's favor. *Sindicato Puertorrique de Trabajadores v. Fortu* 699 F.3d 1, 10 (1st Cir. 2012). However, Petitioner satisfies all four Winter factors.

III. ARGUMENT

A. Petitioner Is Likely to succeed on the Merits

1. Detention Without Probable Cause Violates Due Process

The Fifth Amendment prohibits detention absent probable cause or reasonable suspicion serving legitimate governmental purposes. *United States v. Brignoni-Ponce*, 422 U.S. 873, 880 (1975); *I.N.S. v. Delgado*, 466 U.S. 210, 216 (1984). Immigration detention must serve legitimate law enforcement objectives: ensuring appearance at removal proceedings and protecting community safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Petitioner's detention serves neither purpose. She committed no crime, violated no immigration law, demonstrated flawless compliance with ICE supervision, posed no danger, and exhibited no flight risk. Her removal proceedings were administratively closed, her I-130 was pending, her husband is a U.S. citizen requiring her care, and she has deep community ties. ICE has articulated no justification for her arrest or continued detention.

Prolonged civil detention without individualized suspicion is punitive and unconstitutional. *Bell v. Wolfish*, 441 U.S. 520, 535 (1979) ("Due process requires that a pretrial detainee not be punished"). As the District of Massachusetts held in *Pensamiento v. McDonald*, 315 F. Supp. 3d 684, 694 (D. Mass. 2018), prolonged immigration detention without justification violates due process.

The sequence of events reveals arbitrary enforcement: ICE apprehended Petitioner while her case was in administrative repose and only thereafter moved to recalendar proceeding suggesting pretextual action rather than legitimate law enforcement necessity.

2. Prolonged Detention Without Constitutionally Adequate Bond Hearing Violates Due Process

"Freedom from imprisonment lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. The Supreme Court has repeatedly emphasized that civil detention is constitutionally permissible only when it serves legitimate regulatory purposes. *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997).

A constitutionally adequate bond hearing requires: (1) a neutral decisionmaker with jurisdiction to review custody; (2) the government bearing the burden of proving by clear and convincing evidence that detention is justified; (3) individualized assessment of flight risk and danger; (4) consideration of the detainee's personal circumstances; and (5) consideration of less restrictive alternatives to detention. *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013); *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Matus-Lares v. Sessions*, 865 F.3d 1128, 1138 (10th Cir. 2017).

Petitioner has been denied all these protections. ICE abandoned her parole request without decision or acknowledgment. The Immigration Court will likely disclaim jurisdiction under *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), or conduct a hearing placing the burden on

Petitioner under Matter of Guerra, 24 I&N Dec. 37 (BIA 2006) both constitutionally inadequate. As the Tenth Circuit held in Matus-Lares, procedures that place the burden of proof on detainees violate due process. 865 F.3d at 1138.

This creates a jurisdictional void where no governmental entity will provide the process Petitioner is owed. "When the Government detains a person without affording him a hearing, it deprives him of liberty without due process of law." Zadvydas, 533 U.S. at 692.

3. Continued Detention Without Bail Violates the Excessive Bail Prohibition

The prohibition against "excessive bail" applies to civil immigration detention through the Fifth Amendment. *Carlson v. Landon*, 342 U.S. 524, 545-46 (1952); *United States v. Salerno*, 481 U.S. 739, 754 (1987). Bail is excessive when "set at a figure higher than an amount reasonably calculated" to ensure appearance and protect the community. *Stack v. Boyle*, 342 U.S. 1, 5 (1951).

Given that Petitioner poses no danger and no unmitigable flight risk evidenced by her flawless compliance, family ties, pending I-130, and community support continued detention without bail constitutes excessive bail. She should be released on her own recognizance with reasonable conditions, or upon a nominal bond not exceeding \$2,000.00.

4. Arbitrary and Punitive Detention Violates Substantive Due Process

Substantive due process prohibits arbitrary government action that "shocks the conscience." *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Immigration detention is civil and regulatory, not punitive. *Wong Wing v. United States*, 163 U.S. 228, 235 (1896); *Zadvydas*, 533 U.S. at 690.

ICE arrested Petitioner arbitrarily, without justification, while she was in full compliance and administrative repose. Her continued detention while her U.S. citizen husband suffers documented mental health crises including multiple hospitalizations and auditory hallucinations is conscience-shocking. The government has articulated no law enforcement purpose for her detention. Arbitrary, purposeless detention is punitive and violates substantive due process.

B. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief

Under *Winter*, irreparable harm must be "likely" and "neither remote nor speculative." 555 U.S. at 22. Continued unlawful detention itself constitutes irreparable harm. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). The same principle applies to loss of liberty. See *Pensamiento*, 315 F. Supp. 3d at 698 ("Ongoing unlawful detention constitutes irreparable harm").

Petitioner faces three imminent, irreparable harms:

First, she faces imminent transfer to another state, far from counsel, husband, and community, which would severely impair her ability to litigate this action and potentially moot her claims. *Rodriguez*, 715 F.3d at 1127 (recognizing transfer as irreparable harm).

Second, she faces imminent removal from the United States, which would moot her constitutional claims and cause devastating, irreversible harm to her family unity, her pending I-130 petition, and her integration into American society.

Third, her U.S. citizen husband's documented mental health crisis including multiple hospitalizations, auditory hallucinations, and deterioration of pre-existing Mixed Anxiety and Depressive Disorder is exacerbated daily by her detention. Medical professionals have confirmed that Petitioner's presence is medically essential for his well-being. The harm to this United States citizen grows more severe with each day of his wife's unlawful detention.

C. The Balance of Equities Decidedly Favors Petitioner

Under *Winter*, courts must "balance the competing claims of injury and... consider the effect on each party of the granting or withholding of the requested relief." 555 U.S. at 24.

The balance overwhelmingly favors Petitioner. On one side: her fundamental liberty interest, family integrity, her husband's health, and access to judicial review. On the other: the government's unarticulated, unjustified interest in detaining a compliant individual who poses no danger or flight risk.

Petitioner offers robust conditions of supervision that adequately mitigate any conceivable governmental concern: electronic monitoring through ISAP or ATD, regular ICE check-ins, maintenance of residence, geographic restrictions, surrender of travel documents, and supervision by her U.S. citizen husband. These conditions adequately ensure appearance at future proceedings while vindicating her liberty interests.

The government can articulate no countervailing interest. ICE arrested Petitioner without explanation while she was in full compliance. Her next scheduled check-in was over one year away. ICE's own assessment that she posed no risk. The government cannot justify continued detention merely by invoking its statutory authority where, as here, detention serves no legitimate purpose.

D. The Public Interest Favors Injunctive Relief

"In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction." *Winter*, 555 U.S. at 24. The public interest analysis merges with the balance of equities when the government is a party. *Nken*, 556 U.S. at 435.

The public interest strongly favors Petitioner. First, the public has a profound interest in upholding constitutional rights and ensuring that government detention serves legitimate law enforcement purposes not arbitrary, unexplained enforcement action. Second, the public interest

favors protecting the health and well-being of United States citizens, including Mr. Velez Garcia, whose documented mental health crisis is directly caused by his wife's unlawful detention. Third, the public interest favors judicial economy and preventing the waste of resources on unjustified detention.

The government cannot credibly assert a public interest in detaining individuals who pose no danger and no flight risk, have committed no crimes, and have demonstrated exemplary compliance with supervision. Such detention undermines public confidence in fair and rational immigration enforcement.

IV. CONCLUSION

Petitioner satisfies all four Winter factors. She is likely to succeed on her claims that detention without probable cause, without constitutionally adequate bond hearings, and for arbitrary, punitive purposes violates the Fifth Amendment. She faces imminent, irreparable harm from continued detention, potential transfer, and potential removal. The balance of equities decidedly favors her release, as she poses no danger or unmitigable flight risk and offers robust conditions of supervision. The public interest favors upholding constitutional rights and protecting United States citizens from harm caused by unlawful detention of their family members.

WHEREFORE, Petitioner respectfully requests this Honorable Court grant her Emergency Motion for Temporary Restraining Order and Preliminary Injunction as set forth above.

Dated: October 21, 2025

Respectfully submitted,

/s/ Arold Bien-Aime

Arold Bien-Aime, Esq.
Massachusetts BBO# 705135
AROLD LAW FIRM
451 Andover Street, Suite G4
North Andover, MA 01845
Tel: (888) 331-3864
Fax: (781) 333-3572
Email: a.bienaime@aroldlaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October 2025, a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order and Preliminary Injunction, Memorandum of Law in Support, and Petition for Writ of Habeas Corpus were served via electronic filing and email upon:

United States Attorney's Office
District of Massachusetts
1 Courthouse Way, Suite 9200
Boston, MA 02210
Email: USAMA.ECF Criminal@usdoj.gov

Office of Immigration Litigation
U.S. Department of Justice
Civil Division
P.O. Box 878
Ben Franklin Station
Washington, DC 20044
Email: OIL.immigration@usdoj.gov

/s/ Arold Bien-Aime

Arold Bien-Aime, Esq.