

Petitioner Jordania Rafaela Bolduc, through her Next Friend, Tara Bolduc, her Mother-In-Law, respectfully submits this Memorandum of Law in support of her Petition for Writ of Habeas Corpus and Emergency Motion for Immediate Release and respectfully requests The Court order the Respondents to facilitate her lawful return to the Commonwealth of Massachusetts where she was arrested on September 5, 2025 and unlawfully detained in Burlington, Massachusetts until she was transferred to Basile, Louisiana and subsequently transferred to San Antonio, Texas. Petitioner is a law-abiding individual, lawfully residing in the United States, married to a U.S. citizen. A USCIS Form I-130 was filed by previous counsel, petitioner currently possesses a valid Employment Authorization Document (“EAD”) issued by USCIS.

Despite these lawful equities, Petitioner remains detained by Immigration and Customs Enforcement (“ICE”). Petitioner was denied bond and Respondents are in violation of the Due Process Clause of the Fifth Amendment and the governing statutes and precedent that require individualized determinations of necessity and danger.

Petitioner’s detention is prolonged, arbitrary, and unsupported by any legitimate government interest. The Court’s intervention is necessary to remedy this constitutional violation and prevent ongoing irreparable harm.

II. LEGAL STANDARD

Federal courts have jurisdiction under 28 U.S.C. § 2241 to review the legality of a noncitizen’s detention by federal immigration authorities. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

The writ of habeas corpus extends to any person held “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Courts have repeatedly held that prolonged or arbitrary immigration detention, particularly without a meaningful opportunity to contest the necessity of continued confinement, violates the Fifth Amendment’s Due Process Clause. See, e.g., *Reid v. Donelan*, 390 F. Supp. 3d 201, 215 (D. Mass. 2019)

III. ARGUMENT

A. VIOLATION OF THE CALDERON JIMENEZ v. MAYORKAS SETTLEMENT AGREEMENT

1. Petitioner is a class member protected under the *Calderon Jimenez v. Mayorkas Settlement Agreement, Case No. 18-10225-MLW (D. Mass. 2022)*, as Petitioner resided within the jurisdiction of the Boston Field Office of ICE-ERO at 9 Carr Lane, Forestdale, MA 02644, and her U.S. citizen spouse filed TWO separate Forms I-130 Petition for Alien Relative (Receipt No. ) on her behalf. The first USCIS Form was filed on July 7, 2025 via USPS. Petitioner's Mother-In-Law assisted Petitioner and her Spouse with completion of Form I-130 and mailed a hard-copy on July 6, 2025.
2. Section III(E) of the Settlement prohibits the transfer of *Calderon* class members outside the Boston jurisdiction for purposes of removal or detention while their petitions are pending.
3. Immigration and Customs Enforcement Officials transfer of Petitioner to the Karnes County Immigration Processing Center in Texas violates the Settlement and the Court's continuing jurisdiction over compliance.
4. The Settlement further guarantees that class members with pending spousal petitions are entitled to stays of removal, protection from transfer, and consideration for parole or release while USCIS adjudicates their petitions.
5. Immigration and Customs Enforcement Officials disregard of these obligations constitutes an unlawful agency action under the Administrative Procedure Act, 5 U.S.C. § 706(2), and a violation of the Fifth Amendment's Due Process Clause, rendering Petitioner's continued detention ultra vires and unlawful.
6. Petitioner therefore seeks an order directing her immediate release and her return to Boston ERO jurisdiction in accordance with the Settlement's terms.

B. PETITIONER'S CONTINUED DETENTION IS ARBITRARY AND UNREASONABLE UNDER ZADVYDAS V. DAVIS

In *Zadvydas v. Davis*, the Supreme Court held that immigration detention becomes constitutionally suspect when it ceases to serve its limited purpose of ensuring removal or protecting the public. 533 U.S. at 690. Detention that becomes “indefinite” or “potentially permanent” is “not authorized by statute and raises serious constitutional concerns.” *Id.*

Here, Petitioner’s detention is not tethered to any legitimate removal purpose. She has a pending asylum hearing in May 2027 and a pending I-130 family petition through her U.S. citizen spouse. ICE’s continued confinement of Petitioner, despite her prior compliance with release conditions and possession of lawful EAD status, is purely punitive and arbitrary under *Zadvydas*.

C. THE GOVERNMENT CANNOT SHOW THAT PETITIONER POSES A DANGER OR FLIGHT RISK

Under well-established principles, civil immigration detention is permissible only when the government can demonstrate that the individual poses a risk of flight or danger to the community. *Demore*, 538 U.S. at 527; *Reid*, 819 F.3d at 494.

Petitioner has no criminal record, no history of violence, and has fully complied with all prior release conditions. She resides with her U.S. citizen husband, has a valid EAD, and has significant community ties in Massachusetts. Courts routinely grant habeas relief under these circumstances. See, e.g., *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021) (affirming bond hearing requirement under Fifth Amendment due process for prolonged detention).

D. MISIDENTIFICATION AND ADMINISTRATIVE ERROR UNDERMINE THE LEGALITY OF PETITIONER’S DETENTION

ICE’s records erroneously list Petitioner as “Jordania Rafaela De Campos,” despite USCIS documentation establishing her lawful identity as Jordania Rafaela Bolduc. Administrative errors of this nature can invalidate detention where the record-keeping error leads to unlawful custody. Cf. *Lopez v. Barr*, 925 F.3d 396, 408 (9th Cir. 2019)* (finding detention unlawful where procedural errors deprived detainee of accurate review). This misidentification, coupled with failure to recognize her valid EAD and pending immigration petitions, renders her ongoing detention legally unsound.

E. THE BALANCE OF EQUITIES AND IRREPARABLE HARM FAVOR IMMEDIATE RELIEF

Petitioner’s ongoing detention imposes severe harm: separation from her U.S. citizen spouse, emotional distress, and financial instability. Federal courts have recognized that such harm

warrants emergency habeas relief. See *Savino v. Souza*, 459 F. Supp. 3d 317, 329–30 (D. Mass. 2020) (ordering release due to ongoing irreparable harm and low flight risk).

Because Petitioner poses no threat and has demonstrated strong community ties and lawful status, continued detention serves no legitimate governmental interest and violates the principle of proportionality inherent in due process.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241;
2. Order her immediate release from ICE custody; and facilitate her return to the COMMONWEALTH OF MASSACHUSETTS.
3. Grant any other relief this Court deems just and proper.