

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FERNANDO ISAIAS CARRANZA  
CHUQUI,

*Petitioner,*

v.

TAMMY MARICH, et al.,

*Respondents.*

Case No. 6:25-cv-6614-MAV

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Petitioner respectfully submits this notice of supplemental authority in support of his claim that his arrest absent a warrant or individualized flight-risk determination violated the Constitution and the Immigration and Nationality Act and implementing regulations, as well as the Court's jurisdiction to hear this case.

On December 2, 2025, the Honorable Beryl A. Howell issued a decision in *Escobar Molina v. U.S. Department of Homeland*, --- F.Supp.3d ---, 2025 WL 3465518 (Dec. 2, 2025). Like the Petitioner in this case, the plaintiffs in *Molina* were arrested without a warrant or any individualized flight-risk determination. The Court found that “[p]ut simply, immigration enforcement officers may conduct a warrantless civil immigration arrest only if they have probable cause to believe that a person is both in the United States unlawfully and an escape risk.” *Id.* at \*13. The Court explained that “plaintiffs have established a substantial likelihood of an unlawful policy and practice by defendants of conducting warrantless civil immigration arrests without probable cause. This finding is supported, *inter alia*, by defendants’ own official public statements that they apply a ‘reasonable suspicion’ standard to conduct warrantless arrests, as well as roughly

forty examples detailed in plaintiffs' declarations of arrests conducted without any questions as to escape risk." *Id.* at \*26.

As set forth in Petitioner's Amended Petition (ECF No. 10 at ¶¶ 82-84, 125, 129) and in his response to the government's motion to dismiss (ECF No. 20 at 20-21), Respondents failed to even suggest they made an escape determination before arresting Fernando. Reference to an escape determination is also notably absent from Fernando's I-213. ECF No. 10-13. And the relevant factors for such a determination clearly weighed in Fernando's favor: Fernando did not try to flee, has stable home and employment addresses, and the government had already determined that he was not a flight risk when it previously released him from custody and terminated his removal proceedings. Fernando's current detention is unlawful because it was made pursuant to an unlawful arrest, and there has been no probable cause hearing or custody determination since, so the Court should order his release.

DATED: December 8, 2025  
New York, New York

Respectfully Submitted,

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