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

Ronilton MOREIRA DA SILVA, 



Petitioner,

v.

James LAFORGE, et al.,

Respondents.

Case No. 2:25-cv-17095 (EP)

**RENEWED EMERGENCY MOTION
TO ENFORCE COURT ORDER
AND TO AMELIORATE
CONDITIONS OF RELEASE**

NOTICE OF MOTION

TO: The Clerk of Court and Counsel for Respondents.

PLEASE TAKE NOTICE that Petitioner, Ronilton Moreira da Silva, by and through his undersigned counsel, hereby moves this Honorable Court for an Order:

1. Enforcing the Court's November 13, 2025, Memorandum Order (D.E. 6) and the Immigration Judge's Order of Release Upon Bond (dated 11/18/2025);
2. Compelling the immediate removal of all non-judicially ordered conditions of release, specifically Petitioner's placement in the U.S. Immigration and Customs Enforcement's (ICE) Intensive Supervision Appearance Program (ISAP III) and the onerous requirements, including electronic monitoring and home confinement; and
3. Compelling the immediate return of all personal documents currently retained by ICE or

its agents.

In support of this Motion, Petitioner relies upon the accompanying Memorandum of Law, the exhibits attached thereto, and all prior pleadings and orders in this matter.

MEMORANDUM OF LAW IN SUPPORT OF MOTION

I. INTRODUCTION

This is Petitioner Ronilton Moreira da Silva's second Motion to Enforce. The first Motion (D.E. 9) was withdrawn on November 24, 2025, after Petitioner was physically released from detention. Petitioner must now renew this motion because, immediately upon his release, Respondents placed him in the Alternatives to Detention (ATD) program, known as the Intensive Supervision Appearance Program (ISAP III), and imposed significant conditions that were *never ordered by the Immigration Judge (IJ)*. These conditions are *ultra vires* to the IJ's bond order and constitute a continuing restraint on Petitioner's liberty, compelling this Court's intervention to enforce the terms of the judicial release. Furthermore, ICE continues to retain his vital personal documents, preventing him from working, driving, and functioning normally in the community.

II. FACTUAL BACKGROUND

1. On November 13, 2025, this Court, the Honorable Evelyn Padin, U.S.D.J., issued a Memorandum Order (D.E. 6) GRANTING Petitioner's Verified Petition for Writ of Habeas Corpus and ordering an individualized custody redetermination hearing.
2. In compliance with the Court's Order, an individualized custody redetermination hearing was held before Immigration Judge Ramin Rastegar on November 18, 2025.
3. On November 18, 2025, the Immigration Judge issued an Order of the Immigration Judge (IJ Order) GRANTING the request and ordering Petitioner "released from custody

under bond of \$8,500.00.”

4. The IJ Order contains *no riders, special conditions, or notations for electronic monitoring, ISAP enrollment, or any other restrictions.*
5. On November 20, 2025, the \$8,500.00 bond was posted and accepted by U.S. Immigration and Customs Enforcement (ICE). (Ex. B: Proof of Bond Payment, Form I-352).
6. After filing a Motion to Enforce with this Court, Mr. Moreira da Silva was physically released on November 21, 2025.
7. Despite the IJ’s clear order, on November 24, 2025, three days after Mr. Moreira da Silva’s physical release and after his previous Motion to Enforce was withdrawn for mootness, ICE enrolled Petitioner in the ISAP III program, imposing conditions without any judicial mandate.
8. These imposed conditions are unduly onerous and directly restrict Petitioner’s liberty and ability to work, including:
 - Electronic Monitoring (BI LOCS XT): He is enrolled in the BI LOCS XT electronic monitoring technology. (See Exhibit D, Photo of Ankle Monitor).
 - Scheduled Home Confinement: He is subject to days designated as "CASA (NO SALGA)" (HOME (DO NOT LEAVE)), which restricts him to his residence for full nine-hour workdays (08:00 to 17:00), which forces him to miss work.
 - Unscheduled Home Visits: He must allow authorized personnel to enter his home for all unscheduled home visits.
 - Risk of Detention: He must comply with all requirements of ICE, the Court, release orders , and the ISAP program. The contract explicitly warns that non-compliance can result in ICE altering his conditions of release, which may include detention.

Notably, these documents were provided to him almost entirely in Spanish, a language he does not speak or read.

- **Geographic Restriction (Master Zone):** He is only authorized to travel within New Jersey, New York, Pennsylvania, Maryland, Washington DC, Delaware, Connecticut, and Rhode Island, and he is required to provide his Specialist with 24 hours’ minimum notice for any changes to his weekly schedule.

Days Scheduled for Mandatory Activities (Full Days)

Based on the calendar provided, Mr. Moreira da Silva is required to dedicate six full days to mandatory appointments and home restriction between November 2025 and February 2026.

These activities would require him to miss work:

Date	Activity	Time	Nature
11/24/2025	ERO Office visit/Know Your Rights	08:00-16:00/12:00-13:00	Mandatory In-Person Appointment
11/25/2025	VERIFICACIÓN DE RESIDENCIA	08:00-17:00	Mandatory Residence Verification
11/26/2025	VERIFICACIÓN DE RESIDENCIA	08:00-17:00	Mandatory Residence Verification
12/17/2025	CASA (NO SALGA)	08:00-17:00	Full-Day Home Confinement
01/14/2026	CASA (NO SALGA)	08:00-17:00	Full-Day Home Confinement
02/24/2026	CITA CON OFICAL DE INMIGRACIÓN ("ICE")	08:00 am	Mandatory ICE Appointment

In addition to these six full-day activities, he is also scheduled for In-Person Office appointments on December 1, 2025, December 29, 2025, and January 26, 2026, all at 8:00 AM or 9:30 AM.

9. Furthermore, Petitioner’s vital personal documents—including his driver’s license, work permit (Employment Authorization Document or EAD), Social Security card, and bank card—have been retained by ICE, further impairing his liberty and ability to manage his affairs.

III. ARGUMENT

A. ICE Lacks Authority to Impose Conditions Beyond the Immigration Judge’s Order

The Immigration Judge’s determination to release Petitioner on a set bond amount is the sole and final condition set by the proper adjudicator. The subsequent, administrative imposition of the ISAP program, electronic monitoring, and home confinement is an *ultra vires* action that directly violates the IJ’s order and constitutes an abuse of administrative discretion.

As another district court recently held in *N-N- v. McShane*, No. 2:25-cv-05494 (E.D. Pa. Nov. 6, 2025) (Exhibit E), ICE does not have the authority under the Immigration and Nationality Act (“INA”) to impose added conditions to an immigration judge’s order releasing a noncitizen. In *N-N-*, the court granted the habeas petition, explicitly finding that the Government must *remove electronic surveillance, supervision requirements, and any other condition that goes beyond the immigration judge’s order*.

The *N-N-* court reasoned that ICE’s release conditions, including ankle monitoring, not present in the IJ’s order, violated Due Process and the Accardi doctrine, citing *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025).

The court's reasoning in *N-N-* is directly applicable here because the imposition of non-judicially ordered release conditions, including the ankle monitor, violates Due Process. The continued, non-judicially ordered electronic surveillance of Mr. Moreira da Silva is effectively a form of detention, which raises a serious constitutional problem when removable solely at the discretion of ICE. Like the petitioner in *N-N-*, Mr. Moreira da Silva was released pursuant to an IJ Order that specified *only* a monetary bond. By attaching the ISAP conditions and the electronic ankle monitor (Exhibit D), ICE has overridden the proper judicial custody determination and continues to unlawfully restrain Petitioner's liberty. This Court must enforce the IJ's order and invalidate all ICE's additional, onerous administrative conditions.

B. ICE Policy and Constitutional Necessity Mandate the Immediate Return of Petitioner's Vital Personal Documents Documents

In addition to limiting his freedom of movement, ICE is currently retaining Petitioner's vital personal documents, including his driver's license, Employment Authorization Document (EAD)/work permit, Social Security card, and bank card. Retention of these documents, now that he has been released, is unsupported by law or policy and severely prejudices his ability to function.

ICE policy states: "If the noncitizen can legally possess the document, and ICE has no operational need to retain the document, then ICE can return the document upon request by the noncitizen or attorney who represents the noncitizen."¹ However, despite requests from undersigned counsel, the agency has failed to do so.

1. Petitioner Can Legally Possess the Documents and Needs Them to Work and Function

¹ ICE ERO, *Confiscation and Return of Original Documents* (Jan. 13, 2023), available at <https://www.ice.gov/doclib/foia/thirdPartyRequests/2023-ICFO-34859.pdf>.

As an individual lawfully granted a bond and residing in the United States, Petitioner is entitled to possess his documents for identification and employment. The Employment Authorization Document (EAD) is the *explicit federal authorization for him to work, making its continued retention by ICE a direct interference with his ability to earn a living to support himself and his family*. The driver's license, Social Security card, and bank card are equally essential for compliance with the basic necessities of life, including travel, financial transactions, and verifying identity.

2. ICE Has No Operational Need to Retain the Documents

Petitioner has been released on bond. There is no legitimate “operational need” for ICE to retain his identification or financial documents, which are not evidence in any criminal or administrative proceeding. The fact that the IJ ordered his release is dispositive that no necessity exists to hamper his life outside of detention.

ICE’s continued retention of these essential tools of Petitioner’s life is both a violation of its own stated policy and a continuing violation of his liberty interest protected by the Fifth Amendment, preventing him from obtaining and holding employment, accessing his money, and fulfilling the conditions of his own release. The Court must compel the immediate return of all retained personal documents.

IV. CONCLUSION AND RELIEF SOUGHT

For the foregoing reasons, Petitioner Ronilton Moreira da Silva respectfully requests that this Court enter an Order:

A. **GRANTING** this Renewed Emergency Motion to Enforce Court Order and to Ameliorate Conditions of Release;

B. **ORDERING** Respondents, U.S. Immigration and Customs Enforcement, to

immediately remove Petitioner from the Intensive Supervision Appearance Program (ISAP) and all related monitoring and supervision conditions (including BI LOCS XT electronic monitoring and home confinement);

C. **ORDERING** Respondents to immediately return all of Petitioner's personal documents (driver's license, EAD/work permit, Social Security card, and bank card) currently in their possession; and



D. **ORDERING** Respondents to show cause why they should not be held in contempt for failing to comply with the spirit and letter of the Immigration Judge's custody order.

Dated: November 25, 2025

Respectfully submitted,

/s/ Karen Hoffmann, Esq.
 Karen Hoffmann, Esquire.

Attorney for Petitioner

EXHIBIT	DOCUMENT DESCRIPTION
A	Bond Order of the Immigration Judge (Ronilton Moreira da Silva,  ,  , dated 11/18/2025
B	Proof of Bond Payment (ICE Form I-352)
C	ICE Alternatives to Detention (ISAP) documents issued to Petitioner, detailing mandatory conditions and schedule (English translation forthcoming)
D	Photo of Petitioner's BI LOCS XT Ankle Monitor