UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION

NOEL ISAI SAMAYOA CALDERON Petitioner, vs. ADAM SMITH, *in his official capacity As Jailer of Christian County Jail*; and TODD LYONS, *in his official capacity as Acting Director of Immigration and Customs Enforcement*; and SAM OLSON, *Chicago Field Office Director for Detention and Removal Operations, Immigration & Customs Enforcement*; and KRISTI NOEM, *Secretary of Homeland Security*; and PAMELA BONDI, *U.S. Attorney General*. Respondents.	)	CASE NO.: 5:25-cv-00190-BJB

PETITIONER'S BRIEF WITH SUPPLEMENTAL AUTHORITIES

Comes now Petitioner, Noel Isaí Samayoa-Calderón, by and through undersigned counsel, and respectfully submits this brief advising the Court of supplemental authority pursuant to the Court's order from November 14, 2025.

I. Introduction

This case is about basic constitutional rights. Mr. Samayoa-Calderón, a long-term resident of Illinois with deep family and community ties, was stopped, arrested, and detained by Immigration and Customs Enforcement (ICE) in a manner that violated the most fundamental protections of the Fourth and Fifth Amendments. Petitioner was subjected to an illegal stop, arrest, and continued detention without proper legal process, violating his fundamental rights under the Fourth and Fifth Amendments. The

government's actions—an illegal stop, an illegal arrest, and continued detention without any individualized process—cannot be cured by a later warrant or by offering a bond hearing after the fact. The only lawful and constitutionally sufficient remedy is Petitioner's immediate and unconditional release, and a declaration that all evidence obtained after the illegal stop and arrest must be suppressed..

II. Unlawful Stop and Arrest: Absence of Individualized Suspicion and Probable Cause; Racial and Ethnic Profiling Is Unconstitutional—Even Under *Noem v. Vasquez Perdomo*

The Fourth Amendment prohibits law enforcement from stopping or arresting individuals based solely on ethnicity, appearance, language, or mere presence in a particular location. The Supreme Court has repeatedly held that "Mexican appearance" or similar ethnic characteristics alone are never sufficient to justify a stop, even near the border. Officers must have "specific articulable facts" that reasonably suggest a person is engaged in unlawful activity—generalizations or stereotypes are not enough. See *United States v. Brignoni-Ponce*, 422 U.S. 873, 886–87 (1975); *Reid v. Georgia*, 448 U.S. 438, 441 (1980). The Fourth Amendment applies to undocumented individuals. *Munoz Materano v. Arteta*, No. 25 Civ. 6137 (ER), 2025 WL 2630826 (SD N.Y., Sep, 29, 2025).

To lawfully stop an individual for brief questioning about immigration status, the government must have reasonable suspicion—supported by specific, objective facts—that the person is unlawfully present in the United States. This standard is assessed under the totality of the circumstances. See *Brignoni-Ponce*, 422 U.S. at 885 n.10; *United States v. Arvizu*, 534 U.S. 266, 273 (2002); *United States v. Sokolow*, 490 U.S. 1, 7 (1989).

The Supreme Court recently reaffirmed that "[t]o be clear, apparent ethnicity alone cannot furnish reasonable suspicion." *Noem v. Vasquez Perdomo*, --- S.Ct. ----, 2025 WL 2585637, at *3 (2025). At most, ethnicity may be a "relevant factor" when

considered alongside other salient facts, but it is never sufficient on its own. Id. at *6 (citing *Brignoni-Ponce*, 422 U.S. at 887). The Court in *Vasquez Perdomo* stayed an injunction against certain enforcement practices but did not hold that ethnicity or appearance alone can justify a stop. The majority's reasoning did not abrogate the requirement of individualized suspicion or the constitutional prohibition on racial profiling. The stay was based in part on procedural grounds, including issues with the plaintiffs' standing for injunctive relief, not on the merits of the Fourth Amendment claim. Id. at *2.

The Ninth Circuit, applying these principles, has reiterated that detentive stops for immigration enforcement must be based on "specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion that the person stopped may be illegally in the country." *Vasquez Perdomo v. Noem*, 148 F.4th 656, 682–83 (9th Cir. 2025). Broad profiles—such as apparent race or ethnicity, language, location, and type of work—do not meet this standard.

In Mr. Samayoa-Calderón's case, the facts are clear and troubling. On October 14, 2025, ICE officers were surveilling an apartment building in Bensenville, Illinois, for a different individual with an approved I-200 warrant. Mr. Samayoa-Calderón was observed leaving the building and standing near a vehicle associated with the target. There were no specific, articulable facts linking Petitioner to criminal activity or to the subject of the warrant. Nevertheless, ICE officers initiated a vehicle stop based solely on his proximity to the surveilled location and vehicle—not on any individualized suspicion or evidence particular to him. At the time of the stop, Mr. Samayoa-Calderón exercised his right to remain silent and did not identify himself, which, as a matter of law, does not

constitute probable cause for arrest. Only after the stop and subsequent identification did officers confirm his identity, but by that point, the arrest had already occurred—without a warrant, without probable cause, and without exigent circumstances. Notably, once the ICE officers confirmed that he was not the subject of the arrest warrant when they came nearer to him, and even after they identified him with his Illinois Driver's License, the proper procedure would have been to issue an arrest warrant for him and then detain him pursuant to the arrest warrant.

Pursuant to 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(b)(2), ICE could not have arrested Petitioner absent reasonable suspicion based on specific facts for brief detention, and probable cause for arrest. Even assuming they mistakenly thought that he was the subject, after they became into closer proximity to him they realized he was not the subject. Even after they briefly stopped him and verified his identity based on his driver's license and confirmed he was not the subject of the warrant, they should have released him. If they wanted to detain him pursuant to 8 U.S.C. § 1226(a), the proper procedure under the law and regulations would have been for ICE to obtain a warrant for his arrest. The general description on the I-213 that the officer suspects that many undocumented people flee or try to evade apprehension is a generalization that does not apply to Petitioner's particular circumstances. In contrast, Petitioner's behavior of remaining silent, not fleeing and cooperating with the officers by presenting his identification suggests the opposite. The generalizations and personal beliefs of the arresting officer are immaterial. There was no reasonable suspicion nor probable cause for the arrest.

This conduct is precisely the kind of arbitrary and discriminatory policing the Supreme Court has repeatedly condemned. The Court has made clear that "Mexican

ancestry" or similar characteristics do not constitute reasonable suspicion, even near the border, because many native-born and naturalized citizens share these physical traits. *Brignoni-Ponce*, 422 U.S. at 887. The Fourth Amendment prohibits exactly what occurred here: seizing individuals based solely on a set of facts that "describe[s] a very large category of presumably innocent" people. *Noem v. Vasquez Perdomo*, 2025 WL 2585637, at *9 (dissenting op.).

Even under the standards articulated in *Noem v. Vasquez Perdomo*, profiling Mr. Samayoa-Calderón based solely on his ethnicity, appearance, or proximity to a surveilled location is impermissible. The Supreme Court has never held that ethnicity or appearance alone can justify a stop. The majority in *Vasquez Perdomo* focused on the government's interest in immigration enforcement but did not abrogate the requirement of individualized suspicion or the constitutional prohibition on racial profiling. The dissent, joined by three Justices, reaffirmed that stops based solely on ethnicity, language, location, and job type are unconstitutional.

The Equal Protection Clause further forbids law enforcement from targeting individuals for investigation or arrest based on race or ethnicity, absent individualized suspicion. See *Whren v. United States*, 517 U.S. 806, 813 (1996). Courts across the country have recognized that racial profiling erodes public trust, perpetuates discrimination, and is fundamentally at odds with constitutional values.

Permitting law enforcement to target individuals like Mr. Samayoa-Calderón based solely on ethnicity, appearance, or mere proximity to a surveilled location would subject millions of innocent people to arbitrary stops and detention—a result the Constitution does not permit. *Noem v. Vasquez Perdomo*, 2025 WL 2585637, at *9

(dissenting op.) ("The Fourth Amendment thus prohibits exactly what the Government is attempting to do here: seize individuals based solely on a set of facts that 'describe[s] a very large category of presumably innocent' people.").

ICE attempted to arrest Petitioner without a warrant and threatened federal prosecution if he did not surrender. The absence of a charging document at the time of attempted detention further undermines the legality of the arrest. *Ercelik v. Hyde*, No. 1:25-CV-11007-AK, 2025 WL 1361543 (D. Mass, May 8, 2025); ICE officers arrested Gonzalez with an unsigned warrant based solely on ongoing removal proceedings and did not provide notice or individualized assessment. *Gonzalez v. Joyce*, No. 25 Civ. 8250 (AT), 2025 WL 2961626 (SD N.Y., Oct 19, 2025). ICE must have reliable information of changed or exigent circumstances justifying arrest. *Munoz Materano v. Arteta*, No. 25 Civ. 6137 (ER), 2025 WL 2630826 (SD N.Y., Sep, 29, 2025).

In sum, the facts of this case demonstrate a clear absence of individualized suspicion or probable cause, and the use of generalized assumptions or profiling in Mr. Samayoa-Calderón's stop and arrest is unconstitutional under both longstanding Supreme Court precedent and the most recent authority. The government's conduct cannot be justified under any reading of the Fourth Amendment, and the only appropriate remedy is immediate and unconditional release.

III. A Warrant After the Fact Does Not Cure an Illegal Arrest

The government cannot retroactively "fix" an illegal arrest by obtaining a warrant after the fact or by initiating removal proceedings later. The Supreme Court has long held that the exclusionary rule requires suppression of all evidence obtained as a result of an unlawful arrest—this is the core of the "fruit of the poisonous tree" doctrine. Where the initial arrest is unlawful, all evidence and proceedings that flow from it are tainted and

must be set aside. See *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963); *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920).

This principle is especially critical in immigration detention cases. Courts have repeatedly held that a warrant obtained after an illegal arrest does not cure the original constitutional violation. The exclusionary rule and the "fruit of the poisonous tree" doctrine require suppression of evidence and, in egregious cases, immediate release, where the government's conduct violates the Fourth Amendment and statutory requirements for arrest and detention.

In *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863 (S.D. Ohio 2016), the court held that ICE agents violated both the Fourth Amendment and 8 U.S.C. § 1357(a)(2) by arresting a noncitizen without a warrant, without probable cause of a criminal offense, and without evidence of likely escape. The court emphasized that civil immigration violations alone do not justify warrantless arrest or prolonged detention, and that the exclusionary rule applies where both the Fourth Amendment and § 1357(a)(2) are violated, requiring suppression of all evidence derived from the unlawful arrest. Critically, the court found that stable community ties, lack of criminal history, and cooperation with officers all weigh against a finding of likely escape. The government's failure to meet the statutory and constitutional prerequisites for a warrantless arrest rendered both the arrest and all derivative evidence unlawful and subject to suppression. The court explicitly rejected the notion that a later warrant or subsequent proceedings could cure the original illegality, holding that the only appropriate remedy was suppression and release from custody.

Similarly, in *Rosado v. Figueroa*, No. CV-25-02157-PHX DLR, 2025 WL

2337099 (D. Ariz. Aug. 11, 2025), the court ordered immediate release where the petitioner was detained following an unlawful arrest, finding that continued detention based on tainted evidence was fundamentally incompatible with constitutional protections. The court held that the government cannot cure the taint of an unlawful arrest through subsequent proceedings or after-the-fact justifications; the only appropriate remedy is immediate release.

The Ninth Circuit in *Perez Cruz v. Barr*, 926 F.3d 1128 (9th Cir. 2019), held that ICE may not use the execution of a search warrant as a pretext for mass detentions and interrogations without individualized reasonable suspicion. Regulatory and constitutional violations in such contexts can require suppression of evidence and termination of removal proceedings. The court rejected the government's argument that subsequent proceedings or warrants could cure the original illegality, emphasizing that the exclusionary rule applies to all evidence derived from the unlawful arrest.

The Supreme Court in *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963), established that evidence obtained by exploitation of an illegal arrest must be suppressed unless the connection to the illegality is sufficiently attenuated. The Court rejected the idea that subsequent lawful actions (such as obtaining a warrant or confession) could automatically cure the taint of the original illegality.

Other courts have reached the same conclusion. In *State v. Jones*, 275 Or. App. 771 (Or. Ct. App. 2015), the court held that the discovery of a warrant after an unlawful stop does not automatically purge the taint of the initial illegality. The state bears the burden to show attenuation, and the mere existence of a warrant does not cure the original Fourth Amendment violation. The Sixth Circuit in *United States v. Abdi*, 463 F.3d 547

(6th Cir. 2006), held that suppression is warranted where a warrantless arrest does not comply with the Fourth Amendment, and that a subsequent warrant or proceeding does not cure the original constitutional violation. The Fourth Circuit in *United States v. Villa*, 70 F.4th 704 (4th Cir. 2023), reaffirmed that evidence obtained by exploitation of an illegal arrest is suppressible, and that subsequent administrative or criminal proceedings do not automatically purge the taint of the original illegality.

In addition to violating 8 U.S.C. § 1357(a)(2), ICE also violated 8 C.F.R. § 287.8(b)(2) in Petitioner's case, which requires reasonable suspicion based on specific facts for brief detention, and probable cause for arrest. The record is devoid of any such facts, and the government has not alleged, let alone proven, that Petitioner is a danger to the community or a flight risk.

In sum, the government's attempt to justify Mr. Samayoa-Calderón's continued detention by pointing to a later warrant, Notice to Appear, or removal proceedings is legally and constitutionally insufficient. The only effective and constitutionally sufficient remedy for these ongoing violations is immediate and unconditional release—not a bond hearing, not further process, and not continued detention under a different label.[1]

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[1] • *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963)
- *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920)
- *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863 (S.D. Ohio 2016) [2.1]
- *Rosado v. Figueroa*, No. CV-25-02157-PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)
- *Perez Cruz v. Barr*, 926 F.3d 1128 (9th Cir. 2019)
- *State v. Jones*, 275 Or. App. 771 (Or. Ct. App. 2015)
- *United States v. Abdi*, 463 F.3d 547 (6th Cir. 2006)
- *United States v. Villa*, 70 F.4th 704 (4th Cir. 2023)

IV. Suppression of Evidence: The Fruit of the Poisonous Tree Doctrine

Evidence obtained through egregious constitutional violations must be suppressed. The Supreme Court's "fruit of the poisonous tree" doctrine, established in *Wong Sun v. United States*, requires that evidence obtained by exploiting an illegal arrest must be suppressed unless the connection to the illegality is sufficiently attenuated. This rule is designed to prevent the government from benefiting from its own unlawful conduct and to deter future violations of constitutional rights. See *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963); *Brown v. Illinois*, 422 U.S. 590, 602–04 (1975).

The Supreme Court has recognized that the exclusionary rule applies with particular force where the constitutional violation is "egregious"—that is, fundamentally unfair or based on race or other grossly improper considerations. See *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050–51 (1984) (plurality opinion); *Almeida-Amaral v. Gonzales*, 461 F.3d 231, 235 (2d Cir. 2006); *Millan-Hernandez v. Barr*, 965 F.3d 140, 143 (2d Cir. 2020). When a law enforcement officer detains and questions an individual about their immigration status without suspicion of a crime, it strongly suggests the action was improperly based on race. See *Millan-Hernandez*, 965 F.3d at 149; *Zuniga-Perez v. Sessions*, 897 F.3d 114, 125 (2d Cir. 2018).

In Mr. Samayoa-Calderón's case, the record is clear: his arrest on October 14, 2025, was executed without a warrant and without any individualized suspicion or articulable facts linking him to criminal activity. He was apprehended in the interior of the United States approximately nineteen years after his entry while leaving for work. The only reason for his arrest —was his appearance, race, and ethnicity and proximity to a place where another person for whom ICE did have a warrant for, resided. This is the very definition of an "egregious" Fourth Amendment violation warranting suppression.

A warrant obtained after an illegal arrest does not retroactively validate the arrest or cure the taint of the original illegality. Courts have consistently held that the government cannot "fix" an unlawful arrest by obtaining a warrant or initiating proceedings after the fact. The exclusionary rule is designed to deter such conduct and to prevent courts from legitimizing evidence or detention derived from unconstitutional actions. See *Wong Sun*, 371 U.S. at 484–88; *Brown v. Illinois*, 422 U.S. at 602–04; *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 872–73 (S.D. Ohio 2016) (suppressing all evidence and ordering release where ICE violated both the Fourth Amendment and 8 U.S.C. § 1357(a)(2)); *Rosado v. Figueroa*, No. CV-25-02157-PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025) (immediate release ordered where detention was based on an unlawful arrest and all evidence and proceedings derived therefrom were suppressed).

The case law is clear and consistent:

- In *United States v. Pacheco-Alvarez*, the court found that a later warrant or subsequent proceedings could not cure the original illegality, requiring suppression of all evidence and release from custody.
- In *Perez Cruz v. Barr*, 926 F.3d 1128 (9th Cir. 2019), the Ninth Circuit held that ICE may not use the execution of a search warrant as a pretext for mass detentions and interrogations without individualized reasonable suspicion, and that regulatory and constitutional violations in such contexts can require suppression of evidence and termination of removal proceedings.
- In *State v. Jones*, 275 Or. App. 771 (Or. Ct. App. 2015), the court held that the discovery of a warrant after an unlawful stop does not automatically purge the

taint of the initial illegality.

- In *Krauss v. Superior Court*, 5 Cal.3d 418 (Cal. 1971), the court explained that a "search-unlawfully-first-obtain-the-warrant-later" procedure would undermine the exclusionary rule, and a warrant obtained after an unlawful search or arrest does not insulate the prior illegality.
- The Sixth Circuit in *United States v. Abdi*, 463 F.3d 547 (6th Cir. 2006), held that suppression is warranted where a warrantless arrest does not comply with the Fourth Amendment, and a subsequent warrant or proceeding does not cure the original constitutional violation.
- The Fourth Circuit in *United States v. Villa*, 70 F.4th 704 (4th Cir. 2023), reaffirmed that evidence obtained by exploitation of an illegal arrest is suppressible, and subsequent administrative or criminal proceedings do not automatically purge the taint.
- In *United States v. Juarez-Torres*, 441 F. Supp. 2d 1108 (D.N.M. 2006), the court held that evidence obtained as a result of an illegal arrest must be suppressed unless the government can show sufficient attenuation, rejecting the argument that subsequent proceedings or warrants could cure the taint.

The Supreme Court and multiple circuits have also clarified that the exclusionary rule applies to all evidence—including identity-related evidence, statements, and documents—if it is the product of an unlawful arrest, unless the government can show that the evidence was obtained by means sufficiently distinguishable to be purged of the primary taint. See *United States v. Olivares-Rangel*, 458 F.3d 1104, 1112 (10th Cir. 2006); *United States v. Guevara-Martinez*, 262 F.3d 751, 755 (8th Cir. 2001); *United*

States v. Oscar-Torres, 507 F.3d 224, 230–32 (4th Cir. 2007).

Given the racial profiling and lack of individualized suspicion in Petitioner's arrest, all evidence obtained through the unlawful arrest—including statements, documents, and identity information—is the "fruit of the poisonous tree" and must be suppressed. The government's continued reliance on such tainted evidence cannot justify Petitioner's continued detention. The only effective and constitutionally sufficient remedy is immediate and unconditional release.[2]

V. Detention Authority: 8 U.S.C. § 1226(a) vs. § 1225(b)(2)

The government's current policy attempts to classify long-term residents like Petitioner as "applicants for admission" to subject them to mandatory detention under 8 U.S.C. § 1225(b)(2) and deny them bond hearings. However, this interpretation is contrary to the statutory framework and over 2 recent court decisions.

- 8 U.S.C. § 1226(a): This section is the general rule for the arrest and detention of aliens pending a decision on their removal. It allows the Attorney General to arrest and detain an alien **on a warrant** and, "except as provided in subsection (c)" (which pertains to certain criminal aliens subject to mandatory detention), to release the alien on bond or conditional parole (8 USC 1226: "Apprehension and detention of aliens"). This provision requires that ICE (1)

- [2] *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963)
- *Brown v. Illinois*, 422 U.S. 590, 602–04 (1975)
- *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1050–51 (1984)
- *Almeida-Amaral v. Gonzales*, 461 F.3d 231, 235 (2d Cir. 2006)
- *Millan-Hernandez v. Barr*, 965 F.3d 140, 143 (2d Cir. 2020)
- *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 872–73 (S.D. Ohio 2016)
- *Rosado v. Figueroa*, No. CV-25-02157-PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)
- *Perez Cruz v. Barr*, 926 F.3d 1128 (9th Cir. 2019)
- *United States v. Olivares-Rangel*, 458 F.3d 1104, 1112 (10th Cir. 2006)
- *United States v. Guevara-Martinez*, 262 F.3d 751, 755 (8th Cir. 2001)
- *United States v. Oscar-Torres*, 507 F.3d 224, 230–32 (4th Cir. 2007)

detain a noncitizen **on a warrant**; and (2) generally permits a noncitizen to seek release by demonstrating they are not a flight risk or a danger to the community. In Petitioner's case, there was no warrant for his arrest and his arrest was unlawful and not pursuant to a warrant therefore immediate release is warranted.

- 8 U.S.C. § 1225(b)(2): This section mandates detention for "applicants for admission" who are not "clearly and beyond a doubt entitled to be admitted". Noncitizens detained under this section are generally ineligible for bond and subject to mandatory detention. Section 1225 is titled "Inspection by immigration officers; expedited removal of inadmissible aliens" and the entire section talks about inspection, stowaways and people who are apprehended when they are coming into the countries at ports of entry (airports, sea, land borders) or people who are apprehended by authorities as they are trying to enter the country or very shortly thereafter.

However, as of today, 224 federal courts from around the country have challenged and rejected the government's erroneous classification of people apprehended in the interior of the United States as "applicants for admission" or "arriving aliens". Attached please find as Exhibit 1 is an updated table of authorities with 224 favorable district court cases from around the U.S. While Petitioner acknowledges the government can produce one new authority (and less than 10 overall from around the country), they vast majority of federal courts, including the Western District of Kentucky, reject the government's interpretation and agree with Petitioner's.

Furthermore, the government's position contradicts the Supreme Court's holding

in *Jennings v. Rodriguez*, where it clarified that § 1226(a) governs the detention of aliens **already in the country pending removal.**

Petitioner, as a long-term resident who was apprehended nowhere near the border and nowhere near an entry point where he was attempting to enter the country. He was arrested without a warrant, is not an "applicant for admission" in the sense intended by § 1225(b)(2). His detention should be governed by § 1226(a), which would require first for ICE to obtain a **valid arrest warrant based on probable cause or reasonable suspicion**, and then would allow him a release on bond, assuming the arrest was lawful pursuant to a valid warrant. In his case, there was no valid arrest warrant for him, but for another individual.

In several cases from the Western District of Kentucky, this Court already determined in several cases that detention for someone apprehended in the interior is governed by § 1226(a) and not by § 1225(b)(2) and therefore the remedy would be immediate release, followed by a bond hearing after release. *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219, at *3, *5 (W.D. KY. Sept. 22, 2025); *Sanchez Ballestros v. Noem*, No. 3:25-cv-594-RGJ, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); Gomez Mejia v. Woosley, No. 4:25-cv-82-RGJ, 2025 WL 2933852 (W.D. Ky, Oct. 15, 2025); *Contreras Orellana v. Noem*, No. 4:25-cv-112-RGJ, 2025 WL 3006763 (W.D. Ky, Oct. 27, 2025); *Martinez-Elvir v. Olson*, No. 3:25-cv-589, 2025 WL 3006772 (W.D. Ky, Oct. 27, 2025); *Hernandez-Alonso v. Tindall*, 2025 WL 3083920 (W.D. Ky, Nov. 4, 2025). In all those cases from the same court, even without an unlawful and egregious arrest such as occurred in Petitioner's case, the relief was release first followed by a bond

hearing, even where there was no Fourth and Fifth Amendment violation.

VI. Denial of Bond and Continued Detention: No Process, No Justification

After his arrest, Petitioner was denied bond and held in detention under a blanket policy that classifies long-term residents as "arriving aliens," making them ineligible for bond hearings. This policy shift, implemented by ICE and the BIA in 2025, is arbitrary, capricious, and contrary to decades of law and agency practice. Samayoa-Calderón was given no individualized process, no opportunity to contest his detention, and no finding that he is a danger or flight risk.

The Supreme Court has held that civil detention must be accompanied by meaningful process and individualized findings (*Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003)). The government has not alleged, let alone proven, that Petitioner is a danger or flight risk. The denial of bond and continued detention without process violate both substantive and procedural due process.

VII. Immediate and Unconditional Release as the Only Constitutionally Sufficient Remedy

Given the egregious and public nature of Petitioner's arrest—executed without a warrant, probable cause, or individualized suspicion, and with excessive force—the only constitutionally sufficient remedy is immediate and unconditional release. His arrest and detention were not mere technical errors; they were flagrant violations of the Fourth and Fifth Amendments, fundamentally incompatible with basic principles of due process and equal protection.

Further administrative process or a bond hearing cannot cure the original violation; to do so would only prolong the unlawful deprivation of liberty and compound the irreparable harm to Petitioner and his family. The Supreme Court and lower courts

have recognized that, where detention is found to be unlawful and administrative remedies are unavailable or inadequate, immediate release is the only effective remedy. Several cases support the Court's authority to grant this remedy in this case:

(1) In *Rosado v. Figueroa*, No. CV-25-02157-PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025) the court ordered immediate release where detention was based on an unlawful arrest, holding that continued detention under such circumstances was unconstitutional and that a bond hearing or further process could not cure the underlying violation (ICE says many in immigration detention no longer qualify for bond hearings).

(2) *Savane v. Francis*, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025): Habeas granted and immediate release ordered for a petitioner unlawfully detained under § 1225; court found the arrest and detention violated the Fourth Amendment and INA and ordered immediate release, finding that the only effective remedy for egregious constitutional violations is outright release.

(3) *Artiga v. Genalo*, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025): Immediate release ordered where petitioner was unlawfully detained under § 1225; court found the arrest and all derivative proceedings were tainted and suppression was required, emphasizing that further administrative process would only perpetuate the harm and that the government's conduct required a complete remedy.

(4) *United States v. Pacheco-Alvarez* held that ICE's failure to meet statutory and constitutional prerequisites for a warrantless arrest required suppression of all evidence and release from custody, rejecting the notion that a later warrant or subsequent proceedings could cure the original illegality

The only effective remedy for Petitioner's unlawful arrest and detention is immediate and unconditional release—not a bond hearing, not further administrative process, and not continued detention under a different label.

VIII. Bond Hearings Are Futile and Would Only Prolong Unlawful Detention

In Mr. Samayoa-Calderón's case, agency policy (the July 2025 ICE memo and *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025)) categorically forecloses bond hearings for similarly situated noncitizens, making any further process not only futile but a perpetuation of the constitutional violation. The government has not alleged, let alone proven, that Petitioner is a danger or flight risk. There is no lawful basis for continued detention, and the absence of any process or individualized assessment underscores the necessity of immediate release.

Petitioner's claim of unlawful detention without individualized determination cannot be remedied administratively, as immigration courts lack authority to adjudicate such constitutional claims. *J.U. v. Maldonado*, No. 25-CV-04836 (OEM), 2025 WL 2772765 (E.D. NY, Sep 29, 2025).

Federal courts have broad authority under 28 U.S.C. § 2243 to "dispose of the matter as law and justice require," which includes immediate and unconditional release when detention is found to be unlawful. The Supreme Court, in *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987), recognized that the "core of habeas corpus" is the power to order unconditional release from unlawful custody. District courts have broad authority under habeas corpus to order release from unlawful detention and to fashion appropriate relief when constitutional violations are found. *Ercelik v. Hyde*, No. 1:25-CV-11007-AK, 2025 WL 1361543 (D. Mass, May 8, 2025); *Gonzalez v. Joyce*, No. 25 Civ. 8250 (AT), 2025

WL 2961626 (SD N.Y., Oct 19, 2025).

The government cannot retroactively justify an unlawful arrest or detention by obtaining a warrant or initiating proceedings after the fact. The only effective remedy is suppression of all tainted evidence and immediate release. See *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963); *Rosado v. Figueroa*, 2025 WL 2337099; *Savane v. Francis*, 2025 WL 2774452; *Artiga v. Genalo*, 2025 WL 2829434; *Pacheco-Alvarez*, 227 F. Supp. 3d at 872–73.

The public interest is always served by preventing unlawful detention and ensuring that government agencies comply with the law and their own regulations. Judicial integrity requires that courts not become complicit in the perpetuation of constitutional violations. Every additional day of detention inflicts severe and irreparable harm on Petitioner, his family, his business, and his community.

Recent decisions from the Western District of Kentucky and other jurisdictions have granted immediate release to petitioners in circumstances closely analogous to those presented here, where the arrest and detention were found to be unlawful and in violation of constitutional and statutory rights. See, e.g., *Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607, *6 (W.D. Ky. Oct. 3, 2025); *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565, at *7 (W.D. Ky. Sep. 19, 2025); *Roble v. Bondi*, 2025 WL 2443453, at *5 (D. Minn. Aug. 25, 2025) (ordering petitioner's "release from custody as a remedy for ICE's illegal re-detention").

In summary, immediate and unconditional release is the only constitutionally sufficient and effective remedy for Petitioner's unlawful arrest and detention. Further administrative process or a bond hearing would only prolong the violation and cannot

cure the original illegality. The law and the facts compel this Court to grant the writ of habeas corpus and order Petitioner's immediate release.

IX. Additional Support By Lopez-Mendoza

The government's reliance on *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984), to argue that the "body" or identity of a respondent is never suppressible—even if the arrest was unlawful—does not resolve the core issues presented by Petitioner's habeas petition. This argument misapplies *Lopez-Mendoza* and ignores both the factual context of this case and the distinct legal standards governing civil immigration detention, particularly where egregious constitutional violations are at issue.

A. The Scope and Limits of *Lopez-Mendoza*

Lopez-Mendoza addressed a narrow question: whether an admission of unlawful presence made after an allegedly unlawful arrest must be excluded as evidence in a civil deportation hearing. *Id.*, 1034. The Supreme Court held that the exclusionary rule generally does not bar a respondent's physical presence or identity in a civil removal proceeding, even if the initial arrest was unlawful. However, the Court expressly limited its holding to the context of removal (deportation) proceedings—not to collateral challenges to the legality of detention itself. *Id.* 1039–41.

The Court's reasoning was based on a balancing of the likely social benefits of excluding unlawfully seized evidence against the likely costs, concluding that, in the context of civil deportation proceedings, the costs outweighed the benefits. *Id.* 1041–46. Critically, the Court recognized that the exclusionary rule may still apply in cases involving "egregious violations of Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the

evidence obtained" *Id.*, at 1050–51. The Court also left open the possibility that suppression might be warranted in cases involving "egregious" or "widespread" violations, or where the government's conduct "shocks the conscience" *Id.*, 1051–52.

B. Why Lopez-Mendoza Supports, Not Undermines, Petitioner's Claims

Petitioner's case is distinguishable from Lopez-Mendoza in several critical respects: Nature of the Challenge: *Lopez-Mendoza* involved a direct challenge to removal proceedings, not a habeas petition challenging the lawfulness of ongoing detention. Here, Petitioner does not seek to suppress his identity or terminate removal proceedings on the ground that his arrest was illegal. Rather, he challenges the lawfulness of his ongoing detention under the Fourth and Fifth Amendments, the INA, and applicable regulations, based on evidence obtained through an egregiously unlawful arrest Id., 1050.

Egregiousness of the Violation: The Supreme Court *in Lopez-Mendoza* expressly reserved the possibility that the exclusionary rule would apply in cases of "egregious" or "widespread" violations, or where government conduct "shocks the conscience. *Id.*, 1050–52. Petitioner's arrest—public, and executed without any explanation, warrant, probable cause, or process—falls squarely within this category. He was near his home as he was leaving for work, stopped and questioned solely based on his appearance as a Hispanic male and ethnicity, with no individualized suspicion or lawful basis.

Deterrence and Social Costs: The application of the exclusionary rule in habeas proceedings, as opposed to removal proceedings, provides significant additional deterrence to unlawful arrests and detention of noncitizens. The social benefits of excluding unlawfully seized evidence in this context far outweigh the costs, especially where the government has other lawful means to establish identity and alienage, but cannot do so through unconstitutional means. *Id.*, 1043.

C. Habeas Petitions Challenge the Lawfulness of Detention, Not Just Removal

The Supreme Court and lower courts have repeatedly recognized that habeas review is available to challenge the legality of executive detention, and that such review is distinct from the merits of removal proceedings [*Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Jennings v. Rodriguez*, 583 U.S. 281, 285–86 (2018)]. Even *Lopez-Mendoza* acknowledged the possibility of declaratory relief against INS (now DHS) as a means of challenging the validity of agency practices, and noted that its conclusions regarding the exclusionary rule's value might change if there were "good reason to believe that Fourth Amendment violations by INS officers were widespread"—precisely the situation presented by Petitioner's case. *Id.*, 1050–51.

D. Egregious Constitutional Violations Require a Remedy

The facts of Mr. Samayoa-Calderón's case are not routine. He was arrested by ICE officers in Bensenville, Illinois as he was leaving for work and taken into custody without any explanation, warrant, probable cause, or process. He was immediately transferred between facilities, denied any opportunity to contest his detention, and categorically refused bond due to a blanket agency policy. These facts present egregious violations of the Fourth and Fifth Amendments, including the use of excessive force, lack of individualized suspicion, and denial of any process. This is not the issue at stake in *Lopez-Mendoza*, which the Supreme Court described as "the exclusion of credible evidence gathered in connection with peaceful arrests by INS officers." *Id.*, 1051.

Courts have recognized that the exclusionary rule and the "fruit of the poisonous tree" doctrine may apply in civil immigration contexts where the government's conduct is

especially egregious or where continued detention is based solely on evidence obtained through unconstitutional means [*Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963); *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 872–73 (S.D. Ohio 2016).

E. The Government's Position Would Sanction Ongoing Constitutional Violations

Accepting the government's argument would mean that even the most egregious, violent, and lawless seizures—executed without any process, probable cause, or individualized suspicion—could be insulated from judicial review, so long as the government could physically bring the person before a removal proceeding. This is fundamentally incompatible with the Constitution and the statutory framework governing immigration detention. The Supreme Court has made clear that habeas corpus is available to remedy ongoing unlawful detention, and that courts must have the authority to order release where continued custody is based on unconstitutional conduct [*Boumediene v. Bush*, 553 U.S. at 779–80; *Zadvydas v. Davis*, 533 U.S. at 687].

F. Distinguishing Between Removal Proceedings and Detention Challenges

Lopez-Mendoza does not bar suppression or release in the context of a habeas petition challenging the lawfulness of detention, especially where the government's conduct is egregious and ongoing. The exclusionary rule may not preclude the government from initiating removal proceedings, but it does preclude the government from justifying continued detention based solely on evidence or circumstances obtained through unconstitutional means—particularly where, as here, the arrest and all subsequent custody are the direct result of an unlawful seizure. *Id.*, 1050–51.

G. The Remedy for Unlawful Detention Is Immediate Release

Where, as here, the arrest and continued detention are the direct result of egregious constitutional violations, the only appropriate remedy is immediate release. The government cannot cure the taint of an unlawful arrest through subsequent proceedings or after-the-fact justifications [*Nardone v. United States*, 308 U.S. 338, 341 (1939); *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920)].

In summary: *Lopez-Mendoza* does not insulate the government from judicial review of the lawfulness of detention where egregious constitutional violations are present. Petitioner's habeas petition challenges the ongoing deprivation of liberty resulting from an unlawful arrest and continued detention, not merely the initiation of removal proceedings. The exclusionary rule and the writ of habeas corpus remain available to remedy such violations, and immediate release is the only constitutionally sufficient remedy under these circumstances. *Id.*, 1050–52; *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963); *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 872–73 (S.D. Ohio 2016).

X. Conclusion

Petitioner's arrest and detention were illegal from the start. The government cannot justify its actions by pointing to later warrants, removal proceedings, or blanket policies that deny individualized process. The Constitution requires more. The only lawful remedy is Mr. Samayoa-Calderón's immediate and unconditional release.

This 18th day of November, 2025.

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CERTIFICATE OF SERVICE

I certify that on November 18, 2025, I electronically filed the foregoing **PETITIONER'S BRIEF WITH SUPPLEMENTAL AUTHORITIES** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

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