

Enforcement (ICE). Petitioner asserts that Respondent's continued detention violates the Constitution, laws, and treaties of the United States.

B. Jurisdiction and Venue

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 2241, as Petitioner is in custody under the color of authority of the United States, and such custody violates the Constitution, laws, or treaties of the United States.
1. Venue is proper in this District pursuant to 28 U.S.C. 1391(e) because Petitioner is detained and/or remain in the custody of this District, and the Respondents, in their official capacity, resides or operates within this District.

C. Parties

3. Petitioner, Isrrael Molina Arellano, is an alleged Mexican national who is currently in the custody of Northwest State Correctional Facility - St. Albans ("NWSCF"), located at 3649 Lower Newton Road, Swanton, VT 05488.
4. Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States, the chief officer within the Department of Justice ("DOJ"). The DOJ encompasses the Board of Immigration Appeals ("BIA") and the Immigration Courts as sub-agencies of the Executive Office of Immigration Review ("EOIR"). Attorney General Bondi shares responsibility for the implementation and enforcement of the immigration laws and is a legal custodian of Petitioner.

5. Kristi L. Noem is sued in her official capacity as the Secretary of the DHS, the arm of the U.S. government responsible for the enforcement of the immigration laws. Because ICE is a sub-agency of the DHS, Secretary Noem is a legal custodian of Petitioner.
6. Todd M. Lyons is sued in his official capacity as the Acting Director of ICE. In this capacity, he has responsibility for the enforcement of the immigration laws. As such, he is a legal custodian of Petitioner.
7. Pamela Hyde is sued in her official capacity as the Field Office Director for the New England Office of Immigration and Customs Enforcement (“ICE”). In this capacity, she has jurisdiction over the detention facility in which Petitioner is held, is authorized to release Petitioner, and is a legal custodian of Petitioner.
8. Greg Hale is sued in his capacity as the superintendent of NWSCF St. Albans. In this capacity, he has jurisdiction over the detention facility in which Petitioner is held, has authority to release Petitioner, and is a legal custodian of Petitioner.
9. David W. Johnston is sued in his official capacity as Vermont Sub-office Director of Immigration and Customs Enforcement. In this capacity he has jurisdiction over the detention center in which Petitioner is held, has authority to release Petitioner, and is a legal custodian of Petitioner.

D. Factual Background

10. Petitioner has resided in Vermont since November of 2023.
11. On October 23, 2025, Petitioner was taken into custody by ICE and has been detained at NWSCF since October 26, 2025.
12. Petitioner was detained along with several coworkers while en route to his job. Petitioner and his coworkers were traveling in two cars to their job site. Customs and Border Patrol (“CBP”) agents stopped the Petitioner and his coworkers, claiming to have deduced their legal statuses based on a license plate scan. An agent with the Federal Bureau of Investigation was present at the traffic stop site. CBP agents began asking Petitioner and his coworkers about their countries of origin. One of Petitioner’s coworkers truthfully responded that he was born in Mexico. CBP agents started asking for identification and legal status. Petitioner remained silent about his status; however, he had not been carrying any identification documents at the time of the interaction. The CBP agents then gathered the Petitioner and his coworkers and detained them, despite multiple members of the group affirming that their asylum statuses were pending.
13. Petitioner is not eligible for bond under the Department of Homeland Security’s current interpretation of the Immigration and Nationality Act. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

14. Petitioner has no significant criminal history and poses no danger to the community or risk of flight.

15. Petitioner's continued detention is unlawful under the Fourth Amendment, the Due Process Clause of the Fifth Amendment, and the Immigration and Nationality Act.

IV. CLAIMS FOR RELIEF

Count I — Fourth Amendment: Unreasonable Seizure / Arrest Without Probable Cause

16. Petitioner incorporates Paragraphs 1-15 herein.

17. The Supreme Court has long held that the Fourth Amendment protects against unreasonable seizures and that arrests absent a warrant generally must be supported by probable cause. *See, e.g., Gerstein v. Pugh*, 420 U.S. 103, 111–12 (1975); *United States v. Watson*, 423 U.S. 411, 417–18 (1976).

18. In the immigration context, the basic rule holds: to detain someone, a government actor must have some objective factual basis (probable cause or its equivalent) to support the seizure. *See Arizona v. United States*, 567 U.S. 387, 407 (2012) (“As a general rule, it is not a crime for a removable alien to remain present in the United States . . . If the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent.”).

19. Petitioner alleges that ICE arrested and seized Petitioner without probable cause in violation of the Fourth Amendment.

Count II — Fifth Amendment: Deprivation of Due Process

20. Petitioner incorporates Paragraphs 1-15 herein.

21. Under the Due Process Clause, civil detention is permissible only when there is a “special justification” that “outweighs the individual's constitutionally protected interest in avoiding physical restraint.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also Gabrius v. Dep't of Homeland Sec.*, No. 24-22680-CIV, 2024 U.S. Dist. LEXIS 224171, at *11 (S.D. Fla. Sep. 9, 2024).

22. Petitioner alleges that continued detention without a meaningful prompt judicial or neutral review and without adequate process to test the validity of the arrest/detention violates substantive and procedural due process under the Fifth Amendment.

Count III — Ultra Vires / Statutory Violation

23. Petitioner incorporates Paragraphs 1-15 herein.

24. Petitioner alleges that Respondents lack statutory authority to detain Petitioner under the circumstances alleged, and that detention is not authorized by 8 U.S.C. §§ 1225, 1226, or 1231 as applied to the facts here.

25. Petitioner has not been afforded a meaningful opportunity to challenge their detention or demonstrate that they are neither a flight risk nor a danger to the community.

26. Petitioner asserts that exhausting all administrative remedies is unnecessary and serves no purpose because the conclusion of the administrative process can be readily presumed and would not provide for an adequate remedy given the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025). See *Puga v. Assistant Field Office Dir.*, No. 25-24535-CIV, 2025 U.S. Dist. LEXIS 203222, at *6 (S.D. Fla. Oct. 15, 2025 (“Generally, exhaustion is not required where no genuine opportunity for adequate relief exists . . . or an administrative appeal would be futile”).

Prayer for Relief

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondents to produce Petitioner before this Court and to show cause why Petitioner is being detained;
2. Order that Petitioner shall not be transferred outside the District of Vermont.
1. Grant Petitioner’s Emergency Motion for Temporary Restraining Order and enjoin the Respondents from removing him from this District;

3. Order Petitioner's immediate release from ICE custody, or at a minimum, conduct a custody determination hearing under 8 U.S.C. section 1226(a);
4. Declare that Petitioner's arrest and detention violated the Fourth and Fifth Amendments;
5. Enjoin Respondents from re-detaining Petitioner without lawful probable cause and compliance with applicable statutes and regulations;
6. Award reasonable attorneys' fees and costs where authorized; and
7. Grant such further relief as the Court deems just and proper.

Respectfully submitted this 7th day of November, 2025.

/s/Brett Stokes

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Certificate of Service

I hereby certify that on 11/07/2025, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was served via electronic ECF filing.

Respectfully submitted,

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