

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LAURIEDSON GONCALVES RUFO,
Petitioner,

v.

ERIK ROKOSKY,
in his official capacity as Director/Warden of
Elizabeth Contract Detention Facility;

JOHN TSOUKARIS,
in his official capacity as Field Office Director,
New Jersey Field Office, U.S. Immigration &
Customs Enforcement;

PAMELA BONDI,
in her official capacity as Attorney General, U.S.
Department of Justice;

KRISTI NOEM,
in her official capacity as Acting Secretary, U.S.
Department of Homeland Security; and

TODD M. LYONS,
in his official capacity as Acting Director, U.S.
Immigration & Customs Enforcement;
Respondents.

Civil Action No.:
2:25-cv-17418

**SECOND PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241
&
MOTION FOR TEMPORARY
RESTRAINING
ORDER**

MOTION FOR TEMPORARY RESTRAINING ORDER/INJUNCTIVE RELIEF

Petitioner, Lauriedson Goncalves Rufo (“Mr. Rufo”), respectfully moves before this Honorable Court for a Temporary Restraining Order and Injunctive Relief, to enjoin the Respondents from continuing his unlawful detention during the pendency of his habeas corpus petition filed under 28 U.S.C. § 2241.

On November 13, 2025, Mr. Rufo was detained by U.S. Immigration and Customs Enforcement (“ICE”). The corresponding habeas petition exposes a profound and ongoing violation of Mr. Rufo’s constitutional rights, beginning with the sham bond hearing conducted by

Immigration Judge Tamar Wilson. Although that hearing was expressly ordered by Federal District Judge Evelyn Padin, U.S.D.J., it was carried out in a manner that openly disregarded the federal court's mandate and denied Mr. Rufo the most basic guarantees of due process. The proceeding was neither neutral nor meaningful; it functioned as a foregone conclusion, rendering continued detention arbitrary, punitive, and unlawful. Mr. Rufo's continued detention is especially indefensible given the extraordinary posture of his case. His removal proceedings have been formally reopened by Immigration Judge John Carle pursuant to a September 2024 order based on a complete lack of notice during his minority - a fundamental jurisdictional defect that vitiates the original removal order. At the same time, Mr. Rufo has a pending I-130 immediate-relative petition filed by his U.S. citizen wife, establishing a clear and lawful pathway to permanent residence, as well as a pending I-589 application for asylum and related relief, which independently prohibits removal while adjudication is ongoing. Each of these circumstances, standing alone, undermines any lawful basis for continued detention. ***Notwithstanding the pendency of these applications, Mr. Rufo faces an imminent threat of removal at his Individual Merits Hearing scheduled for December 31, 2025.***

To obtain a temporary restraining order and injunction, a movant must demonstrate that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 320 (3d Cir. 2020).

First, Mr. Rufo is likely to succeed on the merits being that he has raised substantial constitutional and statutory claims in his habeas petition that demonstrate the bond hearing before IJ Wilson violates the Fifth Amendment Due Process Clause.

Second, absent the preliminary relief requested, Mr. Rufo will suffer irreparable harm due to his unlawful confinement. Such harm includes not only the deprivation of his liberty, but also the imminent threat of losing his diligently maintained business and transfer to a detention facility located in a remote jurisdiction, thereby severely impairing his ability to communicate with and receive effective assistance from the undersigned counsel. Moreover, and it is of particular concern, that numerous undocumented individuals recently detained within the State of New Jersey have been promptly transferred to out-of-state facilities, often without prior notice to counsel or family members. Disturbingly, the ICE Online Detainee Locator System has frequently failed to update or accurately reflect such individuals' locations, effectively obscuring their whereabouts. This pattern of transfers, coupled with ICE's deficient notification practices, underscores the grave and imminent threat that Mr. Rufo's access to counsel and the Court will be unconstitutionally curtailed absent immediate judicial intervention.

Third, the harm endured by Mr. Rufo full-heartedly outweighs any purported burden on the government by continuing his unlawful detention; any asserted hardship to the government is minimal, speculative, and self-inflicted. If anything, and by improperly detaining Mr. Rufo, the government is imposing unnecessary fiscal and administrative costs upon itself and the judiciary. Continuing to detain Mr. Rufo serves no legitimate governmental interest and instead constitutes an inefficient expenditure of public resources and judicial time.

Fourth, the public interest is served by ensuring compliance with the Constitution, preserving judicial review under 28 U.S.C. § 2241, and preventing further unlawful re-arrest.

For the foregoing reasons, Petitioner respectfully requests that this Court: 1. Issue a Temporary Restraining Order enjoining Respondents from continuing Petitioner's detainment until resolution of the habeas petition; 2. In the alternative, enter a temporary restraining order

prohibiting Respondents from transferring Mr. Rufo, while in custody, outside this Honorable Court's jurisdiction; and 3. Grant any further relief the Court deems just and proper.

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

Petitioner, Lauriedson Goncalves Rufo, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Lauriedson Goncalves Rufo ("Mr. Rufo") is a citizen of Brazil who, as a seventeen-year-old minor, came to the United States ("U.S.") in July 2016 with his father and has lived here ever since. Mr. Rufo is a loving husband of five years to his U.S. Citizen wife, a dedicated business owner, and a cherished pillar of his community.
2. On November 13, 2025, during a mandated U.S. Immigration and Customs Enforcement ("ICE") check-in, Mr. Rufo was taken into custody. It should be noted for this Honorable Court that Mr. Rufo had an initial ICE check-in on October 18, 2025, which his prior counsel rescheduled with consent of ICE, and a second scheduled ICE check-in on October 25, 2025, which Mr. Rufo, who has always fully complied with his immigration processes, was prepared to attend, however, was hospitalized that same day. *See Exhibit B: ICE Notice, Prior Letter from Counsel Rescheduling & Medical Report ("Exhibit B")*.
3. Prior to and throughout his detention, Mr. Rufo has a pending I-130 petition, which was filed by his U.S. Citizen wife in July 2022, a September 2024 Order entered by Immigration Judge John Carle reopening his removal proceedings based on a complete lack of notice as a minor, and a pending I-589 Application for Asylum, Withholding of Removal, and Convention Against Torture. *See, Exhibit C: I-130 Petition & Receipt Notice ("Exhibit C") & Exhibit D:*

09/30/24 Order Granting Motion to Reopen (“Exhibit D”); Exhibit E: Denial + Refiled I-589 Application (“Exhibit E”).

4. On November 13, 2025, and through the undersigned counsel, Mr. Rufo filed a Writ of Habeas Corpus Petition. *Exhibit F: Federal Docket for First Habeas Corpus (“Exhibit F”).* On November 25, 2025, Federal District Judge Evelyn Padin, U.S.D.J. granted a bond hearing under 8 U.S.C. § 1226 (a). *Id.*
5. On December 2, 2025, and only as per the Federal Judge’s Court Order, a bond hearing was conducted before Immigration Judge Tamar H. Wilson; in preparation for the bond hearing, the undersigned submitted a set of documents demonstrating that Mr. Rufo is deserving of bond, as he presents neither a risk of flight nor a danger to the community. *Exhibit G: Bond Package submitted to IJ Wilson (“Exhibit G”).* IJ Wilson denied bond finding Mr. Rufo as a flight risk for the foregoing “reasons,” including but not limited to: 1. Notwithstanding the Motion to Reopen filed by prior counsel and the September 30, 2024 Order Reopening Proceedings issued by Immigration Judge John Carle, Mr. Rufo had long been on notice of the final order of removal and failed to appropriately attend to his immigration matters; 2. Mr. Rufo failing to attend a single ICE check-in due to medical illness; and 3. There is no meritorious application presently before Her Honor, notwithstanding the fact that Mr. Rufo’s Form I-589, Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture, will be promptly refiled following its rejection on the sole ground that “other counsel [was] entered,” an issue that can be readily resolved through the pending Motion to Substitute Counsel. The Immigration Judge’s finding that Mr. Rufo is a flight risk is contrary to the clear record and the realities of his circumstances. *Exhibit H: IJ Wilson’s Bond Denial (“Exhibit H”).*

6. On December 9, 2025, the Immigration Court granted the Motion to Substitute Counsel, and on December 10, 2025, Mr. Rufo promptly refiled his I-589 application for asylum, withholding of removal, and protection under the Convention Against Torture. *Exhibit E*.
7. On December 11, 2025, the undersigned filed a Motion for Bond Redetermination on Mr. Rufo's behalf based on a significant and material change in circumstances. At the time of the prior bond hearing, Mr. Rufo's initial asylum application had been rejected solely due to the pendency of a Motion to Substitute Counsel. Nevertheless, Immigration Judge Tamar Wilson expressly relied on the absence of a "meritorious application" as a basis for denying bond, notwithstanding that the deficiency was purely procedural and not substantive. The existence of a properly filed and pending I-589 application constitutes a material change in circumstances under 8 C.F.R. § 1003.19, warranting reconsideration of custody. Despite this material development, on December 16, 2025, Immigration Judge Arya Ranasinghe denied bond, concluding that Mr. Rufo failed to meet his burden of proving that he was not a flight risk. That determination failed to meaningfully account for the pendency of Mr. Rufo's meritorious asylum application, his strong incentive to appear, and the fundamental change in posture that directly undermined the prior bond denial. *Exhibit I: IJ Ranasinghe's Bond Denial ("Exhibit I")*.
8. The undersigned understands Federal District courts sitting in habeas review have no jurisdiction to review the decision of an Immigration Judge denying bond where the petitioner received a bona fide bond hearing. *Pisciotta v. Ashcroft*, 311 F. Supp. 2d 445 (D.N.J. 2004). However, a petitioner who has already received a bond hearing may challenge the denial of his request for release by showing that his bond hearing was not bona fide and/or was fundamentally unfair—that it was conducted in violation of Due Process or some other binding

legal authority. *Id.*; *Bonhometre v. Gonzales*, 414 F.3d 442 (3d Cir. 2005); *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022).

9. Not only was Mr. Rufo's bond hearing conducted in violation of the due process clause, however this Honorable Court has implied continued jurisdiction over Mr. Rufo's detention being that the initial grant was limited solely to a bond hearing.
10. Mr. Rufo respectfully requests that this Court grant him immediate release from detention, or, in the alternative, the Court should order an immediate bond hearing in the first instance to ensure Mr. Rufo's detention bears a reasonable relation to the government's interests.

PARTIES

11. Mr. Rufo has been detained by Respondents since November 13, 2025, at Elizabeth Contract Detention Facility ("Elizabeth").
12. Respondent Erik Rokosky is named in his official capacity as the Director/Warden of Elizabeth. Mr. Rokosky is responsible for the operation of Elizabeth, where Mr. Rufo is currently detained.
13. Respondent John Tsoukaris is named in his official capacity as the Director of the New Jersey Field Office for ICE. Mr. Tsoukaris is responsible for arrests, processing, detention, production, transfer, and release of individuals in removal proceedings. He is a legal custodian of Mr. Rufo.
14. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General ("AG"). AG Bondi is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review ("EOIR"). She is a legal custodian of Mr. Rufo.
15. Respondent Kristi Noem is named in her official capacity as the Acting Secretary of the U.S.

Department of Homeland Security (“DHS”). Ms. Noem is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. She is a legal custodian of Mr. Rufo.

16. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Mr. Rufo.

JURISDICTION

17. This Court has proper jurisdiction over Mr. Rufo’s Petition for Writ of Habeas Corpus. As per 28 U.S.C. § 2241, this Court has the discretion to evaluate and grant the instant writ of habeas corpus. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal issue arising in this matter. Article I, § 9, cl. 2 of the United States Constitution, the Suspension Clause, protects the privilege of habeas corpus. The All-Writs Act, 28 U.S.C. § 1651, grants this Court with remedial authority to issue this necessary writ. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, specifically allows this Court to grant injunctive and declaratory relief if it sees fit.
18. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS; as well as claims by noncitizens seeking to protect their due process rights. *See, Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018).
19. Mr. Rufo’s current detention as enforced by Respondents constitutes a “severe restraint [on his] individual liberty,” such that he is “in custody in violation of the Constitution or laws ... of the United States.” *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).


VENUE

20. Venue is proper in the District of New Jersey. Pursuant to 28 U.S.C. § 2241(d), a writ of habeas corpus may be filed in the district where the Petitioner is held in custody. Under 28 U.S.C. § 1391 (b) (2), a proper venue is where a substantial part of the events and omissions gave rise to the claim.
21. Mr. Rufo is currently in ICE custody at Elizabeth, where a substantial part of the events giving rise to his habeas claim occurred. Due to custody location and occurrence in events, it is proper to file in the District of New Jersey.

EXHAUSTION

22. No statutory exhaustion requirements exist as to Mr. Rufo's unlawful detention claims. *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000).
23. Although exhaustion is not statutorily required when challenging detention under 28 U.S.C. §2241, many courts still require proof of exhaustion largely to the appropriate agency's benefit. *Id.*
24. There are several exceptions that courts consider when evaluating exhaustion requirements. An immigrant detainee advancing a due process claim is likely to be exempt because "the Board of Immigration Appeals ("BIA") does not have jurisdiction to adjudicate constitutional issues." *Khan v. United States AG*, 448 F.3d 226, 228 (3d Cir. 2006).
25. Mr. Rufo is not required to prove exhaustion because he is advancing due process claims in the instant habeas petition.

STATEMENT OF FACTS

26. Mr. Rufo was born on  in Virginopolis, Brazil. While in Brazil not only did Mr. Rufo, along with his father, face continual threats of crime and economic hardship, but

his home life was also wildly difficult due to his mother's extreme abuse; as an adolescent, Mr. Rufo woke every day in fear of the verbal and physical mistreatment. *See, Exhibit A: Declaration of Lauriedson Goncalves Rufo in Support of his Habeas Petition*, ¶ ¶ 1, 4 (“*Exhibit A*”).

27. Under his father's guide, who sought a safer future for Mr. Rufo, the two immigrated to the U.S. in July 2016 – Mr. Rufo was only seventeen years old at the time. *Id.* at ¶ 4-5.

28. Through close friends, in 2018, Mr. Rufo met his U.S. Citizen wife, Mariana Alves Nunez, at their shared church in Newark, New Jersey. After several years of dating, the happy couple were married on September 13, 2020, and have been together ever since – the two hope to further build their little family in the future. *Id.* at ¶ 6. *Exhibit J: Petitioner's Marriage Certificate* (“*Exhibit J*”).

29. While in the United States, Mr. Rufo dedicatedly worked as a barber for six years and now has his very own barbershop, quickly learned English, consistently paid his taxes, joined the CANNA church, is regarded by neighbors and friends as extended family, and is well-respected by law enforcement. *Exhibit A*, ¶ 7. *Exhibit K: Letters from the Community* (“*Exhibit K*”).¹

¹ Letter, dated November 6, 2025, from *Jose Zacarias Dias, Senior Pastor of CANAA Church*, evidencing Mr. Rufo's membership since 2016 and good moral character. Letter, dated November 12, 2025, from *Detective Fabio Medeiros of Newark Police Department*, who has known Mr. Rufo for six years, evidencing Mr. Rufo's love and commitment to the community, aid to law enforcement whenever sought, and acknowledgment that Mr. Rufo is a law-abiding individual with high values. Letter, dated November 11, 2025, from *Deputy Mayor of Newark Ligia De Freitas*, evidencing Mr. Rufo as a valued member of his community that persistently gives back, whether through free haircuts for children or economic vitality, and that his removal from this nation would be a significant loss to the community he serves. Letter dated, November 10, 2025, from the *Captain of the New York City Police Department and Pastor at CANAA Church*, Kenneth O. Fernandez, evidencing his strong moral character, willingness to serve others, and respect for authority. Letter from *friend, Margaret Kirwan* evidencing Mr. Rufo's kindness, honesty, and deep sense of commitment to the community. Letter from *friend, Wallace De Oliveira*, evidencing Mr. Rufo is a good person with strong character, a stable life, and genuine commitment of doing what is right. Letter, dated February 12, 2024, from *neighbor Ms. Moutinho* providing Mr. Rufo is wildly trustworthy, always looking out for her, and that he was by her side when she lost one of her own sons. Letter, dated January 23, 2023, from *neighbor Elsie Ferreirina*, who suffers with vertigo and heart problems, provided Mr. Rufo drives her to doctor's appointments, helps translate whenever needed, buys her groceries, checks on her daily, and helps move things around the house. Letter, dated

30. For over nine years, Mr. Rufo has lived in United States without any criminal record; while in the U.S., he became a husband, a business owner, and a cherished pillar of his community.

Mr. Rufo's Proceedings

31. On July 22, 2022, Mr. Rufo's U.S. Citizen wife, Mariana A. Nunez, filed an I-130, Petition for Alien Relative; the I-130 application is still pending before USCIS. *See, Exhibit C.* Mr. Rufo also has a pending I-589 Application for Asylum, Withholding of Removal, and Convention Against Torture. *Exhibit E.*

32. To Mr. Rufo's, as well as his prior counsel's, surprise, a final order of removal was entered against Mr. Rufo and his father in 2016. Upon learning of said removal order, Mr. Rufo, through prior counsel, filed a motion to reopen based on the improper Notice to Appear, which failed to provide a time and date, as well as his father handling the immigration matter being that Mr. Rufo was a minor at the time. On September 30, 2024, Immigration Judge John Carle granted Mr. Rufo's motion to reopen and in doing so, found Mr. Rufo, who was minor at the time of entry, was not adequately provided with notice/apprised by his father, and noted Mr. Rufo is married to a U.S. Citizen, has no criminal record, and is prima facie eligible for an I-601A waiver. *Exhibit D.*

33. On November 13, 2025, Mr. Rufo attended a required ICE check-in and during said check-in, he was taken into ICE custody. Mr. Rufo is currently detained at Elizabeth.

34. On November 13, 2025, and through the undersigned counsel, Mr. Rufo filed a Writ of Habeas Corpus Petition. *Exhibit F.* On November 25, 2025, Federal District Judge Evelyn Padin,

March 3, 2024, from *friend, Jimmy Freitas*, evidencing Mr. Rufo as dedicated, hardworking, and having unwavering moral integrity. Letter from friend, dated February 20, 2025, *friend, Luana P. Da Silva*, evidencing Mr. Rufo has dedicated personal time and funds to helping people in need of meals and other resources. Letter, dated March 6, 2024, from *friend, Gabriel Belvedere De Goes*, evidencing as a loving, genuine individual, who embodies the "American Dream"

U.S.D.J. granted a bond hearing under 8 U.S.C. 1226 (a). *Id.*

35. On December 2, 2025, and only as per the Federal Judge's Court Order, a bond hearing was conducted before Immigration Judge Tamar H. Wilson; in preparation for the bond hearing, the undersigned submitted a set of documents demonstrating that Mr. Rufo is deserving of bond, as he presents neither a risk of flight nor a danger to the community. *Exhibit G*. IJ Wilson denied bond finding Mr. Rufo as a flight risk. *Exhibit H*.
36. On December 9, 2025, the Motion to Substitute Counsel presented to the Immigration Court was granted. *Exhibit L: Order Granting Motion to Substitute Counsel ("Exhibit L")*.
37. On December 9, 2025, the undersigned refiled Mr. Rufo's I-589 petition. *Exhibit D*.
38. On December 11, 2025, the undersigned filed a Motion for Bond Redetermination on Mr. Rufo's behalf based on a significant change in circumstances. On December 16, 2025, IJ Arya Ranasinghe denied bond finding Mr. Rufo did not meet his burden to prove he was a flight risk. *Exhibit I*.

LEGAL FRAMEWORK

I. MR. RUFO'S BOND HEARINGS WERE CONDUCTED IN VIOLATION OF THE DUE PROCESS CLAUSE.

A. The First Bond hearing held before IJ Wilson was unfair and inadequately placed the burden on Mr. Rufo to prove he was not a flight risk or danger to the community.

39. Federal District Courts have consistently held the government bears the burden of proving by clear and convincing evidence that a noncitizen poses a danger to the community or is a flight risk in bond hearings. *Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213 (3d Cir. 2020); *Hernandez-Lara v. Lyons*, 10 F.4th 19, 35 (1st Cir. 2021); *Jose L.P. v. Whitaker*, 431 F. Supp. 3d 540, 551 (D.N.J. 2019). Moreover, the due process clause of the Fifth Amendment requires an individualized bond hearing where the government must demonstrate the necessity

of detention to ensure the noncitizen's appearance at removal proceedings and to protect the community. *Id.*

40. Even further, the Third Circuit Court of Appeals lacks jurisdiction to review discretionary determinations underlying an immigration judge's bond decision. However, it retains jurisdiction to review whether the bond hearing was fundamentally unfair if a constitutional claim or question of law is raised. *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022); *Pisciotta v. Ashcroft*, 311 F. Supp. 2d 445 (D.N.J. 2004).
41. During the initial bond hearing Mr. Rufo, and as evidenced by the attached bond package submitted to Immigration Judge Wilson, demonstrated he has a qualified sponsor, U.S. Citizen, Mr. Rufo dedicatedly worked as a barber for six years and now has his very own barbershop, quickly learned English, consistently paid his taxes, joined the CANNA church, is regarded by neighbors and friends as extended family, and is well-respected by law enforcement. *Exhibit G; Exhibit A, ¶ 7. Exhibit K.* In addition, he has an I-130, Petition for Alien Relative; the I-130 application is still pending before USCIS, a denied I-589 solely on the basis of a pending motion to substitute counsel, and the September 30, 2024, Immigration Judge John Carle granted Mr. Rufo's motion to reopen and in doing so, found Mr. Rufo, who was minor at the time of entry, was not adequately provided with notice/apprised by his father, and noted Mr. Rufo is married to a U.S. Citizen, has no criminal record, and is prima facie eligible for an I-601A waiver.
42. Regardless, of the same, and further the fact the government bears the burden of proof, IJ Wilson denied bond finding Mr. Rufo as a flight risk for the foregoing "reasons," including but not limited to: 1. Notwithstanding the Motion to Reopen filed by prior counsel and the

September 30, 2024 Order Reopening Proceedings issued by Immigration Judge John Carle, Mr. Rufo had long been on notice of the final order of removal and failed to appropriately attend to his immigration matters; 2. Mr. Rufo failing to attend a single ICE check-in due to medical illness; and 3. There is no meritorious application presently before Her Honor, notwithstanding the fact that Mr. Rufo's Form I-589, Application for Asylum, Withholding of Removal, and protection under the Convention Against Torture, will be promptly refiled following its rejection on the sole ground that "other counsel [was] entered," an issue that can be readily resolved through the pending Motion to Substitute Counsel. *Exhibit H*.

43. The Immigration Judge's finding that Mr. Rufo is a flight risk is contrary to the clear record and the realities of his circumstances. Mr. Rufo has profound and enduring ties to the United States: he has been married to a U.S. citizen for five years whom is financially dependent on him, has a pending Form I-130, Petition for Alien Relative, filed on July 22, 2022 and delayed solely due to agency backlog, has invested substantial personal and financial resources in establishing a legitimate barbershop business, and maintains deep relationships within a supportive community that has become like family. These factors demonstrate both his stability and his commitment to remaining in the United States. Failure to attend one ICE check-in was an isolated incident, attributable to documented medical issues, and do not reflect a pattern of disregard for legal obligations. *Exhibit B*. To label Mr. Rufo a flight risk ignores the overwhelming evidence of his reliability, responsibility, and integration into U.S. society.

44. In any other administration, regardless of burden of proof, Mr. Rufo would have been granted bond. Furthermore, even following the grant of bond hearings in habeas corpus petitions by Federal District Court Judges, Immigration Judges have been denying bond to applicants with

otherwise meritorious claims – as evidenced by Mr. Rufo. This development appears attributable to the administration’s widespread removal of seasoned Immigration Judges, who have traditionally adjudicated such matters with appropriate rigor, and its simultaneous, active installation of judges whose professional orientation lies primarily in deportation and enforcement functions.

45. This administration’s current political agenda that egregiously limits access to bond hearings, and further supports denial of bond when such hearings are granted by habeas petitions, is blatantly against our Constitution, against U.S. Supreme Court decisions, and BIA decisions – the unconstitutional elimination of bond through employment of deportation judges and instillment in fear to current immigration judges forcing complicity with said agenda constitutes exceptional circumstances.

46. In summation, IJ Wilson improperly placed the burden of proof on Mr. Rufo, blatantly ignored the clear record that Mr. Rufo is not a flight risk, and sadly, for Mr. Rufo’s sake, fell complicit to this administration’s political agenda.

B. The Bond Redetermination hearing held before IJ Arya Ranasinghe failed to consider the Material Changes in Circumstances.

47. Pursuant to 8 C.F.R. § 1003.19, after an initial bond redetermination, a subsequent request for a bond hearing can be considered upon a showing that the non-citizen’s circumstances have materially changed since the prior bond determination. In addition, a non-citizen may seek a custody redetermination before an immigration judge at any time prior to the issuance of a final order of removal. 8 U.S.C. § 1226(a).

48. Since the bond hearing held on December 2, 2025, before Immigration Judge Wilson, there has been a significant change in circumstances relevant to bond. At the time of the initial bond hearing, Mr. Rufo’s asylum application had been rejected on procedural grounds due to a

pending Motion to Substitute Counsel. As a result, Immigration Judge Wilson relied in part on the fact that no meritorious application for relief was then pending in denying bond. At the subsequent bond redetermination hearing before Immigration Judge Ranasinghe, that circumstance had materially changed. On December 9, 2025, the Motion to Substitute Counsel was granted and the following day, Mr. Rufo refiled his I-589 application. Additionally, addressing IJ Wilson's claim that Mr. Rufo was not guided through his immigration process at a young age, Mr. Rufo attached a letter demonstrating his father's control over his immigration matters. *Exhibit M: Letter from Father ("Exhibit M")*. In sum, the pending meritorious I-589 application constitutes a material change in circumstance C.F.R. § 1003.19.

49. On December 16, 2025, IJ Arya Ranasinghe disregarded the change in circumstance and merely denied bond finding Mr. Rufo "did not meet his burden to prove he was a flight risk." *Exhibit I*.

II. THIS COURT HAS IMPLIED CONTINUED JURISDICTION OVER THE INITIAL HABEAS CORPUS FILED BY MR. RUFO.

50. This Honorable Court has implied continuing jurisdiction over Mr. Rufo's second writ of habeas corpus, as the Honorable Evelyn Padin, U.S.D.J.'s initial grant was limited solely to a bond hearing and this subsequent habeas petition raises new claims and challenges that were not addressed or previously available. See 28 U.S.C. § 2244; *Benchoff v. Colleran*, 404 F.3d 812, 816 (3d Cir. 2005); *Blystone v. Horn*, 664 F.3d 397, 411 (3d Cir. 2011); *Panetti v. Quarterman*, 551 U.S. 930, 964 (2007).

51. In short, the instant habeas petition makes the instant prayer for release based on the inadequate and unconstitutionally sound bond hearings conducted by the Immigration Judges.

III. IN THE ALTERNATIVE TO THE FIRST SOUGHT RELIEF OF IMMEDIATE RELEASE, A BOND HEARING IN THE FIRST INSTANCE IS NECESSARY DUE TO THIS ADMINISTRATION'S UNCONSTITUTIONAL POLITICAL AGENDA.

52. Should this Court find that Mr. Rufo is solely entitled to another bond hearing, this Court should conduct the bond hearing in the first instance rather than directing an Immigration Judge to do so, again. The Third Circuit has repeatedly recognized that federal district courts possess inherent authority, within the context of habeas corpus proceedings, to hold bond hearings and to set bond where appropriate. *Johnston v. Marsh*, 227 F.2d 528, 531 (3d Cir. App. 1955); *Lucas v. Hadden*, 790 F.2d 365, 367, 1986 (3d Cir. App. 1986); *Leslie v. Holder*, 865 F. Supp. 2d 627, 633 (M.D. Pa. 2012) (“the authority to conduct such hearing has long been recognized as an essential ancillary aspect of our federal habeas corpus jurisdiction”).
53. A bond hearing in the first instance is appropriate when a clear case for habeas relief exists or in the presence of extraordinary circumstances. *Landano v. Rafferty*, 970 F.2d 1230, 1239 (3d Cir. 1992); *Vega v. United States*, 514 F. Supp. 2d 767, 771 (W.D. Pa. 2007); *Johnston v. Marsh*, 227 F.2d 528, 531 (3d Cir. 1955). Extraordinary circumstances, may include a combination of factors, such as a strong likelihood of success on the merits, the absence of other remedies for bail, and evidence of bad faith. *Landano*, 970 F.2d at 1239-41.
54. First, Mr. Rufo has demonstrated a clear entitlement to habeas relief because he is being unlawfully detained without a constitutionally adequate opportunity to be heard.
55. Second, even following the grant of bond hearings in habeas corpus petitions by Federal District Court Judges, Immigration Judges have been denying bond to applicants with otherwise meritorious claims – as was done here. This development appears attributable to the administration’s widespread removal of seasoned Immigration Judges, who have traditionally adjudicated such matters with appropriate rigor, and its simultaneous, active

installation of judges whose professional orientation lies primarily in deportation and enforcement functions.

56. This administration's current political agenda that egregiously limits access to bond hearings, and further supports denial of bond when such hearings are granted by habeas petitions, is blatantly against our Constitution, against U.S. Supreme Court decisions, and BIA decisions – the unconstitutional elimination of bond through employment of deportation judges and instillment in fear to current immigration judges forcing complicity with said agenda constitutes exceptional circumstances.

57. In summation, this Court has the authority to conduct Mr. Rufo's bond hearing in the first instance and due the preceding circumstances, should do so.

A. Mr. Rufo's detention violates his right to substantive due process because he is neither a flight risk nor a danger to the community.

58. Immigration detention is civil and must "bear a reasonable relation to the purpose for which the individual [is] [detained]" so that it remains "nonpunitive in purpose and effect." *Id.* at 690. Further, and to comport with due process, there are only two legitimate regulatory purposes for immigration detention to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691; *Diop v. ICE*, 656 F.3d 221, 233–234 (3d Cir. 2011).

59. Mr. Rufo is not a flight risk and will appear at all future immigration proceedings. For almost a decade, Mr. Rufo has lived in the United States – this is his home. Moreover, his loving wife, his business, beloved friends that have turned into family, and essentially all he has, is within the United States. Everything he loves, owns, and works for is right here in New Jersey.

60. Mr. Rufo is not a danger to the community – he has no criminal record, whatsoever. In fact, Mr. Rufo is a significant member of the community as evidenced by his business and the myriad of community members that respect and love him as family. *Exhibit F*.
61. No legitimate interests exist as to Mr. Rufo’s detention, rather the government is detaining Mr. Rufo along with countless others swept up in its courthouse arrests, ICE check-ins, and USCIS arrests, for the understandable but illegitimate reason that he was easy to locate. At the time of his arrest, Mr. Rufo was attempting to lawfully navigate our immigration system by completing his ICE check-in. Due to pure accessibility, Mr. Rufo was detained without any opportunity to heard.
62. Because Mr. Rufo’s detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, his continued detention without a constitutionally sound bond hearing is unlawful and therefore, he should be released.

CLAIMS FOR RELIEF

COUNT ONE

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS)**

1. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
2. Mr. Rufo is not a flight risk nor is he a danger to the community. Respondents’ detention of Mr. Rufo is therefore unjustified and unlawful. Accordingly, Mr. Rufo is being detained in violation of his Constitutional right to Due Process under the Fifth Amendment.

COUNT TWO

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS)**

3. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.
4. The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “without due process of law.”
5. Mr. Rufo is entitled to the protections of the 5th Amendment Due Process Clause. First, Mr. Rufo has a significant liberty interest in remaining the United States. Second, in light of the Constitution, the INA and its applicable regulations, Respondents have procedurally deprived and continue to risk deprivation of Mr. Rufo’s due process rights.
6. Third, any additional or substitute procedural requirement would not burden the government whatsoever - if anything, the government is burdening itself by fiscally detaining Mr. Rufo and wasting judicial resources.
7. Accordingly, Mr. Rufo is being detained without sufficient process in violation of his Constitutional right to Due Process under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over the instant matter;
2. Issue a Writ of Habeas Corpus ordering the immediate release of Petitioner from Respondents custody;
3. In the alternative, grant a Writ of Habeas Corpus ordering an immediate bond hearing in the first instance to ensure Petitioner’s detention bears a reasonable relation to the government’s interests; and

4. Order any such other relief as this Court deems just and proper.

Dated: 12/23/25

Respectfully Submitted,

Alexandra Minogue

Alexandra Minogue, Esq.
NJ Bar ID: 479582024
Nova Law Group
21 Fulton Street
Newark, NJ 07102
E: aminogue@nova.law
P: 844-844-6682
Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Motion for Temporary Restraining Order and Injunctive Relief and Petition for Writ of Habeas Corpus with all attachments using the PACER system.

Dated: 12/23/25

Respectfully Submitted,

Alexandra Minogue

Alexandra Minogue, Esq.
NJ Bar ID: 479582024
Nova Law Group
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Newark, NJ 07102
E: aminogue@nova.law
P: 844-844-6682
Counsel for Petitioner