UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Jessica Fernandes Moraes

Petitioner,

v.

Kevin Joyce, Cumberland County Sheriff,
David Wesling, Acting Director of Boston Field Office, U.S. Immigration and Customs Enforcement
Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement;
Kristi Noem, Secretary of the U.S. Department of Homeland Security;
Pamela Bondi, U.S. Attorney General,

Respondents.

Case No. ____________

PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Petitioner Jessica Fernandes Moraes (Ms. Moraes) is a thirty-three-year-old Brazilian citizen. Petitioner lives in Medford, MA in Middlesex County, MA.
2. Ms. Moraes entered the United States without inspection at or near El Paso, Texas on July 4, 2019. The U.S. Department of Homeland Security ("DHS") detained Ms. Moraes under 8 U.S.C. §1226 within a day of her arrival in the United States. Exhibit 1, Notice of Custody Determination. DHS subsequently released her on her own recognizance and initiated removal proceedings against her by issuance of an I-862 Notice to Appear. Exhibit 2, Order of Release on Personal Recognizance; Exhibit 3, Notice to Appear.

3. DHS alleged on the Notice to Appear that Ms. Moraes was "an alien present in the United States who has not been admitted or paroled." Exhibit 3. DHS did not allege that she was an arriving alien. Id.

4. On or about November 17, 2025, a criminal complaint was issued against Ms. Moraes in the Somerville District Court. The complaint alleged one violation of Massachusetts statute: M.G.L. c. 265, §13m(a). On the same day, she was released on personal recognizance.

5. Following her release from state custody, she was apprehended by Immigration and Customs Enforcement ("ICE") and taken into custody.

6. She was transferred to the Cumberland County Jail, where she remains detained. Exhibit 4, ICE Detainee Locator.

7. Ms. Moraes cannot be subject to mandatory detention under 8 U.S.C. §1225(b)(2), including because, as a person already present in the United States, Ms. Moraes is not presently "seeking admission" to the United States. *See, e.g. Chang Barrios v. Shepley et al*, No. 1:25-cv-00406-JAW, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper et al*, No. 2:25-cv-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Chogllo Chafla*, No. 25—cv-4337-SDN, 2025 WL 2688451, at *2–9 (D. Me. Sept. 22, 2025).

8. Ms. Moraes was not, at the time of her arrest, paroled into the United States pursuant to 8 U.S.C. §1182(d)(5)(A) and therefore, Ms. Moraes could not be returned under that provision to mandatory detention under §1225 for this reason as well.

9. Instead, as a person arrested inside the United States and held in civil immigration detention, Ms. Ojeda Montoya is subject to detention, if at all, pursuant to 8 U.S.C. § 1226.

See, e.g., *Chogllo Chafla*, 2025 WL 2688541, at *2–9 (collecting cases); *Aguiriano*, 2025 WL 2403827, at *1, 8-13 (collecting cases).

10. Further, Ms. Moraes is not lawfully subject to mandatory detention under 8 U.S.C. §1226(c), including because she has not been convicted of any crime that triggers such detention. *See Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under §1226(c) for brief detention of persons convicted of certain crimes and who concede removability).

11. As a person detained under 8 U.S.C. § 1226(a), Ms. Moraes must, upon her request, receive a custody redetermination hearing (colloquially called a "bond hearing") with strong procedural protections. *See Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021); *Doe v. Tompkins*, 11 F.4th 1, 2 (1st Cir. 2021); *Brito v. Garland*, 22 F.4th 240, 256-57 (1st Cir. 2021) (affirming class-wide declaratory judgment); 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

12. Ms. Moraes requests she be provided bond hearing on the "earliest possible date" after she submits a custody re-determination request to the Immigration Court. *See* Immigration Court Practice Manual § 9.3(d). 31. However, on September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals issued a decision which purports to require the Immigration Court to unlawfully refuse to provide a bond hearing at all to Ms. Moraes and others in her situation.[1]

13. The responsible administrative agency has therefore pre-determined that Ms. Moraes will be denied a bond hearing.[2]

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[1] The BIA's reversal and newly revised interpretation of the statute are not entitled to any deference. *See Loper Bright Ent. v. Raimondo*, 603 U.S. 369, 412-13 (2024).

[2] Based on the facts attested in this verified Petition, Ms. Ojeda-Montoya is a member of a class certified by federal District Court Judge Patti B. Saris of the District of Massachusetts of individuals detained in areas over which an Immigration Court in Massachusetts is the administrative control court subjected to the same DHS and DOJ policies at issue here. *Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS, No. 25-cv-12664-PBS, 2025 WL 3033769, at *14 (D. Mass. Oct. 30, 2025). The Court there has not yet granted any class-wide relief. It has set a briefing schedule on

14. Ms. Moraes is being irreparably harmed by her ongoing unlawful detention without any pathway to a bond hearing. *See, e.g., Chiliquinga Yumbillo v. Stamper*, No. 25-cv-479-SDN, 2025 WL 2783642, at *3–4 (D. Me. Sept. 30, 2025) (no exhaustion requirement because "many months of potentially unlawful detention" constitutes "irreparable harm"); *Aguiriano*, 2025 WL 2403827, at *6-8 (no exhaustion required because "[o]bviously, the loss of liberty is a . . . severe form of irreparable injury" (internal quotation marks omitted)); *Flores Powell v. Chadbourne*, 677 F. Supp. 2d 455, 463 (D. Mass. 2010) (declining to require administrative exhaustion, including because "[a] loss of liberty may be an irreparable harm"); *cf. Brito v. Garland*, 22 F.4th 240, 256 (1st Cir. 2021) (citing *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986), for proposition that "'[e]xhaustion might not be required if [the petitioner] were challenging her incarceration . . . or the ongoing deprivation of some other liberty interest'").
15. The Immigration Court lacks jurisdiction to adjudicate the constitutional claims raised by Ms. Moraes, and any attempt to raise such claims would be futile. *See Flores-Powell*, 677 F. Supp. 2d at 463 (holding "exhaustion is excused by the BIA's lack of authority to adjudicate constitutional questions and its prior interpretation" of the relevant statute).
16. There is no statutory requirement for Ms. Moraes to exhaust administrative remedies. *See, e.g., Chiliquinga Yumbillo*, 2025 WL 2783642, at *3; *Gomes v. Hyde*, No. 25- 11571, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025).

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the Parties' cross-motions for summary judgment that will conclude December 12, 2025 and set a hearing on those motions for December 17, 2025. Id. at Dkt. 88. At a November 3, 2025 status conference, Judge Saris stated that class members may continue to file individual habeas petitions and District Court judges may continue to grant individual relief in those petitions during the pendency of the class proceedings. Id. at Dkt. 83, 86. Judge Saris further stated that such petitions should not, for now, be deemed "related" to Guerrero Orellana, and that she will reject "related" designation if individual petitioners attempt to assert it. Id. at Dkt. 83, 86.

17. Accordingly, there is no requirement for Ms. Moraes to further exhaust administrative remedies before pursuing this Petition. *See Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, (1st Cir. 1997) (explaining that, where statutory exhaustion is not required, administrative exhaustion not required in situations of irreparable harm, futility, or predetermined outcome).

18. Accordingly, to vindicate Petitioner's statutory, constitutional and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus to ensure her continued freedom. Petitioner asks this Court to find that the physical detention of the Petitioner is unlawful and order ICE to release her.

JURISDICTION

19. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

20. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

21. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

22. Venue is proper because Petitioner is in the custody of the Immigration and Customs Enforcement in Portland, Maine, which is within the jurisdiction of this District.
23. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States and Petitioners reside in this District no real property is involved in this action; also a substantial part of the events or omissions giving rise to their claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

24. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).
25. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

26. Petitioner Jessica Fernandes Moraes is a native and citizen of Brazil. She entered the United States on July 4, 2019 without inspection or parole. The U.S. Department of Homeland Security ("DHS") detained Ms. Moraes under 8 U.S.C. §1226 within a day of her arrival in the United States. DHS subsequently released her on her own recognizance and initiated removal proceedings against her by issuing an I-862 Notice to Appear. On November 17, 2025, she was apprehended by Immigration and Customs Enforcement ("ICE") and taken into custody. She was transferred to the Cumberland County Jail, where she remains detained.

27. Respondent Kevin Joyce is the Cumberland County Sheriff, and, as such, the head of the Cumberland County Sheriff's Office. ICE contracts to have the Cumberland County Sheriff's Office detain individuals in its custody at the Cumberland County Jail. He is being sued in his official capacity. He is Ms. Moraes's immediate and legal custodian.

28. Respondent David Wesling is sued in his official capacity as the Acting Director of the Boston Field Office of U.S. Immigration and Customs Enforcement. Respondent Wesling is a legal custodian of Petitioner and has authority to release her.

29. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, Respondent Lyons is the head of the federal agency responsible for all immigration enforcement in the United States. Respondent Lyons is a legal custodian of the Petitioner.

30. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency

responsible for Petitioner's detention. Respondent Noem is a legal custodian of the Petitioner.

31. Respondent Pamela J. Bondi is the Attorney General of the United States and, as such, the head of the Department of Justice. The U.S. Department of Justice ("DOJ") is an executive department of the government of the United States. The Executive Office of Immigration Review ("EOIR") is a component within DOJ. Immigration Courts and the Board of Immigration Appeals fall within EOIR. She is being sued in her official capacity. She oversees the Immigration Courts and the Board of Immigration Appeals. She is also Ms. Moraes's legal custodian.

LEGAL FRAMEWORK

32. The Immigration and Nationality Act ("INA") prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

33. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge ("IJ"). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention until their removal proceedings are concluded, *see* 8 U.S.C. § 1226(c).

34. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals "seeking admission" referred to under § 1225(b)(2).

35. Third, the INA also provides for detention of noncitizens who have received a final order of removal from the United Staes. *See* 8 U.S.C. § 1231(a)-(b).

36. Petitioner's case concerns the important distinctions between § 1226(a) and § 1225(b)(2). Those provisions were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

37. Following the enactment of the IIRIRA, the Executive Office for Immigration Review ("EOIR)" drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

38. Thus, in the decades that followed, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered for release on bond and also received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a)

(1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

39. In recent months, Defendants adopted an entirely new interpretation of the statute, concluding that all noncitizens who entered the United States without admission or parole are considered applicants for admission, and are therefore ineligible for bond hearings before an Immigration Judge under 8 U.S.C. § 1225(b)(2)(A). Around the same time, ICE "in coordination with the Department of Justice" announced a corresponding policy that rejected the well-established understanding of the statutory and regulatory framework and reversed decades of practice. That policy claims that all persons who entered the United States without inspection shall now be deemed to be subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, the section of law under which they were previously released and affects those who have resided in the United States for years.

40. Cementing the policy and making it binding on all IJs, the Board of Immigration Appeals ("BIA") recently issued a precedent decision: *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In *Hurtado*, the BIA found that any noncitizen who is present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. §1225(b)(2), not §1226(a).

41. ICE and the DOJ have adopted this new and unprecedented position even though federal courts have rejected this exact conclusion. *See, e.g. Chang Barrios v. Shepley et al*, No. 1:25-cv-00406-JAW, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper et al*, No. 2:25-cv-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025);

Chogllo Chafla, No. 25—cv-4337-SDN, 2025 WL 2688451, at *2–9 (D. Me. Sept. 22, 2025).

42. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

43. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Just this year, Congress enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered without inspection from § 1226(a)'s default bond provision. Subparagraph (E)'s reference to persons inadmissible under § 1182(6)(A), i.e., persons inadmissible for entering without inspection, makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who very recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A); *see also Diaz Martinez*, 2025 WL 2084238, at *8 ("'[O]ur immigration laws have long made a distinction between those [noncitizens] who have come to our

shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.'" (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958))). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

45. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were detained.

CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. 1226(a) and Associated Regulations

46. Ms. Moraes may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

47. Under § 1226(a) and its associated regulations, Ms. Moraes is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f). In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond and bond redetermination*." 62 Fed. Reg. at 10323 (emphasis added). The agencies

thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

48. The application of 1225(b)(2) to Petitioner, who should be bond eligible, unlawfully mandates her continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

49. Ms. Moraes has not been, and will not be, provided with a bond hearing as required by law.

50. Ms. Moraes continuing detention is therefore unlawful.

COUNT TWO

Violation of Fifth Amendment Right to Due Process (Failure to Provide Bond Hearing Under 8 U.S.C. § 1226(a))

51. Because Ms. Moraes is a person arrested inside the United States and is subject to detention, if at all, under 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that Ms. Moraes receive a bond hearing with strong procedural protections upon her request for a custody re-determination. *See Hernandez-Lara*, 10 F.4th at 41; *Doe*, 11 F.4th at 2; *Brito*, 22 F.4th at 256-57.

52. Ms. Moraes has not been, and will not be, provided with a bond hearing as required by law.

53. Ms. Moraes's continuing detention is therefore unlawful.

COUNT THREE

Violation of Fifth Amendment Right to Due Process (Failure to Provide an Individualized Hearing for Domestic Civil Detention)

54. "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).

55. The Fifth Amendment's Due Process Clause specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. CONST. amend. V.

56. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *see Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) ("[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law"); *cf. Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 139-40 (2020) (holding noncitizens due process rights were limited where the person was not residing in the United States, but rather had been arrested 25 yards into U.S. territory, apparently moments after he crossed the border while he was still "on the threshold").

57. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 690.

58. The Supreme Court has thus "repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection," including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); *see also Salerno*, 481 U.S. at 755 (requiring individualized hearing and strong procedural protections for detention of people charged with federal crimes); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (same for civil commitment for

mental illness); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997) (same for commitment of sex offenders).

59. Ms. Moraes was arrested inside the United States and is being held without any pathway to any individualized detention hearing.

60. Ms. Moraes's continuing detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

COUNT FOUR
Violation of Fifth Amendment Right to Due Process (Substantive Due Process)

61. Because Ms. Moraes has no pathway to a bond hearing, the government is not taking any steps to effectuate its substantive obligation to ensure that immigration detention bears a "reasonable relation" to the purposes of immigration detention (i.e., the prevention of flight and danger to the community during the pendency of removal proceedings) and is not impermissibly punitive. *See Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 532-33 (Kennedy, J., concurring).

62. Ms. Moraes's detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Order that Mr. Moraes shall not be transferred outside the District of Maine;

(3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted;

(4) Order Ms. Moraes's immediate release from detention during the pendency of these habeas proceedings on conditions the Court deems just and proper, under the Court's inherent Article III authority;

(5) Order that Defendants not remove Petitioner from the State of Massachusetts;

(6) Declare that Petitioner's detention is unlawful;

(7) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or, if at the time of the habeas hearing the Court has already ordered Ms. Moraes released under its inherent Article III authority, not to re-detain Ms. Moraes, or, in the alternative, to provide Ms. Moraes an individualized bond hearing before an Immigration Judge as soon as possible after she submits a custody re-determination request, and, if bond is granted, immediately accept payment of the bond and release Ms. Moraes from detention;

(8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(9) Grant any further relief this Court deems just and proper.

Respectfully submitted this 21st day of November, 2025

Jessica Fernandes Moraes, Petitioner

By and through her counsel

/s/ Annelise M. Jatoba de Araujo
Annelise M. Jatoba de Araujo*
Annelise Araujo Law, LLC
260 Franklin Street, Suite 520
Boston, MA 02110
T: (617) 716-6400
C: (419) 494-3051
annelise@araujofisher.com

Pro hac vice Counsel for Petitioner

/s/ Max I. Brooks
Max I. Brooks
AMERICAN CIVIL LIBERTIES UNION
OF MAINE FOUNDATION
P.O. Box 7860
Portland, ME 04112
(207) 774-5444
mbrooks@aclumaine.org

Local Counsel for Petitioner

*Certification for admission *pro hac vice* forthcoming

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jessica Fernandes Moraes and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 21st day of November, 2025.

s/Annelise M. Jatoba de Araujo
Annelise M. Jatoba de Araujo
Annelise Araujo Law, LLC
260 Franklin Street, Suite 520
Boston, MA 02110
T: (617) 716-6400
C: (419) 494-3051
Pro hac vice Counsel for Petitioner