

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

LUIS GUILLERMO LALA INAMAGUA,

Petitioner,

-against-

GREG HALE, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF NORTHWEST STATE CORRECTIONAL FACILITY, PATRICIA HYDE, IN HER OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; VERMONT SUB-OFFICE DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; TODD M. LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; MARCO RUBIO, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE; AND PAMELA BONDI, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL,

Docket No. 2:25-cv-892

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner, Luis Guillermo Lala Inamagua, is citizen of Ecuador, and a resident of Cambridge, Vermont.
2. Petitioner has been continuously present in the United States for more than two years.
3. Petitioner is currently detained at Northwest State Correctional Facility.
4. Petitioner has been unable to access Counsel while detained this facility. When Counsel attempted to schedule an in-person meeting at the facility, her office was told by a DOC employee that Counsel was “banned” from the facility, and did not give any further explanation.

Counsel for Petitioner has reached out to DOC general counsel to resolve matters, but so far has received no response.

5. Upon information and belief, Mr. Lala Inamagua has a fear of persecution in Ecuador.

6. On or about November 5, 2025, Mr. Lala Inamagua was violently detained, along with several others, by U.S. Customs and Border Protection (“CBP”) and Homeland Security Investigations.

7. Mr. Lala Inamagua was held for an unknown period in CBP custody, and then transferred to Northwest State Correctional Facility, in Swanton, Vermont, where he continues to be detained.

8. Ordinarily, people arrested by ICE are served a Notice to Appear (“NTA”) and placed into removal proceedings in the Immigration Court. Removal proceedings contain certain procedural protections required by the applicable statutes and regulations. The person attends hearings before an Immigration Judge and, if he or she is found removable, may apply for various forms of relief from removal. The decision of the Immigration Court is subject to appellate review by the Board of Immigration Appeals (the “BIA”) and then via a petition for review to U.S. Court of Appeals.

9. While the removal proceeding is pending, people without a criminal record or involvement in terrorism are constitutionally entitled to a bond hearing with certain procedural protections, which may result in their release for the pendency of the proceeding. See 8 U.S.C. § 1226; *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (for Section 1226(a) detainees, due process requires a bond hearing in which government bears burden of proof to show flight risk or dangerousness); *Brito v. Garland*, 22 F.4th 240, 256-57 (1st Cir. 2021) (affirming class-wide declaratory judgment of same).

10. Counsel has been able to confirm that Mr. Lala Inamagua has been placed in removal proceedings and has a Master Calendar hearing scheduled for December 04, 2025.

11. If Mr. Lala Inamagua has a valid NTA that has been lawfully served and filed with the Immigration Court, Mr. Lala Inamagua would have the right to request a bond hearing, given that he has no criminal history and is not a danger to the community.

12. Upon information and belief, the Immigration Court will unlawfully deprive Mr. Lala Inamagua of his right to a bond hearing under *Matter of Y-H-*, 29 I&N Dec. 216 (BIA 2025).

13. Upon information and belief, Petitioner's immediate custodian has unconstitutionally deprived the Petitioner of his right to counsel.

PARTIES

14. Petitioner, Vicente Lala Inamagua, is a citizen of Ecuador, who, upon information and belief, entered the U.S. on or around December 16, 2022, and has continuously resided in the U.S. since that time.

15. Respondent, Greg Hale is named in his official capacity as the Superintendent of Northwest State Correctional Facility ("NWSCF"). NWSCF has a contract with the Department of Homeland Security to house ICE detainees. In this capacity, Superintendent Hale, and NWSCF have immediate custody and control over the Petitioner.

16. Respondent Patricia Hyde is named in her official capacity as the Acting Field Office Director of the Boston Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. At all times relevant hereto, Respondent Hyde's address is Boston ICE Enforcement and Removal Operations Field Office, 1000 District Avenue,

Burlington, MA 01803.

17. Respondent the Director of the Vermont Sub-Office of ICE Enforcement and Removal Operations, whose name is currently unknown to the undersigned, is named in his or her official capacity as the Director of the Vermont Sub-Office of the Boston Field Office for

18. Immigration and Customs Enforcement (“ICE”) within the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. At all relevant times, the Director’s address is 64 Gricebrook Road, St. Albans, VT 05478.

19. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. He administers and enforces the immigration laws of the United States, routinely conducts business in the District of Vermont, is legally responsible for pursuing efforts to remove the Petitioner, and as such is the custodian of the Petitioner. At all times relevant hereto, Respondent Lyons’s address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington DC 20536-5900.

20. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the District of Vermont; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. At all times relevant hereto, Respondent Noem’s address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

21. Respondent Pamela Bondi is named in her official capacity as the Attorney General of

the United States. She routinely transacts business in the District of Vermont in this capacity; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(g) (2007); and as such is a custodian of the Petitioner. At all times relevant hereto, Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530- 0001.

JURISDICTION & VENUE

22. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and 28 U.S.C. § 2201 (Declaratory Judgement).

23. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201 and this Court has authority to grant declaratory and injunctive relief. *Id.* § 2201, 22023. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

24. Venue is proper in the District of Vermont under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. At the time this proceeding was initiated, Mr. Lala Inamagua was detained in Vermont. The petitioner has been and is presently being detained in Vermont and a substantial part of the events giving rise to this petition occurred within this district.

FACTS

25. Mr. Lala Inamagua is a citizen of Ecuador. Upon information and belief, he entered the U.S. over two years ago.

26. Upon information and belief, Mr. Lala Inamagua fears persecution if he is removed to Ecuador, and already has, or would like to apply for asylum in the United States.

27. Mr. Lala Inamagua has lived in Cambridge, Vermont, and he is a beloved member of the community there.

28. Upon information and belief, on the morning of November 5, 2025, Mr. Lala Inamagua was violently arrested and detained by CBP at a Maplefields gas station as he and his work crew were on their way to work.

29. Upon information and belief, it was unclear where Mr. Lala Inamagua was held for several days while his family and community waited for him to appear in the ICE Detainee Locator system. To date, he has been in custody for more than two weeks, and his detention location is still not available through the detainee locator. Ex. 1.

30. Currently, Mr. Lala Inamagua, is being detained at the Northwest State Correctional Facility.

31. Upon information and belief, undersigned counsel has serious concerns that Mr. Lala Inamagua does not have adequate access to drinking water at the detention facility.

32. Mr. Lala Inamagua's counsel, has been denied physical access to the client by the Superintendent, jeopardizing his constitutional due process right to counsel.

33. Upon information and belief, Mr. Lala Inamagua has no criminal record, and is not a flight risk, and would be entitled to seek bond.

CLAIM 1

Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution

34. Petitioner realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

35. The Due Process Clause of the United States Constitution 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, 679 (2001).

36. Immigration detention must further the twin goals of ensuring a noncitizen’s appearance during removal proceedings and preventing danger to the community.

37. In light of these goals, Mr. Lala Inamagua’s detention without access to a bond hearing is wholly unjustified. Indeed, it bears no reasonable relation to any legitimate government purpose.

38. Mr. Lala Inamagua is not a flight risk. Upon information and belief, he has legitimate fears of persecution in Ecuador.

39. Mr. Lala Inamagua is not a danger to the community. He is a hard-working individual who was literally working when he was detained by CBP.

40. Because Mr. Lala Inamagua’s detention bears no reasonable relation to a legitimate government purpose, it is punitive.

41. The justification of “preventing flight ... is weak or nonexistent where removal seems a remote possibility at best.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;
- 3) Order NWSCF to ensure IMMEDIATE physical access to counsel;
- 4) Order the immediate release of Petitioner pending these proceedings;
- 5) Order the release of Petitioner;

- 6) Order the Immigration Court to provide Petitioner with a bond hearing;
- 7) Declare that Respondents' actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
- 8) Award reasonable attorneys' fees and costs for this action; and
- 9) Grant such further relief as the Court deems just and proper.

Dated: November 21, 2025

A handwritten signature in cursive script that reads "Kristen J. E. Connors". The signature is written in black ink and is positioned above a horizontal line.

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