

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

KENDER MORILLO LAGUNA

Petitioner,

Case No.: 1:25-cv-18085

v.

JONATHAN FLORENTINO, in his official capacity as ICE Deputy Field Office Director; KRISTI NOEM, in her official capacity as Secretary of Homeland Security, and TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement, Warden of the Delaney Hall Detention Facility, and PAMELA BONDI, in her official capacity as Attorney General of the United States,

**VERIFIED  
PETITION FOR A  
WRIT OF HABEAS CORPUS**

Respondents.

---

**STATUS REPORT**

On December 5<sup>th</sup>, 2025, The Petitioner had a Custody Redetermination Hearing at the Immigration Court in Elizabeth, New Jersey. The Immigration Judge denied a bond, stating that he was a “Flight Risk.” See Ex. B.

In *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624 at \*2 (3d. Cir. Feb 25, 2022), this Court lacks jurisdiction to review any discretionary determinations underlying the immigration judge’s bond decision, but it can review whether the bond hearing was fundamentally unfair. In a fundamentally fair bond hearing, due process has three essential elements. “An alien (1) is entitled to factfinding based on a record produced for the decisionmaker and disclosed to him or her; (2) must be allowed to make arguments on his or her own behalf and (3) has the right to an individualized determination of his [or her] interests.”

In this case, the Petitioner’s bond hearing was fundamentally unfair because there was no individualized determination of his interests. The Immigration Judge stated, incorrectly, that he was a recent arrival to the United States. This is untrue, as he entered the United States in October of 2022, over three years ago. She also stated, incorrectly, that he had no relief from removal. This is also untrue, as he timely filed an affirmative asylum application and was awaiting his asylum interview. She also found him a flight risk even though when he was detained by ICE in November 2025, he was detained during his routine Check-In at the ICE Mt. Laurel Field Office, where he had reported at least four previous times, as a condition of his initial parole. Furthermore, if the Immigration Judge was truly worried that he was a flight risk,

she could have found reasonable alternatives to mitigate that risk, such as setting a higher bond or an ankle monitor. In *Hernandez v. Sessions*, No. 16-56829 (9<sup>th</sup> Cir. 2017), the 9<sup>th</sup> Circuit stated that when making a bond determination, ICE and the Immigration Judge must (1) consider the person's financial ability to pay a bond; (2) not set a higher bond than that needed to ensure the respondent's appearance; and (3) consider whether the respondent may be released on alternative conditions of supervision that are sufficient to mitigate flight risk (either in lieu of a bond or in conjunction with a low bond). While this is not binding outside of the 9<sup>th</sup> circuit, it can serve as persuasive authority in other circuits. Here, even though there was sufficient evidence to prove that he was not a flight risk- including a bond sponsor who makes over \$100,000 a year who was willing to help pay for a higher bond. The Immigration Judge did not even consider this high bond amount or these alternatives to detention.

Finally, this case is factually indistinguishable from another case, *Rivas Rodriguez vs. Rokosky, et. al.*, 25-17419 (CPO) in which this court ordered the Petitioner released in lieu of a bond hearing before the Immigration Court. In *Rivas Rodriguez*, the Petitioner, an alien from Nicaragua, had been paroled from the border in 2021, timely filed an asylum application, and was detained four years later at his asylum interview. In this case, the Petitioner was paroled from the border in 2022. He timely filed an asylum application and had been reporting to ICE as a condition of his parole while he waited for his asylum interview. He was then detained at his ICE reporting appointment in November 2025.

Accordingly, for the reasons stated above, the Petitioner intends to ask this Court to assume jurisdiction over Mr. Morillo Laguna's custody, and order him released or be given another Constitutionally compliant bond hearing before the Immigration Court.

**Dated: December 7<sup>th</sup>, 2025**

/s/Adam Solow

Adam Solow

1601 Walnut St, Suite 1200

Philadelphia, PA 19102

Tel: (215) 330-5244

adam@shglawpa.com

Attorney for the Petitioner