

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NATHANIEL STERLING,	:	Case No.: 3:25cv2122 (KAD)
Petitioner,	:	
	:	
v.	:	
	:	
PAMELA J. BONDI et al.,	:	
Respondents.	:	January 28, 2026

OBJECTION TO MOTION TO AMEND HABEAS PETITION

The respondents respectfully file this objection to the petitioner's January 15, 2026 motion to amend his amended habeas petition (ECF 18). In support of this objection, the respondents state:

1. On December 19, 2025, the petitioner filed the habeas petition in this case, challenging his arrest and detention by ICE. (ECF 1.) On December 24, 2025, the petitioner filed an amended habeas petition. (ECF 12.)

2. On January 9, 2026, the respondents filed their response to the amended habeas petition, which response noted that the petitioner had been provided a bond hearing before an immigration judge; following that hearing, the petitioner was denied release on bond. (ECF 15.)

3. On January 15, 2026, the petitioner filed a motion to amend his habeas petition a second time, seeking to add – among other things – a claim alleging that the bond hearing was constitutionally deficient. (ECF 18.)

4. As the petitioner acknowledges, “[t]he decision whether to grant leave to amend is within the sound discretion of the District Court.” (ECF 18-1, at 4 (citing Foman v. Davis, 371 U.S. 178 (1962).) But contrary to the petitioner's claim, the court

here should exercise the discretion to deny the petitioner leave to amend his habeas petition a second time and should instead proceed to decide the amended habeas petition, which is now fully briefed by the parties.

5. At the outset, the respondents question whether the proposed substantive amendment – raising a challenge to detention in Rhode Island arising out of a bond hearing in immigration proceedings pending in Massachusetts – properly relates back to the filing of the original petition in this case, since it is a new claim that, as the petitioner acknowledges (see ECF 18-1, at 5), raises alleged constitutional violations that occurred after the filing of both the original and amended habeas petitions in this case. As a result, the proposed new claim does not arise out of the petitioner’s December 19, 2025 arrest, which conduct forms the basis for the petitioner’s other claims for relief; rather, the new claim arises out of a different “conduct, transaction, or occurrence” – that of the petitioner’s January 8, 2026 bond hearing. See Fed. R. Civ. P. 15(c)(1)(B). And as the petitioner appears to recognize, absent an amendment that relates back, that claim properly is brought elsewhere (see ECF 18-1, at 6) given the locations of the petitioner’s confinement and immigration proceedings. Cf. Ozturk v. Hyde, 136 F.4th 382, 394 (2d Cir. 2025) (rejecting argument “that jurisdiction within the meaning of the habeas statute is evaluated anew when the petition is amended and may not relate back to the date of the original pleading pursuant to the Federal Rules of Civil Procedure”).

6. In any event, the proposed amendment is futile because the petitioner has not exhausted his administrative remedies with respect to the alleged deficiencies of his bond hearing. The petitioner nowhere disputes that he has the right to appeal the adverse

bond decision. See 8 C.F.R. §§ 236.1(d)(3), 1003.19(f), 1003.38, 1236.1(d)(3).

Nevertheless, at least as of the time when he filed the motion to amend the habeas petition, he had not filed such an appeal. Under similar circumstances, the district court properly has refused to allow amendment of a habeas petition to include a challenge to the immigration bond process when the detainee had not yet exhausted his administrative remedies. See, e.g., Herrera v. Mechkowski, No. 15-CV-07058 (GBD), 2016 WL 595999, at *1 (S.D.N.Y. Feb. 11, 2016) (denying request to amend habeas petition to raise challenge to bond hearing procedures following denial by immigration judge of petitioner's release on bond). That is the correct result here. The petitioner should not be permitted to use his original habeas petition to bring new claims while at the same time making the strategic decision to forego administrative remedies that are available to him to make the very same claims.

7. Finally, with respect to prejudice, in addition to bringing a new claim pertaining to the petitioner's bond hearing and alleging new facts supporting that claim, the proposed second amended habeas petition also takes the opportunity to respond to arguments made in the respondents' January 9, 2026 response to the amended habeas petition.¹ (See ECF 18-2, at ¶¶36-38, 41, 43, 50, 53.) The effect of amending the petition to include those arguments now is to allow the petitioner an additional opportunity to make arguments he otherwise would not have had; specifically, the petitioner has now replied to the respondents' arguments, and following a supplemental

¹The proposed amended petition also makes certain allegations concerning alleged libel on the part of the Department of Homeland Security. (See ECF 18-2, at ¶¶58-61.) Those allegations do not appear to relate to the petitioner's claims for relief.

response from the respondents, the petitioner presumably will reply again. As a result, even if the petitioner were seeking only to amend the petition to add a new claim, amending the petition to add the proposed arguments does unduly prejudice the respondents.

WHEREFORE, the respondents respectfully object to the petitioner's motion to further amend the habeas petition in this case.

Respectfully submitted,

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