

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

_____	)	
Nathaniel Sterling,	)	
	)	
<i>Petitioner,</i>	)	No. 3:25-cv-02122 (KAD)
	)	
v.	)	
	)	
Pamela J. Bondi, Attorney General of the	)	
United States; Kristi Noem, Secretary	)	SECOND AMENDED PETITION
of the Department of Homeland Security;	)	FOR WRIT OF HABEAS
Todd Lyons, Acting Director, Immigration	)	CORPUS
and Customs Enforcement; Floyd	)	
Cleveland, Hartford Field Office Assistant	)	
Director, Immigration and Customs	)	
Enforcement	)	February 10, 2026
	)	
<i>Respondents.</i>	)	
_____	)	

PRELIMINARY STATEMENT

1. Respondents commenced removal proceedings against Petitioner Nathaniel Sterling in 2018. In June 2018, Immigration Judge Michael Straus of the Hartford Immigration Court granted Mr. Sterling's motion for custody redetermination and ordered him released upon \$12,500 bond. Mr. Sterling posted bond and returned to his family. U.S. Immigration and Customs Enforcement (ICE) did not appeal Judge Straus's bond order, and Mr. Sterling has lived at liberty for more than seven years.

2. On December 19, 2025, Mr. Sterling was unlawfully targeted for arrest by ICE in front of the Connecticut Superior Court in Manchester, Connecticut. Respondents did not provide him with notice or an opportunity for a hearing before depriving him of his liberty.

3. Four days after his arrest, Mr. Sterling learned that in October 2022, ICE purports to have notified his bond obligor—but not Mr. Sterling himself—that he failed to attend a September 2022 in-person check-in with ICE, and that on that basis, ICE determined that the bond had been breached. Mr. Sterling does not recall ever being notified of either the check-in meeting or the alleged bond breach.

4. Petitioner’s material circumstances have not changed since he was ordered released on immigration bond in 2018. The United States has not presented evidence that ICE assessed Petitioner’s individual circumstances before re-detaining him.

5. On January 8, 2026, Mr. Sterling appeared for a bond hearing before the Chelmsford Immigration Court. An unofficial transcript of the bond hearing is appended as Exhibit A. The Immigration Judge (“IJ”) found that the government had met its burden of proving by clear and convincing evidence that Mr. Sterling poses a danger to the community and denied him bond. *See* Exhibit A at timestamp 06:32. In making the dangerousness determination, the IJ relied on uncorroborated police reports and inaccurate statements made by counsel for the Department of Homeland Security (“DHS”) during the hearing.

6. The IJ violated Mr. Sterling’s rights under the Due Process Clause of the Fifth Amendment by denying him bond on the basis of inaccurate statements and uncorroborated police reports.

7. ICE’s re-detention of Petitioner without sufficient individualized determination of flight risk or danger to the community, notice, and an opportunity to be heard before an immigration judge deprived Petitioner of liberty without due process, violating procedural guarantees of the Fifth Amendment.

8. ICE also violated the Immigration and Nationality Act (“INA”) by arresting Mr. Sterling at the Connecticut Superior Court and interfered with Connecticut’s administration of justice in violation of the Tenth Amendment.

9. English and American common law has recognized a privilege against civil arrest for individuals going to, attending, and coming from court on official business. This privilege rests on the common-sense principle that the judicial system cannot function when parties and witnesses fear that their appearance in court will be used as a trap against them. Both the U.S. Supreme Court and the Connecticut Supreme Court have affirmed this privilege. When Congress enacted the INA in 1952, it did not supersede any state’s common law privilege against civil arrest when attending to official court business. Instead, the INA implicitly incorporated the privilege so as not to infringe on the sovereignty of the states. Immigration arrests that disrupt state court proceedings therefore violate the INA.

10. Despite the longstanding privilege ensuring the sanctity of courthouses as places where all persons may safely seek justice, under the current Administration, ICE is conducting immigration arrests at state courthouses across the country and in Connecticut. *See* Memorandum from Todd M. Lyons (“Courthouse Arrests Directive”), Acting Director of ICE, dated May 27, 2025 available at <https://www.ice.gov/doclib/foia/policy/11072.4.pdf>.

11. On September 16, 2025, Chief Justice Mullins of the Connecticut Supreme Court issued a Judicial Branch Policy to address the violent and disruptive arrests of immigrants at and near Connecticut courthouses. The policy prohibits the arrest of any person within the public

areas of a courthouse absent a judicial warrant.¹ Within a month, ICE defied the policy and arrested two men inside the parking garage of a Stamford courthouse.²

12. Recognizing the need for further action, in November 2025, the Connecticut General Assembly met in special session and enacted H.B. 8004 to codify and extend the Judicial Branch policy.³ Gov. Lamont signed the bill into law on November 18. *See* Nov. Sp. Sess. Pub. Act. No. 25-3, § 12 (2025).

13. However, in egregious disregard for Connecticut's sovereign interests, ICE continues to target noncitizens in and near courthouses, including Petitioner.⁴ ICE's violations of the Judicial Branch Policy and H.B. 8004 and reckless indifference towards Connecticut's administration of justice interfere with the state's core governmental functions and disregard the system of dual sovereignty. Absent clear congressional authorization, such conduct contravenes the Tenth Amendment to the U.S. Constitution.

PARTIES

14. Petitioner Nathaniel Sterling is a beloved father, son, brother, and member of the Hartford community. He is a citizen of Jamaica. On December 19, 2025, ICE agents arrested him in front of the Connecticut Superior Court in Manchester, Connecticut.

15. Respondent Floyd Cleveland is named in his official capacity as ICE Assistant Field Office Director for the Hartford Sub-Office. He is responsible for the execution of

¹ Conn. Judicial Branch, *Policy Regarding Law Enforcement Activity in Courthouses* (Chief Justice Mullin, Sept. 16, 2025), <https://www.documentcloud.org/documents/26098755-ct-judicial-branch-policy-on-ice-arrests-in-courthouses/>.

² John Craven, *ICE releases new details about Stamford courthouse arrests, but questions remain*, News12 CT (Oct. 29, 2025), <https://connecticut.news12.com/ice-releases-new-details-about-stamford-courthouse-arrests-but-questions>.

³ Paul Hughes, *CT Lawmakers To Vote On Expanding Trust Act With New Immigrant Protections in Special Session*, CT Post (Nov. 12, 2025), <https://www.ctpost.com/connecticut/article/ct-immigrants-trust-act-legislature-vote-session-21161233.php>.

⁴ Sabrina Thaler, *State curbs ICE activity around courts on day of another local arrest*, Yale News (Nov. 17, 2025), <https://yaledailynews.com/blog/2025/11/17/state-curbs-ice-activity-around-courts-on-day-of-another-local-arrest/>.

detention and removal determinations and is a legal custodian of Mr. Sterling. Respondent Cleveland's address is Hartford Sub-Field Office, 450 Main Street, Hartford, CT 06103.

16. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a legal custodian of Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

17. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security. She is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); routinely transacts business in this District; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a legal custodian of Petitioner. 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.

18. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. She routinely transacts business in this District; is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g); and as such is a legal custodian of Petitioner. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION

19. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 2241, and Article I § 9, cl. 2 (the Suspension Clause) and Article III of the U.S. Constitution, and the Fifth and Tenth Amendments of the U.S. Constitution.

20. 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, 2202. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

VENUE

21. Venue is proper in the District of Connecticut under 28 U.S.C. §§ 2241(a), 1391(b)(2), and 1391(e)(1). Petitioner was arrested and detained in this District, and a substantial part of the events giving rise to the claims and relevant facts occurred within this District. Petitioner has been and is presently detained at the discretion of Mr. Cleveland, and the Hartford ICE Field Office is directing his detention.

FACTS AND PROCEEDINGS

22. Petitioner Nathaniel Sterling is a native and citizen of Jamaica who entered the United States lawfully on a tourist visa on September 13, 2015, when he was sixteen years old. He joined his mother and stepfather in Hartford.

23. Mr. Sterling had difficulty adjusting to life in the United States at first. After several contacts with the criminal legal system, none of which resulted in a conviction for a criminal offense, he was adjudicated a youthful offender in 2018.

24. On May 11, 2018, ICE commenced removal proceedings against Mr. Sterling, on the ground that he had overstayed his visa. On June 6, 2018, Immigration Judge Michael Straus found that Mr. Sterling was neither dangerous nor a flight risk and ordered him released upon posting bond of \$12,500. A copy of the 2018 bond order is attached as Exhibit B.

25. Mr. Sterling posted bond with the assistance of the Immigrant Bail Fund, a now-defunct community-based organization that served as obligor, and was released from ICE detention. ICE did not appeal the bond order.

26. Since his release from ICE custody in 2018, Mr. Sterling has lived in Connecticut, graduated from high school and earned a postgraduate diploma, maintained employment, and cared for his two U.S. citizen children. His four-year-old son has been diagnosed with autism and likely Von Willebrand disease, a severe bleeding disorder, and he has sole custody of his six-year-old daughter pursuant to an order of the Family Court.

27. Since removal proceedings were commenced against him, Mr. Sterling has updated his address with ICE and the Hartford Immigration Court.

28. Mr. Sterling's stepfather submitted a Petition for Alien Relative, Form I-130, which U.S. Citizenship and Immigration Services (USCIS) approved in January 2019. Based on this approved petition, Mr. Sterling applied for adjustment of status to that of permanent resident. On December 11, 2020, the Hartford Immigration Court noted the parties' agreement that Mr. Sterling was eligible for adjustment of status, but denied the application as a matter of discretion.

29. Mr. Sterling timely appealed to the Board of Immigration Appeals (BIA) and submitted a brief in support of his appeal in May 2022. In 2024, the BIA transferred his appeal to the inactive docket. In 2025, his case was restored to the active docket, where it remains pending.

30. Separately, Mr. Sterling was the victim of an unprovoked shooting in 2024, suffering near-fatal injuries. Based on his cooperation with law enforcement, the Hartford Police Department certified Mr. Sterling's eligibility for a U visa (victim visa), and on September 23, 2025, Mr. Sterling, through counsel, submitted a complete U visa application to USCIS.

31. At no time between Mr. Sterling's release on bond on June 6, 2018, and his arrest by ICE more than seven years later, on December 19, 2025, did he learn of a change in the conditions or status of his bond.

32. Only after his arrest did Mr. Sterling learn for the first time that ICE purports to have notified his obligor that his bond had been breached.

33. On December 23, 2025, counsel for Respondents in this matter provided Petitioner's counsel with a copy of an I-323, Notice – Immigration Bond Breached. The Notice states that on September 21, 2022, ICE demanded Mr. Sterling's obligor produce Mr. Sterling for an in-person check-in with ICE; that Mr. Sterling failed to appear; and that as a result, on October 5, 2022, ICE determined that his bond had been breached. A copy of the I-323 provided by Respondents' counsel is attached as Exhibit C.

34. Ana Maria Rivera-Forastieri, whose name appears on the I-323 as the addressee, did not receive the I-323.

35. Mr. Sterling did not receive the September 21, 2022 notice that he was required to check in with ICE, nor that ICE determined he had breached the bond on October 5, 2022. Nor did he receive any other notice or communication regarding the required check-in or the alleged bond breach.

36. On January 9, 2026, the government's opposition to the amended petition in this case for the first time asserted that on August 11, 2022, ICE had also "sent a notice by certified mail to the obligor of the petitioner's 2018 delivery bond demanding that the petitioner be delivered or appear at ICE's Hartford office for an interview to take place on September 20, 2022." ECF 15 at 4; *see also* ECF 15-2.

37. The government has not represented that it ever sent notice demanding Mr. Sterling's appearance at ICE's office directly to Mr. Sterling.

38. Neither Ms. Rivera-Forastieri nor Mr. Sterling received the August 11, 2022 notice.

39. Mr. Sterling regularly receives mail at his home without difficulty.

40. Undersigned counsel did not receive either notice of a check-in, and Mr. Sterling's previous counsel Tanya Dorman confirmed via email that she did not either. Neither Mr. Sterling, Ms. Dorman, nor the undersigned are aware of any subsequent notice received relating to the check-in.

41. Respondents have not produced evidence that either the August 11, 2022 or September 20, 2022 demands were mailed to Mr. Sterling or to undersigned counsel, who by then had appeared and submitted briefing in his BIA appeal. Nor have Respondents produced any evidence that an October 5, 2022 notice of breach was mailed to either Mr. Sterling, undersigned counsel, or the obligor.

42. In addition, ICE's own regulations require that a determination that a bond has been breached must be made by the ICE District Director. 8 C.F.R. § 103.6(e). The notice produced by Respondents' counsel and attached as Exhibit C is signed by Karen F. O'Donnell with the title "SDDO." On information and belief, this stands for Supervisory Detention and Deportation Officer. Because the I-323 was not executed by the District Director, it is invalid even under ICE's own regulations.

43. The government's claim that the authority to make such a determination was properly delegated is incorrect and ignores the plain structure of ICE's regulations, which limit the authority to specific officials. The delegation it cites, while vesting authority initially in the "Detention and Removal Program," as the government points out, then specifically delineates certain powers to specific officials. ECF 15 n.1, ECF 15-7 § 2(A). The authority to determine whether a bond has been breached is delegated to higher-ranking officials: the Director of Detention and Removal, the Deputy Assistant Director for the Field Operations Division, Field

Office Directors, Deputy Field Office Directors, and Officers in Charge. ECF 15-7 at §2

(A)(2)(b). The SDDO is not authorized to make such determinations under ICE's own regulations.

44. ICE did not request that the Immigration Court revise or revoke its 2018 bond order.

45. On December 19, 2025, at or around 9:00 or 9:30 a.m., ICE officers unlawfully apprehended Mr. Sterling at the Connecticut Superior Court in Manchester, Connecticut.

46. Mr. Sterling was scheduled to appear for a misdemeanor criminal charge and related traffic infractions. Prosecutors had represented that the charges would be dropped upon presentation of a driver's license. Mr. Sterling obtained a license and was prepared to present it on December 19, 2025.

47. As Mr. Sterling approached the courthouse, approximately eight ICE officers, some of whom were masked, exited their vehicles and forced him to the ground, one officer kneeling on Mr. Sterling's temple. The officers asked Mr. Sterling why he was at the courthouse. Mr. Sterling responded that he was there to address a traffic ticket.

48. ICE's arrest of Mr. Sterling violated H.B. 8004 and state common law.

49. On August 11, 2025, ICE arrested two men inside a Stamford courthouse by following them into a courthouse bathroom. Amidst widespread public outrage, Governor Ned Lamont stated that ICE's actions interfere with the state's law enforcement operations "by instilling fear among residents and interfering in the orderly functioning of our state courts."⁵

⁵ Jim Haddadin & Michayla Savitt, *Connecticut governor says court arrests by ICE 'undermine public safety'*, CT Public Radio (Aug. 19, 2025), <https://www.ctpublic.org/news/investigative/2025-08-19/connecticut-governor-says-court-arrests-by-ice-undermine-public-safety>.

50. Respondents justify these unlawful practices based on the improper and retaliatory motive that jurisdictions like Connecticut decline—lawfully—to expend state resources to carry out federal immigration enforcement functions for which they bear no responsibility. *See* Memorandum from Todd M. Lyons, Acting Director of ICE, dated May 27, 2025, available at <https://www.ice.gov/doclib/foia/policy/11072.4.pdf>, at 1.⁶

51. Approximately two hours after arresting Mr. Sterling, ICE prepared and served an ICE Form I-286, Notice of Custody Determination, stating that it had determined to detain him without bond. ICE gave no reason for this determination. A copy is attached as Exhibit D.

52. The ICE official who signed the Form I-286 indicated that she is an “(a) SDDO.” On information and belief, this refers to an Acting Supervisory Detention and Deportation Officer. ICE regulations, however, do not authorize an SDDO to re-detain a person previously released. 8 CFR § 236.1(c)(9) (authorizing enumerated senior officials to approve re-detention). ICE’s re-detention of Mr. Sterling violates ICE’s own regulations.

53. The government incorrectly asserts, based on an overbroad and erroneous reading of the regulations, that the SDDO was properly authorized to order Mr. Sterling’s re-detention. The government claims that the authority provided “under INA § 236, 8 U.S.C. § 1226, and 8 C.F.R. Part 236, relating to detention of aliens,” was delegated broadly “to the Detention and Removal Program.” ECF 15 n. 2. But as with the authority to determine a breach of bond, the relevant delegation expressly assigns the authority to order detention to specific, enumerated officials: the Director of Detention and Removal, the Deputy Assistant Director for the Field

⁶ In directing federal officials to make arrests in state courthouses, the Courthouse Arrests Directive explains that ICE officers and agents can more safely make arrests in such places because of security screenings performed by state employees. Courthouse Arrests Directive at 1. The Courthouse Arrests Directive contemplates additional expenditure of state time and resources in directing that arrests should “take place in non-public areas of the courthouse ... and utilize the court building’s non-public entrances and exits.” *Id.* at 2.

Operations Division, Field Office Directors, Deputy Field Office Directors, and Officers in Charge. ECF 15-7 § 2(A)(2). An SDDO is not included among those officials. Accordingly, the re-detention order was issued without proper authority.

54. On the afternoon of December 19, 2025, the prosecutor in the Superior Court in Manchester entered a nolle prosequi as to all charges against Mr. Sterling. As a result, Mr. Sterling has no criminal convictions and no pending criminal charges.

55. Mr. Sterling is a party to ongoing Family Court proceedings in Connecticut Superior Court. *See Sterling v. Brown*, No. HHD-FA22-5072836-S (Conn. Super. Ct). In this case, there is a motion to modify support enforcement services dated November 24, 2025 (docket no. 114.00), and a Magistrate Hearing was scheduled for January 9, 2026. Because of his sudden re-detention by ICE, Mr. Sterling was unable to attend the hearing and has not been able to reschedule it.

56. At the time of filing this second amended petition, Petitioner is in ICE custody in Central Falls, Rhode Island. On information and belief, Petitioner was and is detained under Section 236(a) of the INA, 8 U.S.C. § 1226(a).

57. On December 24, 2025, through counsel, Mr. Sterling filed a motion with the Immigration Court via overnight mail for a custody redetermination hearing (bond hearing).

58. Also on December 24, 2025, DHS issued a press release entitled “Making America Safe Again: DHS Arrests 17,500 Criminal Illegal Aliens with Laken Riley Act Crimes.” A copy is attached as Exhibit E. DHS published photographs and some personal details of thirteen of these 17,500 persons, including Mr. Sterling.

59. Below his photograph, the release states: “Nathaniel Antoney Sterling, a criminal illegal alien from Jamaica, convicted of **sexual assault – carnal abuse**. He was also charged

for **resisting an officer, domestic abuse, possession of a weapon, and disorderly conduct.**” Id. (emphasis in original).

60. Contrary to the release, Mr. Sterling is not a “criminal illegal alien,” has not “committed Laken Riley crimes” and has not been “convicted of sexual assault – carnal abuse.” Mr. Sterling has never been convicted of any crime and he has no pending criminal charges.

61. On January 2, 2026, undersigned counsel wrote counsel for the government requesting that DHS immediately retract its false and libelous statements. To date, Respondents have refused to amend or retract their statements about Mr. Sterling, which remain on its website.

Bond Hearing

62. On January 8, 2026, Mr. Sterling appeared for a bond hearing before the Chelmsford Immigration Court. Mr. Sterling, through his attorney, presented substantial evidence in support of his request for release on bond, including evidence that he had no criminal convictions or pending charges.

63. The DHS attorney first asserted that Mr. Sterling had entered the United States without inspection and thus, pursuant to a recent BIA decision and DHS policy, he was ineligible for bond. More than 300 U.S. District Court decisions have rejected this legal position. Ex. A at timestamp 00:33.

64. Counsel for Mr. Sterling immediately stated that the DHS attorney was incorrect because Mr. Sterling had entered and been inspected upon admission. The DHS attorney then withdrew this first argument. Ex. A at timestamp 1:12.

65. Counsel for DHS then informed the IJ that Mr. Sterling had been convicted of a firearms offense and had additional pending criminal charges. Ex. A at timestamp 1:43.

66. Counsel for Mr. Sterling attempted to correct the record, stating that Mr. Sterling had not been convicted of a firearms offense, or any other criminal offense, and that he had no pending criminal charges. Ex. A at timestamp 2:11.

67. Unlike its inaccurate contention that Mr. Sterling was ineligible for bond because he had entered without inspection, a contention which the DHS attorney withdrew when corrected, the DHS attorney did *not* withdraw the false statement on the record that Mr. Sterling was convicted of a firearms offense and faced additional pending charges.

68. DHS also relied on a sixteen-page evidentiary submission to argue that Mr. Sterling is dangerous. Fifteen of the pages submitted by DHS were uncorroborated police reports.

69. The IJ relied on DHS's inaccurate assertions of criminal history and uncorroborated police reports in assessing dangerousness and in determining whether continued detention was warranted.

70. At the conclusion of the hearing, the IJ concluded that DHS had met its burden of showing dangerousness by clear and convincing evidence, "[b]ased on the totality of the record, as well as the department's evidence." Ex. A at 6:32. The IJ subsequently issued a form written order denying bond. The only reason given for the denial of bond was that "[t]he Respondent is a danger to the community." A copy of the IJ's order is attached as Exhibit F.

71. The IJ unconstitutionally erred by concluding on the basis of inaccurate and incomplete evidence and uncorroborated police reports that Mr. Sterling posed a danger to the community.

72. Mr. Sterling separately alleges in this habeas petition that his arrest violated the INA and the Fifth and Tenth Amendments of the Constitution. But for ICE's unlawful conduct in

effectuating Mr. Sterling's arrest, he would not be incarcerated in ICE custody. Mr. Sterling is held in violation of the laws of the United States.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

UNLAWFUL DENIAL OF BOND BASED ON INACCURATE, UNCORROBORATED, AND INCOMPLETE EVIDENCE, IN VIOLATION OF MR. STERLING'S FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

73. Mr. Sterling repeats and incorporates by reference each and every allegation contained in the precedent paragraphs as if fully set forth herein.

74. The Fifth Amendment's Due Process Clause prohibits the Government from continuing to detain a noncitizen absent a bond determination supported by clear and convincing evidence that the individual poses a danger to the community or a preponderance of the evidence that the individual is a flight risk. *See Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021) (in an immigration bond hearing, the government bears the burden of proving dangerousness by clear and convincing evidence and flight risk by preponderance of the evidence); *Brito v. Garland*, 22 F.4th 240, 244 (1st Cir. 2021) (same).

75. District courts have held that reliance on uncorroborated police reports or inaccurate law-enforcement allegations cannot satisfy the government's burden to establish dangerousness by clear and convincing evidence and violates procedural due process. *See Rosa Pineda v. Nessinger*, No. 1:25-CV-522-MSM-AEM, 2025 WL 3267328 (D.R.I. Nov. 24, 2025) (granting habeas relief and ordering release where IJ relied on uncorroborated police report to find dangerousness); *see also Alvarez Puerta v. Nessinger*, No. 1:25-CV-108-JJM-AEM (D.R.I. June 27, 2025) (same); *In re Jose Alejandro Rodriguez Pena*, I. & N. Dec. 358, 359 (BIA 2025) (cautioning that IJs not give substantial weight to arrest or police report absent conviction or corroborating evidence of the allegations contained therein).

76. Reliance on false DHS assertions that materially affect a bond determination violates due process. *See Garcia v. Hyde*, No. 25-cv-585, 2025 WL 3466312 (D.R.I. Dec. 3, 2025) (granting habeas relief and ordering release where IJ relied on inaccurate DHS statement that petitioner was subject to an active warrant in a foreign country to deny bond). In *Garcia*, the court emphasized that immigration judges have an obligation to ensure that bond decisions are based on accurate facts and meaningful review.

77. At Mr. Sterling's bond hearing, the Respondents asserted that Mr. Sterling had a "conviction for a firearm charge" and pending driving offenses and relied on those assertions to argue that he posed a danger to the community. Those assertions were factually incorrect. Mr. Sterling was never convicted of a firearm offense. The DHS attorney did not withdraw her assertion, however.

78. The driving charges, falsely described by the DHS attorney on January 8 as pending, were dismissed on December 19, 2025, the date of his arrest. Mr. Sterling had no pending charges on January 8 and has none today. The DHS attorney, however, did not withdraw her assertion.

79. Even when corrected, DHS declined to withdraw its false statements. As in *Garcia*, Respondents' false assertions regarding a firearm conviction and additional pending charges tainted the bond determination and were accepted by the IJ without sufficient review.

80. The IJ made only vague references to "further law enforcement contacts" in concluding that DHS had met its burden of proving dangerousness by clear and convincing evidence. Ex. A at timestamp 05:57.

81. The IJ treated dismissed charges and lack of conviction as probative of dangerousness, without identifying reliable evidence supporting continued detention.

82. Immigration Judges have a duty to ensure constitutionally adequate bond hearings and due process is not satisfied by “rubberstamp denials” of bonds. *See Garcia v. Hyde*, No. 25-cv-585, 2025 WL 3466312 (D.R.I. Dec. 3, 2025)

83. Because the IJ relied on uncorroborated police reports (15 of 16 pages of evidence submitted by DHS) and materially inaccurate, unwithdrawn information provided by DHS in its oral argument, Mr. Sterling did not receive the fair bond hearing required by the Fifth Amendment. The bond hearing was defective because it was tainted by DHS’s materially inaccurate factual assertions and the Immigration Judge’s reliance on those assertions as well as uncorroborated police reports. Mr. Sterling’s continued detention pursuant to this unlawful bond denial violates his Fifth Amendment Right to procedural due process.

SECOND CLAIM FOR RELIEF

UNLAWFUL ARREST AND DETENTION IN VIOLATION OF MR. STERLING’S FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

84. Mr. Sterling repeats and incorporates by reference each and every allegation contained in the precedent paragraphs as if fully set forth herein.

85. The Fifth Amendment’s protections extend to noncitizens present in the United States. *Mathews v. Diaz*, 426 U.S. 67, 77 (1976).

86. Individuals released from custody have a constitutionally protected interest in their continued liberty. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997) (finding liberty interest for petitioner on pre-parole conditional supervision program when parole was denied and he was ordered back into custody); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973) (same, for individuals released on probation); *Morrissey v. Brewer*, 408 U.S. 471, 482-83 (1972) (“[T]he liberty of a parolee . . . includes many of the core values of unqualified liberty and its termination reflects a ‘grievous loss’ on the parolee and often on others.”).

87. District courts in this and other circuits have held that ICE re-detention of a person previously released by a bond order of an Immigration Judge, without meaningful notice or an opportunity for hearing before re-detention, violates procedural due process. *See, e.g., Rodriguez-Acurio v. Almodovar*, No. 2:25-CV-6065 (NJC), 2025 WL 3314420, at *28 (E.D.N.Y. Nov. 28, 2025) (granting petition and finding a procedural due process violation under *Mathews v. Eldridge*, 424 U.S. 319 (1976), because ICE detained petitioner years after her temporary parole status had expired, without pre-deprivation notice or an opportunity to be heard); *Lopez v. Sessions*, No. 18 CIV. 4189 (RWS), 2018 WL 2932726, at *12 (S.D.N.Y. June 12, 2018) (granting petition because re-arrest of petitioner “without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment”); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 967 (N.D. Cal. Nov. 22, 2019) (permanently enjoining ICE from re-arresting a bonded individual without first holding a hearing in Immigration Court to determine whether the bond should be revoked); *Lesic v. LaRose*, No. 25CV2746-LL-BJW, 2025 WL 3158675, at *3 (S.D. Cal. Nov. 12, 2025) (granting petition and noting that “conclusory” notice, let alone no notice, “does not comport with due process”); *Diallo v. Noem*, No. 1:25-CV-09909-AS, 2025 WL 3718477, at *6 (S.D.N.Y. Dec. 23, 2025) (granting petition because ICE “violated [plaintiff’s] procedural due process rights by detaining her without any notice or the opportunity to be heard”).

88. The Due Process Clause entitles individuals to notice and an opportunity to be heard prior to their loss of liberty. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (applying *Mathews* in the context of civil immigration detentions).

89. At a minimum, in the context of revocation of civil release, “an individual whose release is sought to be revoked is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing.” *Villiers v. Decker*, 31 F.4th 825, 833 (2d Cir. 2022).

90. Because of the liberty interests implicated by re-detention, the Due Process Clause requires an actual exercise of discretion to justify re-detention under 8 U.S.C. § 1226(a). *See, e.g., Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025); *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *12 (S.D.N.Y. Nov. 26, 2025). Respondents’ indiscriminate policy of re-detention under § 1226(a), without regard to individual circumstances, deprives non-citizens like Petitioner of due process under law. *Cf. Garro Pinchi v. Noem*, No. 25-CV-05632-PCP, 2025 WL 3691938 (N.D. Cal. Dec. 19, 2025).

91. Respondents did not provide Mr. Sterling with notice or an opportunity to be heard at a pre-deprivation hearing before it re-detained him on December 19, 2025.

92. Petitioner had no notice of the conditions leading to his breach of bond, namely, a failure to appear at an ICE check-in over three years prior to his re-detention.

93. By failing to make an individualized determination justifying the cancellation of Mr. Sterling’s bond, Respondents did not exercise discretion in re-detaining Mr. Sterling under 8 U.S.C. § 1226(a) and Department of Homeland Security regulations, thereby violating his Fifth Amendment right to procedural due process.

94. By suddenly depriving Mr. Sterling of liberty without notifying him of the bond forfeiture, Respondents violated his Fifth Amendment right to procedural due process. Because Mr. Sterling’s arrest was unlawful under the Fifth Amendment, so, too, is his ongoing detention.

THIRD CLAIM FOR RELIEF

**UNLAWFUL ARREST AND DETENTION IN VIOLATION OF THE IMMIGRATION
AND NATIONALITY ACT**

95. Mr. Sterling repeats and incorporates by reference each and every allegation contained in the precedent paragraphs as if fully set forth herein.

96. Respondents violated the INA by arresting Mr. Sterling when he sought to appear at the Connecticut Superior Court in Manchester.

97. Connecticut and federal common law privileges from arrest individuals at courthouses or parties or witnesses to court proceedings. *Bishop v. Vose*, 27 Conn. 1, 12 (Conn. 1858); *Stewart v. Ramsey*, 242 U.S. 128 (1916); *cf. Ryan v. Ebecke*, 102 Conn. 12 (1925); Christopher N. Lasch, *A Common-Law Privilege to Protect State and Local Courts During the Crimmigration Crisis*, 127 Yale L.J. F. 410 (2017).

98. To the extent this Court concludes that Connecticut common law does not plainly privilege from arrest individuals at courthouses or parties or witnesses to court proceedings, then it should certify a question to the Connecticut Supreme Court to clarify the scope of the privilege. *See* Conn. Gen. Stat. § 51-199b(d) (“The Supreme Court may answer a question of law certified to it by a court of the United States . . .”); *Holjes v. Lincoln National Life Ins. Co.*, 766 F.Supp.3d 354 (D.Conn. 2025) (“Under Connecticut law, this Court may certify a question to the Connecticut Supreme Court” where requirements of § 51-199b are satisfied).

99. The INA authorizes ICE officers to perform arrests with and without a warrant, but neither of the INA’s two civil arrest provisions—Sections 236 and 287—make any mention of courthouses. *See* 8 U.S.C. §§ 1226(a) and 1357(a). Lacking any indication of a clear and manifest purpose, the INA incorporates the common law privilege, rather than abrogating it. *See United States v. New York*, No. 1:25-CV-744 (MAD/PJE), 2025 WL 3205011, at *10-11

(N.D.N.Y. Nov. 17, 2025); *Doe v. U.S. Immigration & Customs Enforcement*, 490 F.Supp.3d 672, 692 (S.D.N.Y. 2020); *State v. U.S. Immigration and Customs Enforcement*, 431 F.Supp.3d 377, 392 (S.D.N.Y. 2019); *New York v. U.S. Immigration and Customs Enforcement*, 466 F.Supp.3d 439, 446–7 (S.D.N.Y. 2020), *vacated as moot*, 2023 WL 2333979 (2d Cir. 2023).

100. Because Mr. Sterling’s arrest was unlawful under the common law, H.B. 8004, and the INA, so, too, is his ongoing detention.

FOURTH CLAIM FOR RELIEF

UNLAWFUL ARREST AND DETENTION IN VIOLATION OF THE TENTH AMENDMENT

101. Petitioner repeats and incorporates by reference each and every allegation contained in the precedent paragraphs as if fully set forth herein.

102. Respondents interfered with core functions of the state government of Connecticut when they arrested Mr. Sterling in or near Manchester Superior Court. On information and belief, Respondents interfered with the state of Connecticut’s administration of justice in Mr. Sterling’s criminal case. Mr. Sterling also has a hearing scheduled in his family law case on January 9, 2026.

103. The Courthouse Arrests Directive systematically interferes with the state’s administration of justice, which is a core governmental function.

104. Connecticut’s Governor, Judicial Branch, and General Assembly have all expressed deep concern over the effect of Respondents’ actions on Connecticut’s essential law enforcement activities, going so far as to codify the common law prohibition on ICE arrests at state courthouses. Nevertheless, Respondents have displayed no deference whatsoever to these sovereign concerns.

105. Respondents' flagrant interference with Connecticut's administration of justice lacks clear congressional authorization. Accordingly, Respondents' arrest of Mr. Sterling violated the Tenth Amendment.

106. The Courthouse Arrests Directive impermissibly commandeers the state's resources to carry out a federal regulatory program of immigration enforcement in violation of the Tenth Amendment. *Cf. United States v. New York*, No. 1:25-CV-744 (MAD/PJE), 2025 WL 3205011, at *19 (N.D.N.Y. Nov. 17, 2025).

107. The Courthouse Arrests Directive, including Mr. Sterling's arrest, takes advantage of local resources, including those committed to courthouse security, records and website maintenance, and facilities maintenance. On information and belief, the Courthouse Arrests Directive requires—and Mr. Sterling's arrest required—state employees to expend state time and resources in these areas.

108. Because Mr. Sterling's arrest was unlawful under the Tenth Amendment, so, too, is his ongoing detention.

FIFTH CLAIM FOR RELIEF

RELEASE PENDING ADJUDICATION

109. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

110. Pursuant to *Mapp v. Reno*, this Court has the "inherent authority" to set bail pending the adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make the grant of bail necessary to make the habeas remedy effective." 241 F.3d 221, 226 (2d Cir. 2001).

111. Petitioner presents substantial claims and the extraordinary circumstances of his arrest while attending court and despite a prior bond order issued by Immigration Judge Straus

that ICE neither appealed nor moved to modify or cancel, and the acute medical needs of his two young U.S. citizen children, warrants bail.

112. Petitioner requests immediate release pending adjudication of the instant petition.

PRAYER FOR RELIEF

WHEREFORE, Mr. Sterling respectfully asks that this Court grant the following relief:

1. Declare that ICE's arrest, transportation, and detention of Mr. Sterling is in violation of the Immigration and Nationality Act, Mr. Sterling's Fifth Amendment rights, and the Tenth Amendment of the United States Constitution;
2. In the alternative, certify a question to the Connecticut Supreme Court to clarify the scope of the common law privilege against arrest of parties and witnesses to court proceedings, *see* Conn. Gen. Stat. § 51-199b;
3. Order Petitioner's immediate release pending adjudication of this Petition; or in the alternative, order Respondents to grant Petitioner's request for and provide a constitutionally adequate bond redetermination hearing before an immigration judge within seven days;
4. Enjoin Respondents from removing Petitioner pending adjudication of this Petition;
5. Order Respondents to pay Petitioner's attorneys' fees and costs; and
6. Grant such other and further relief as this Court deems just and proper.

February 10, 2026

Respectfully submitted,

/s/ Madelyn Finucane

Sofia Aslan, Law Student Intern*

Henry Garcia, Law Student Intern*

Jonah Hirsch, Law Student Intern*

Kosar Kosar, Law Student Intern*
Jonathan Oates, Law Student Intern*
Mira Ortegon, Law Student Intern*
Madelyn Finucane, Esq. ct31861
Michael J. Wishnie, Esq. ct27221
Jerome N. Frank Legal Services Organization
P.O. Box 209090
New Haven, CT 06520
Phone: (203) 432-4800
madelyn.finucane@ylsclinics.org
michael.wishnie@ylsclinics.org
Counsel for Petitioner

*Motion for law student appearance forthcoming.