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**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

**Dilson Joel Graterol Ruiz**

Petitioner,

-against-

**Donald J. Trump**, in his official capacity as President of the United States; **Patricia Hyde**, in her official capacity as Acting Boston Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations; **David W. Johnston**, 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; **Pete R. Flores**, in his official capacity as Acting Commissioner for U.S. Customs and Border Protections; **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; **Pamela Bondi**, in her official capacity as U.S. Attorney General; and **Greg Hale**, Superintendent, Northwest State Correctional Facility.

Respondents.

Case No.: 2:26-cv-00012  
District Judge:

**PETITION FOR WRIT  
OF HABEAS CORPUS**

**ORAL ARGUMENT  
REQUESTED**

**PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**

## INTRODUCTION

1. This Petition for a Writ of Habeas Corpus is respectfully submitted on behalf of Dilson Joel Graterol Ruiz (“Mr. Graterol Ruiz” or “Petitioner”). Mr. Graterol Ruiz is a Venezuelan national who left his country to join his family already in the United States in 2024, during the parole program for Cubans, Haitians, Nicaraguans, and Venezuelans (“CHNV”).
2. While en route from Venezuela to the United States, Mr. Graterol Ruiz was the victim of a violent crime in Mexico. Specifically, he was pushed out of the fourth-floor window of a building, leaving him in a coma for four days and with grievous injuries that he continues to suffer from today. After a brief recovery period, he was able to enter the United States through humanitarian parole on or around May 2, 2024.
3. Mr. Graterol Ruiz then travelled to Massachusetts to join his family, and until his recent detention by Immigration and Customs Enforcement (“ICE”), had lived there continuously. He obtained Employment Authorization Documents as well as a Social Security Number through his status granted by the CHNV program and worked as a barber – a skill that he has continued to utilize while in detention.
4. While in Massachusetts, Mr. Graterol Ruiz began ongoing medical care at Boston Medical Center for his injuries in July of 2024. He underwent back surgery, as well as an invasive surgery wherein screws were temporarily inserted into the bone of his lower leg. Upon removal of said screws, Boston Medical noted that a bacterial infection had formed in the bone. *See* Exh. 1 (Current Health Issues). Boston Medical immediately scheduled Mr. Graterol Ruiz for four follow-up operations. He was told that without completing these four operations or any other prescribed treatment, he would be facing amputation of his lower leg.

5. Mr. Graterol Ruiz has been attending his medical appointments and has completed three of the four necessary operations. He has a scheduled appointment on February 19, 2026 to conduct labs and tests in anticipation of scheduling his final operation. *See* Exh. 2 (Appointment Details – February 19, 2026). His recent detention by ICE has, however, caused him to miss one critical pre-surgery appointment that had been scheduled for January 21, 2026. *See* Exh. 3 (Missed Appointment, January 21, 2026)
6. Mr. Graterol Ruiz has been taking prescribed antibiotics since August of 2024. *See in general* Exh. 4 (Current Medication Chart). He takes this medication daily and will be required to take it for the rest of his life. His doctors have told him that if he goes without these antibiotics for 72 hours, the bacteria in his body will reproduce and enter his bloodstream, leading to Sepsis and possibly death.
7. Mr. Graterol Ruiz’s parole was revoked in May of 2025 when the Government revoked the CHNV program. He has since been diligently working to prepare his Form I-589, Application for Asylum and Withholding of Removal, prior to the upcoming one-year filing deadline in May of 2026. He has not yet been able to complete and file the application.
8. Mr. Graterol Ruiz was detained in Boston by Immigration and Customs Enforcement (“ICE”) on or around January 14, 2026. Mr. Graterol Ruiz has been detained at the Northwest State Correctional Facility (“NWSCF”) here in Vermont, and has been assigned a hearing in immigration court, currently set for October 13, 2026.
9. Although Mr. Graterol Ruiz had been charged with a crime in 2025, he was acquitted in September of that same year. Mr. Graterol Ruiz has therefore never been convicted of any crime, rendering his sudden arrest and subsequent detention as having occurred without

any legitimate or material change in circumstances that might rationally justify his loss of personal liberty.

10. For his first day in ICE custody, Mr. Graterol Ruiz was denied his antibiotic medication because ICE withheld it from him. After repeated requests, the infirmary staff at NWSCF contacted Boston Medical, who verified Mr. Graterol Ruiz's urgent need for daily antibiotics. Only then was NWSCF able to obtain and provide his medication. Mr. Graterol Ruiz would likely be irreparably harmed if transferred outside the District of Vermont where he may suffer another, potentially longer lapse in the provision of his prescribed antibiotics.
11. Mr. Graterol Ruiz complains of substantial pain due to his injuries and the ongoing infection in his leg. He has requested additional pillows to alleviate this pain when he sleeps, though has been denied this request. Mr. Graterol Ruiz has been unable to properly sleep since his detention as a result.
12. By subjecting Mr. Graterol Ruiz to conditions of confinement that amount to punishment and failing to ensure his safety and health by obstructing urgent medical appointments and medications, Respondents have violated his Fifth Amendment substantive due process rights.
13. Furthermore, the Department of Homeland Security ("the Department" or "DHS"), through the Board of Immigration Appeals ("the Board" or "BIA"), has abruptly and unlawfully reversed decades of settled statutory interpretation and immigration practice in order to deny immigration bond hearings to potentially millions of people nationwide situated like Mr. Graterol Ruiz.

14. The Board's recent decision in *Matter of Yajure Hurtado* posits a novel re-interpretation of the statutory framework of the Immigration and Nationality Act ("INA"), which strips immigration courts of the jurisdictional authority to hear custody redetermination for detained noncitizens who entered the United States without inspection. As a result, any individualized review of Mr. Graterol Ruiz's custody has become unobtainable through the typical administrative channels.
15. This matter thus arises from the both the Government's failure to articulate a clear or lawful basis for Mr. Graterol Ruiz's detention, sans determination by either the Department or any court relative to perceived danger to the community or flight risk that he might otherwise present, as well as their imposition of conditions of confinement that amount to punishment through their failure to ensure his health and safety. Mr. Graterol Ruiz's detention without a bond hearing is unlawful, a violation of the pertinent statutory regulations, and a violation of his right to due process under the Fifth Amendment to the United States Constitution. ICE cannot or will not facilitate his appearance at necessary medical appointments, thereby putting Mr. Graterol Ruiz at imminent risk of requiring the amputation of his lower leg.
16. Mr. Graterol Ruiz now files this petition for writ of habeas corpus under 28 U.S.C. § 2241 and seeks *immediate* release to receive necessary and urgent treatment. Mr. Graterol Ruiz also seeks a court order that he not be transferred outside the District of Vermont throughout the pendency of these proceedings.

#### **JURISDICTION**

17. Petitioner incorporates the preceding paragraphs as if fully set forth herein.
18. Petitioner is in the physical custody of Respondents and is detained at the Northwest State Correctional Facility in Swanton, Vermont.

19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
20. Habeas relief is available when a person is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Any vindication of Mr. Graterol Ruiz’s statutory, constitutional, or regulatory rights can and must come from this Court through writ of habeas corpus.
21. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

#### **VENUE**

12. Petitioner incorporates the preceding paragraphs as if fully set forth herein.
13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Vermont, the judicial district in which Petitioner currently is detained.
14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e), because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Vermont.

#### **REQUIREMENTS OF 28 U.S.C. § 2243**

15. Petitioner incorporates the preceding paragraphs as if fully set forth herein.
16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an

order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

17. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### **PARTIES**

18. Petitioner incorporates the preceding paragraphs as if fully set forth herein.
19. Mr. Graterol Ruiz is a Venezuelan national, a resident of Boston, Massachusetts, and is currently detained in Vermont. He is in custody and under the direct control of Respondents and their agents.
20. Respondent Donald J. Trump is named in his official capacity as the President of the United States. In this capacity, he is responsible for the policies and actions of the executive branch, including the Department of Homeland Security. Respondent Trump’s address is the White House, 1600 Pennsylvania Ave. NW, Washington D.C. 20500.
21. Respondent Patricia Hyde is sued in her official capacity as the Acting Director of the Boston Field Office of U.S. Immigration and Customs Enforcement within the United States Department of Homeland Security. Respondent Hyde is a legal custodian of Petitioner and has the Authority to release him.

22. Respondent David W. Johnston is named in his official capacity as the Director of the Vermont Sub-Office of the Boston Field Office for Immigration and Customs Enforcement within the United States Department of Homeland Security. In his capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations within the District of Vermont and is a custodian of Petitioner. Respondent Johnston's address is 64 Gricebrook Road, St. Albans, VT 05478.
23. 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 Petitioner, and as such is the custodian of Petitioner. Respondent Lyon's address is ICE, Office of the Principal Legal Advisor, 500 12<sup>th</sup> St. SW, Mail Stop 5900, Washington D.C. 20536-5900.
24. Respondent Pete R. Flores is named in his official capacity as the acting commissioner of Customs and Border Protection ("CBP"). In this capacity, Respondent Flores leads CBP employees who are responsible for the administration of immigration laws and the execution of detention and removal determinations within its area of authority. Respondent Flores' address is 1300 Pennsylvania Ave. NW, Washington D.C. 20229.
21. Respondent Kristi Noem is named in her official capacity as the Secretary of the Department of Homeland Security. 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 ("ICE") the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of

Petitioner. Respondent Noem's address is 2801 Nebraska Avenue N.W., Washington, DC 20528.

22. Respondent Marco Rubio is named in his official capacity as the Secretary of State of the U.S. Department of State. Respondent Rubio's address is 2201 C Street N.W., Washington, D.C. 20451.

22. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner and her address is 950 Pennsylvania Avenue N.W., Washington, DC 20530.

25. Respondent Greg Hale is named in his official capacity as the Superintendent of Northwest State Correctional Facility in Swanton, Vermont, and is therefore the immediate custodian of Petitioner. Respondent Hale's address is 3649 Lower Newton Road, Swanton, Vermont 05481.

#### **STATEMENT OF FACTS**

26. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

27. Mr. Graterol Ruiz intends to file for asylum and other forms of relief to enable him to remain in the United States and seek lawful permanent residence.

28. Mr. Graterol Ruiz's pre-operative and surgical appointments at Boston Medical are necessary to avoid amputation of his lower leg. ICE has already denied him the ability to

attend a critical pre-operative appointment on January 21, 2026. On best information and belief, ICE will again deny Mr. Graterol Ruiz the ability to attend his next appointment on February 19, 2026. If unable to attend his appointments in a timely manner, Mr. Graterol Ruiz will require amputation of his lower leg.

29. Transferring Mr. Graterol Ruiz outside of the District of Vermont puts him at risk of deadly harm should the provision of his antibiotics be delayed or outright denied by ICE. Mr. Graterol Ruiz could develop Sepsis in as little as 72 hours without his medication.
30. Mr. Graterol Ruiz's arrest and subsequent detention by ICE occurred without any legitimate or material change in circumstances that might rationally justify his loss of personal liberty.
31. Mr. Graterol Ruiz cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(1), including because Petitioner does not meet the criteria for Expedited Removal. *See Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at \*23 (D.D.C. Aug. 29, 2025).
32. Mr. Graterol Ruiz 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, Petitioner is not currently "seeking admission" to the United States. This Court has found that "seeking admission" applies to "those noncitizens presenting themselves at the border, or who were recently apprehended just after entering." *Piedrahita-Sanchez v. Turek*, No. 2:25-cv-00875-wks, at \*9 (D. Vt. Nov. 14, 2025) (citing *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at \*21 (S.D.N.Y. Aug. 13, 2025); *Gonzalez Lopez v. Trump*, No. 2:25-cv-863, at \*6-7 (D. Vt. Nov. 11, 2025) ("the phrase "seeking

admission” refers to the present attempt to lawfully “go in” to the United States.”); *see also Reynoso De Luis v. Trump*, No. 2:25-cv-921 (D. Vt. Dec. 30, 2025).

33. Mr. Graterol Ruiz is not lawfully subject to mandatory detention under 8 U.S.C. § 1226(c), including because he 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).
34. Accordingly, Petitioner is subject to detention, if at all, under 8 U.S.C. § 1226(a).
35. Mr. Graterol Ruiz is *prima facie* eligible for a grant of release, as he has never been convicted of any crime and maintains strong community ties in Massachusetts, where he has continuously resided since 2024.
36. As a person detained under 8 U.S.C. § 1226(a), Petitioner must, upon their 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).
37. Mr. Graterol Ruiz’s detention has already caused him to miss one urgent and necessary pre-operative appointment at Boston Medical, and his continued detention will presumably lead him to miss the next, scheduled for February 19, 2026. This lack of care will lead to permanent injury, including the amputation of his lower leg. Mr. Graterol Ruiz is suffering from debilitating symptoms, including pain and lack of sleep. These symptoms are increasing with severity over time and will cause irreparable harm if left untreated. He is also at high risk for infection, in not already infected, and must take his prescribed antibiotics to prevent this risk.

38. Mr. Graterol Ruiz requests immediate release to pursue his urgent and necessary medical care. Should this Court find such relief to be inappropriate, Mr. Graterol Ruiz would alternatively request a federal bond hearing, or, in the alternative, a promptly held bond hearing in immigration court under the discretionary framework of Section 1226(a).

### **LEGAL FRAMEWORK**

39. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

40. Based solely on the allegation that Mr. Graterol Ruiz entered the United States without being inspected and admitted, the Department denies him individualized review of his immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all ICE employees to consider anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) – i.e., those who entered the United States without admission or inspection – to be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

41. Echoing the aforementioned sentiment, on September 5, 2025, the Board of Immigration Appeals issued a precedential decision, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). This decision requires the Immigration Court to deny a bond hearing to all persons such as Petitioner.

42. The responsible administrative agency has therefore predetermined that Petitioner will be denied a bond hearing.

43. Petitioner's detention on this basis violates the plain language of the INA. Section 1225(b)(2)(A) does not apply to individuals, like Petitioner, who previously entered and are now residing within the United States. Instead, such individuals are subject to a

different statute, § 1226(a), which allows for the discretionary release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

44. Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This Court has held that Section 1226(a), rather than Section 1225(b)(2), governs the civil detention of a noncitizen, who has resided in the United States for years. *Piedrahita-Sanchez v. Turek*, No. 2:25-cv-00875-wks, at \*9 (D. Vt. Nov. 14, 2025) (citing *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at \*21 (S.D.N.Y. Aug. 13, 2025); *Gonzalez Lopez v. Trump*, No. 2:25-cv-863, at \*6-7 (D. Vt. Nov. 11, 2025) (“the phrase “seeking admission” refers to the present attempt to lawfully “go in” to the United States.”); *see also Reynoso De Luis v. Trump*, No. 2:25-cv-921 (D. Vt. Dec. 30, 2025).
45. Petitioner is being irreparably harmed by his ongoing detention. He faces the potential amputation of his lower leg if unable to attend the pre-operative and surgical appointments at Boston Medical, that ICE has already and will presumably continue to deny him access to.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

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

46. Petitioner incorporates the preceding paragraphs as if fully set forth herein.
47. “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).

48. This fundamental principle of our free society is enshrined in the Fifth Amendment’s Due Process Clause, which specifically forbids the Government to “deprive[] any person ... of ... liberty ... without due process of law.” U.S. Const. Amend. V.
49. “Freedom from imprisonment – from Government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process Clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
50. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693; *see Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (“[Noncitizens] who have once passed through our gates, even illegally, may be expelled only after proceedings confirming 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”).
51. “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.
52. 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).

53. Mr. Graterol Ruiz was arrested inside the United States, after living here for years, and is being detained without being provided any individualized detention hearing.

54. Mr. Graterol Ruiz's continued detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

**COUNT TWO**  
**Violation of 8 U.S.C. § 1226(a) and Associated Regulations.**

55. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

56. Mr. Graterol Ruiz may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

57. Under § 1226(a) and its associated regulations, Mr. Graterol Ruiz is entitled to a bond hearing. *See* 8 C.F.R. § 236.1(d); 8 C.F.R. § 1003.19(a)-(f).

58. Mr. Graterol Ruiz has not been provided with a bond hearing as required by law.

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

59. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

60. Because Mr. Graterol Ruiz 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 he receives a bond hearing with strong procedural protections. *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (“the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property”);

61. Mr. Graterol Ruiz has not been provided with a bond hearing as required by law and will be unable to obtain one due to the Board's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

62. Mr. Graterol Ruiz's continued detention, sans opportunity for individualized review, is unlawful and violative of his constitutionally protected rights.

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

63. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

64. Because Mr. Graterol Ruiz is not being provided 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 v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring).

65. Mr. Graterol Ruiz's detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

**COUNT FIVE**  
**Violation of Fifth Amendment Right to Due Process**  
**(Unlawful Punishment; Freedom From Cruel Treatment and Conditions of Confinement)**

66. Petitioner incorporates the preceding paragraphs as if fully set forth herein.

67. The Second Circuit has held that "[p]retrial detention constitutes punishment in violation of the Fifth Amendment's Due Process Clause when it is excessive in relation to non-

punitive purposes of detention, such as preventing danger to the community or ensuring a defendant's presence at trial." *United States v. Hill*, 462 Fed. Appx. 125, 126 (2nd Cir. 2012) (internal quotations and citations omitted). "For such continued pretrial detention not to offend due process, however, trial must be afforded [Petitioner] within a reasonable time." *Id.* at 127. Where the Government cannot or will not justify civil detention pursuant to legitimate governmental interests, as is the case in the instant matter, such detention is inherently arbitrary and excessive in relation to legitimate and non-punitive purposes of detention. The conditions of Mr. Graterol Ruiz's detention are therefore punitive.

68. "[I]f pretrial detainees cannot be punished because they have not yet been convicted, then [civil detainees] cannot be subjected to conditions of confinement substantially worse than they would face upon commitment." *Lynch v. Baxley*, 744 F.2d 1452, 1461 (11th Cir. 1984)). "Or, to put it more colorfully, purgatory cannot be worse than hell." *Jones v. Blanas*, 393 F.3d 918, 933 (9th Cir. 2004).
69. The Fifth Amendment guarantees that civil detainees, including all immigrant detainees, may not be subject to punishment. The Government violates this substantive due process right when it subjects civil detainees to treatment and conditions of confinement that amount to punishment or does not ensure the detainees' safety and health.
70. Respondents have violated Petitioner's Fifth Amendment substantive due process rights by subjecting him to conditions of confinement that amount to punishment.

**PRAYER FOR RELIEF**

WHEREFORE, Mr. Graterol Ruiz respectfully requests that this Court grant the following:

- (1) Assume jurisdiction over this matter;

- (2) Order that Petitioner shall not be transferred outside the District of Vermont pending resolution of this Petition.
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately on conditions this Court deems just and proper, or in the alternative to exercise its inherent authority to hold its own bail hearing on the question of custody, or in the alternative to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. 2412, and on any other basis justified under law; and
- (6) Grant any further relief that this Court deems just and proper.

Respectfully submitted on this 25<sup>th</sup> day of January, 2026.

/s/ Andrew Pelcher  
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