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**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

Heylin Julesmy Cabrera-Lopez

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; **Pamela Bondi**, in her official capacity as U.S. Attorney General; and **Carolyn Riley**, Superintendent, Chittenden Regional Correctional Facility

Respondents.

Case No.: 2:26-cv-00017

District Judge:

SUPPLEMENTAL BRIEF

IN SUPPORT OF HABEAS PETITION

PETITIONER'S SUPPLEMENTAL BRIEF IN SUPPORT OF HABEAS PETITION

INTRODUCTION

This is a supplemental brief in support of the habeas petition already filed on behalf of Petitioner, HEYLIN JULESMY CABRERA-LOPEZ. Respondents are detaining Petitioner pending removal proceedings at the Chelmsford, Massachusetts Immigration Court. Petitioner seeks a bail hearing to be scheduled before this court, or alternatively a finding that Petitioner is eligible for a bond hearing in the immigration court. Petitioner's detention in the Chittenden Regional Correctional Facility is unlawful because the Government has not asserted a lawful basis for her continued detention. She is eligible for bail before this Court or a bond hearing in the Immigration Court because she is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225 as Respondents contend. Petitioner should be granted bail by this Court, if this court conducts a bail hearing, because Petitioner is not a danger to the community nor a flight risk. As such, Petitioner seeks immediate release from detention, this Court's exercise of its inherent authority to hold its own bail hearing on the question of custody, or, in the alternative, a judicial order for a custody redetermination hearing at the immigration court.

STATEMENT OF FACTS

1. Petitioner, HEYLIN JULESMY CABRERA-LOPEZ, is a 22-year-old Nicaraguan asylum seeker who has resided in the U.S. since she entered the country on July 3, 2022.
2. Petitioner entered the United States without inspection but presented herself to Customs and Border Patrol (CBP) immediately upon arrival. *See* Petitioner's Affidavit, Ex. 1. She was briefly taken into custody and paroled into the interior of the country on July 25, 2022 under 8 U.S.C. § 1182(d)(5)(A) (humanitarian parole). *See* Interim Notice Authorizing Parole, Ex. 2.

indicates that Petitioner was detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225, because it cites the authority to detain or release Ms. Cabrera-Lopez under INA § 236. *See* Notice of Custody Determination from 2022, Ex. 3.

3. On September 25, 2024, Petitioner submitted an application for asylum at the Chelmsford Immigration Court. *See* Petitioner's I-589 Application with Attached Affidavit, Ex. 4. Petitioner's asylum application was filed more than a year after her entry because Petitioner was given incorrect advice that she could not apply for asylum until she had her first immigration court hearing. She was also not aware of the one-year filing deadline and filed as soon as possible under the circumstances. *See* Petitioner's Affidavit, Ex. 1.
4. Ms. Cabrera-Lopez attended immigration court hearings on January 15, 2025 and July 2, 2025, making every effort to fulfill her immigration obligations.¹ Prior to being detained on January 20, 2026, Petitioner was waiting for her merits hearing date to be scheduled at the immigration court. Petitioner also attended a master calendar hearing on February 5, 2026 while in detention.
5. ICE detained Petitioner on January 20, 2026 in South Portland, Maine. Petitioner was driving to work when she was pulled over by masked ICE agents who told Ms. Cabrera-Lopez that she needed to exit her vehicle. Petitioner complied with this directive and was immediately taken into custody by the agents who handcuffed her and placed her in their vehicle without showing Petitioner a warrant. The agents told Ms. Cabrera-Lopez that she did not have any upcoming hearings, which Petitioner contradicted, stating that her proceedings were ongoing. *See* Petitioner's Affidavit at ¶¶ 11-12, Ex. 1.

¹ Though Petitioner missed her first hearing on June 8, 2023, Petitioner's case was reopened on February 5, 2024 after she submitted evidence of exceptional circumstances in a pro se Motion to Reopen. *See* Order to Reopen, Ex. 5.

6. At some point after her arrest, Petitioner was transported to the Burlington, Massachusetts ICE Field Office.
7. On January 26, 2026, the Immigrant Legal Advocacy Project (ILAP) of Maine, reached out to undersigned counsel to ask if counsel could represent Petitioner with respect to a habeas complaint and a request for a bond hearing in Immigration Court. Counsel filed a habeas complaint with the Massachusetts District Court on January 26, 2026. The same day, Judge Sorokin issued a no transfer order and order for Respondents' response to the habeas petition by January 28, 2026. *See* Order Concerning Service of Petition and Stay of Transfer or Removal, Ex. 8.
8. On January 28, 2026 undersigned counsel learned through Respondents' counsel that Petitioner had been transferred to the Chittenden Regional Corrections Facility before the habeas complaint was filed with the Massachusetts District Court. That court then venued the matter to this Court, with docket number 2:26-cv-00017. Simultaneously, due to undersigned counsel's error, local counsel (who sponsored undersigned counsel's pro hac vice appearance) filed a new case, which was assigned docket number 2:26-cv-00018. This Court then consolidated the cases.
9. Petitioner has a limited record of law enforcement interactions, consisting of three charges over two dates. In 2024, Petitioner received two misdemeanor charges, one for driving without a license and one for driving under the influence of alcohol. Petitioner took full responsibility for her actions by appearing in court and paying the resulting fine. *See* Petitioner's Affidavit, Ex. 1; Affidavit of Danna Lopez-Flores, Ex. 7. Petitioner's only other offense is another misdemeanor for driving without a license in 2025. *See* Complaints and Summons, Ex. 21.

10. Counsel for Petitioner submitted a request for a bond redetermination hearing with the Chelmsford Immigration Court on January 26, 2026. The Court scheduled her for a hearing on February 12, 2026. At that point, Petitioner will have been in Respondents' custody for roughly 22 days. It is likely that, absent an order from this Court, the Immigration Judge will find she lacks jurisdiction to make a bond determination because of Petitioner's manner of entry.
11. Thus, Ms. Cabrera-Lopez's petition for writ of habeas corpus under 28 U.S.C. § 2241 seeks a declaration of her bond eligibility and immediate release from detention on federal bail or a custody redetermination hearing in immigration court.

ARGUMENTS

I. Petitioner is unlawfully detained because there was no individualized determination to provide a basis for her detention.

As stated above, Ms. Cabrera-Lopez was paroled into the United States under 8 U.S.C. § 1182(d)(5)(A) ("humanitarian parole") in July 2022 upon her entry. Ms. Cabrera-Lopez's arrest and subsequent detention by ICE on January 20, 2026 occurred without any legitimate or material change in her circumstances that might rationally justify her loss of personal liberty while her asylum claim remains pending. Though the Government has provided an administrative warrant dated January 20, 2026 for Ms. Cabrera-Lopez's arrest, this vague, catch-all warrant does not actually create a lawful foundation for the mandatory detention of Petitioner. The warrant called for Petitioner's arrest due to "the pendency of ongoing removal proceedings against the subject" and a belief that "the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law." *See* ICE Arrest Warrant, Ex. 6. However, 8 C.F.R. § 236.1(d) states, "After an initial custody determination by the district director, including the setting of a bond, the respondent may, at any time before an order under 8

CFR part 240 becomes final, request amelioration of the conditions under which he or she may be released” (emphasis added). This regulation implies an affirmative right for detained non-citizens to question the basis of their detention and request release, and the Government has not provided evidence that Petitioner is not entitled to such process.

Furthermore, 8 U.S.C. § 1357 requires that an alien arrested without a warrant “shall be taken without unnecessary delay . . . before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States.” 8 U.S.C. § 1357(a)(2). Accordingly, “a determination will be made within 48 hours of the arrest, except in the event of an emergency or other extraordinary circumstance in which case a determination will be made within an additional reasonable period of time, whether the alien will be continued in custody or released on bond or recognizance and whether a notice to appear and warrant of arrest as prescribed in 8 CFR parts 236 and 239 will be issued.” 8 C.F.R. § 287.3(d) (emphasis added). Though this procedure is specified for noncitizens arrested without a warrant, it follows that all noncitizens in custody are entitled to an official and timely custody determination, which would then allow them to request a custody redetermination as provided by law.

Upon her January 20, 2026 arrest by ICE, the Department of Homeland Security did not issue a custody determination document (Form I-286) to indicate that Ms. Cabrera-Lopez is under mandatory detention. They have also not provided any information to justify the sudden need for Petitioner to be in ICE custody while her asylum proceedings are ongoing. As such, ICE is detaining Petitioner without any determination that she is lawfully subject to such detention, and there is no way for Petitioner to assert her entitlement to a bond hearing under 8 U.S.C. § 1226(a), absent habeas relief from this Court.

Additionally, because Ms. Cabrera-Lopez will be deprived of a bond hearing in immigration court absent an order from this court, 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 v. Davis*, 533 U.S. 678, 699 (2001) (“the habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal. It should measure reasonableness primarily in terms of the statute's basic purpose, namely assuring the alien's presence at the moment of removal”). *See also Demore v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring). For the foregoing reasons, Petitioner’s ongoing detention at Chittenden Regional Correctional Facility is unlawful, violates Petitioner’s Fifth Amendment due process rights, and requires a habeas remedy.

II. Petitioner is subject to 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b), and as such, is eligible for a custody redetermination hearing.

Petitioner is not subject to detention under 8 U.S.C. § 1225(b), and therefore may only potentially be detained under the general detention provision of 8 U.S.C. § 1226(a), which would entitle Petitioner to a bond hearing. This Court is not bound by the precedent established by the BIA in *Matter of Yajure Hurtado*; “When the meaning of a statute [is] at issue, the judicial role [is] to ‘interpret the act of Congress, in order to ascertain the rights of the parties.’” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). The Supreme Court ruled that courts have the “special competence” to resolve statutory ambiguities, while agencies do not. *Id.* at 400. When the facts of Petitioner’s case are reviewed, this Court may properly use its “special competence” to reject the application of *Matter of Yajure Hurtado's* interpretation of 8 U.S.C. § 1225(b) to Petitioner, for the following reasons:

First, when Petitioner first entered the United States and encountered immigration enforcement, she was detained under 8 U.S.C. § 1226(a) and released on humanitarian

parole. See Notice of Custody Determination from 2022, Ex. 3; Interim Notice Authorizing Parole, Ex. 2. The Government has not offered any explanation as to why Petitioner would be reclassified under the mandatory detention provision, which was not previously applied to her, years after her entry into the United States. Factually, Petitioner's case is almost identical to *Gonzalez Lopez v. Trump* in which a habeas Petitioner was briefly detained and granted bond under 1226(a) when she first entered the United States, later moved to the interior of the country and filed asylum, only to be later re-detained by ICE after being charged with driving under the influence. In considering whether this Petitioner's latter detention could be under 8 U.S.C. § 1225(b), the court held: "Section 1226(b) specifically provides that DHS 'may revoke a bond or parole authorized under subsection (a), rearrest the [noncitizen] under the original warrant, and detain the [noncitizen].' Ms. Gonzalez Lopez's original warrant was under 1226(a), so, by the terms of 1226(b), her more recent arrest should have been governed by 1226(a) as well." *Gonzalez Lopez v. Trump*, No. 2:25-cv-00863, at *12 (D. Vt. Nov. 17, 2025). As Ms. Cabrera-Lopez was originally subject to detention under 8 U.S.C. § 1226(a), her most recent detention should also be under this section.

The BIA's decision in *Matter of Q. Li* is distinguishable from the facts at hand, because in *Q. Li* "The respondent was initially arrested by DHS without a warrant pursuant to section 287(a)(2) of the INA, 8 U.S.C. § 1357(a)(2) (2018), less than 100 yards north of the southern border as she tried to illegally enter the United States." *Matter of Q. Li*, 29 I&N Dec. 66, 70 (BIA 2025). Here, Petitioner was arrested with a warrant, years after entry and thousands of miles from the southern border where she entered the United States. Her initial custody determination from her first encounter with immigration officials indicate that she was never placed in 8 U.S.C. § 1225(b) custody (see Notice of Custody Determination from 2022, Ex. 3) and so the end of her humanitarian parole status cannot return her to 8 U.S.C. § 1225(b) detention.

Respondents may also cite to *Buenrostro-Mendez v. Bondi* for the propositions that “those who are applicants for admission are ‘seeking admission.’” *Buenrostro-Mendez v. Bondi*, Nos. 25-20496, 25-40701, at *16 (5th Cir. Feb. 6, 2026). This Fifth Circuit opinion is non-binding on the present court, and is contrary to the vast majority of courts that have addressed this issue. See *Gonzalez Lopez v. Trump*, No. 2:25-cv-00863, at *6-7 (D. Vt. Nov. 17, 2025); *Piedrahita-Sanchez v. Turek*, No. 2:25-cv-00875-wks, at *9 (D. Vt. Nov. 14, 2025); *Yupangui v. Hale*, No. 2025 WL 3207070 (D. Vt. Nov. 17, 2025); *Walizada v. Trump*, No. 2:25-cv-00768, 2025 WL 3551972 (D. Vt. Dec. 11, 2025); *Reynoso De Luis v. Trump*, No. 2:25-cv-921 at *13 (D. Vt. Dec. 30, 2025). Additionally, the Petitioners in *Buenrostro-Mendez* were declared to be under 8 U.S.C. § 1225(b) when they were first encountered by immigration enforcement in 2025, and their habeas petition reflects their arguments that they were miscategorized. In contrast, present Petitioner, Ms. Cabrera Lopez has not been afforded a custody determination for her present detention, and the ICE arrest warrant is silent as to what section she is detained under. However, her original custody determination from 2022 indicates that she has always been subject to detention under § 1226(a). It is reasonable to conclude that her designation is unchanged and the Government is the one seeking a recategorization, inherently placing her in a different position than the Petitioners in *Buenrostro-Mendez*.

Second, this Court has held that a parolee is not an “arriving alien” when their parole status ends or is revoked. In *Graterol Ruiz*, a habeas Petitioner entered the United States, was briefly detained by CBP, and then released on 8 U.S.C. § 1182(d)(5)(a) humanitarian parole. When his parole was revoked and he was subsequently detained, this Court held that he was not subject to mandatory detention under 8 U.S.C. § 1225(b), because he was not an “arriving alien”: “Mr. Graterol Ruiz has arrived in the United States. He arrived in the United States on May 2, 2024. If he has arrived, he can no longer be ‘arriving.’ While the terms of 8

U.S.C. § 1182(d)(5)(a) are clear that a paroled individual like Mr. Graterol Ruiz has not been admitted to the United States, this language does not mandate a finding that he is ‘arriving in the United States.’” *Graterol Ruiz v. Trump et al*, 2:26-cv-0001210 at *10 (D. Vt. Feb. 6, 2026).

In that same decision, the court heavily critiques Respondents’ arguments based on *Ibragimov v. Gonzales*, stating: “In *Ibragimov*, which was decided prior to the United States Supreme Court’s decision in *Loper Bright*, the Second Circuit interpreted regulations adopted by the Immigration and Naturalization Service (‘INS’) to affirm a BIA decision concluding an individual who had been granted advance parole was to be considered ‘an arriving alien’ and an ‘applicant for admission.’” *Graterol Ruiz*, 2:26-cv-0001210 at *10 (citing *Ibragimov v. Gonzales*, 476 F.3d 125, 131-33 (2d Cir. 2007) (emphasis added)). However, the Second Circuit has not yet applied *Loper Bright*’s mandate to “exercise independent judgment in determining the meaning of statutory provisions” (*Loper Bright*, 603 U.S. at 394) to this legal question, and “*Ibragimov*’s analysis relied heavily on the INS’ interpretation in reaching its conclusion, as the statute does not define ‘arriving in the United States.’” *Graterol Ruiz*, 2:26-cv-0001210 at *11. As such, where Respondents cite to *Ibragimov* to support their argument that the end of parole status triggers mandatory detention of the former parolee under 8 U.S. C. § 1225, this is not at all a foregone conclusion, and the legal question must be analyzed anew before this Court.

The same reasoning in *Graterol Ruiz* applies here. Having lived in the United States since 2022, Ms. Cabrera-Lopez has arrived in the United States. She has built a home in Maine where she lives, works, and has found a community of friends. As previously stated, this court is not bound by an agency’s statutory interpretation and must independently determine the meaning of the language in §§ 1225, 1226, and 1182. 8 U.S.C. § 1182(d)(5)(A) states the noncitizen shall be “returned to the custody from which he was paroled,” not that the individual’s status is returned to “arriving alien.” *Id.* (emphasis added). The end of Petitioner’s parole status does not make her

subject to mandatory detention, because she was never in mandatory detention to begin with.

Thus, Petitioner may only be returned to custody pursuant to § 1226(a).

Third, this Court has held that § 1226(a), rather than § 1225(b)(2), properly governs the civil detention of a noncitizen who has resided in the United States for years. In *Piedrahita-Sanchez v. Turek*, the District Court of Vermont considered a habeas petition from a noncitizen who also entered the United States in 2022, was briefly detained by immigration enforcement, and then released and issued a Notice to Appear. This Notice to Appear indicated that Petitioner was not previously admitted or paroled into the United States, and that she is present in the United States without immigration status. There, this Court held, “As for the meaning of ‘seeking admission,’ this Court finds that the likely meaning is those noncitizens presenting themselves at the border, or who were recently apprehended just after entering,” meaning that the Petitioner who had lived in the United States for three years was (1) not seeking admission and (2) therefore not subject to 8 U.S.C. § 1225(b)(2). *Piedrahita-Sanchez v. Turek*, No. 2:25-cv-00875-wks, at *9 (D. Vt. Nov. 14, 2025) (citing *Lopez Benitez v. Francis*, 2025 WL 2371588, at *21 (S.D.N.Y. Aug. 13, 2025)). Accordingly, this Court granted the Petitioner in *Piedrahita-Sanchez* habeas corpus relief, holding that “Respondent is ORDERED to hold an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) for Petitioner, within seven (7) days. If Respondents cannot hold such a hearing, they shall immediately release Petitioner.” *Piedrahita-Sanchez* at *19. Petitioner, Heylin Cabrera-Lopez, has identical operative facts to *Piedrahita-Sanchez*. This Court should address her petition for habeas corpus relief in a similar manner.

Furthermore, all other judges in the District of Vermont have rejected *Matter of Yajure Hurtado's* interpretation of 8 U.S.C. § 1225(b). See *Gonzalez Lopez v. Trump*, No. 2:25-cv-00863, at *6-7 (D. Vt. Nov. 17, 2025) (“the phrase ‘seeking admission’ refers to the present

attempt to lawfully ‘go in’ to the United States.”); *Yupangui v. Hale*, No. 2025 WL 3207070 (D. Vt. Nov. 17, 2025); *Walizada v. Trump*, No. 2:25-cv-00768, 2025 WL 3551972 (D. Vt. Dec. 11, 2025); *Reynoso De Luis v. Trump*, No. 2:25-cv-921 at *13 (D. Vt. Dec. 30, 2025) (“Once again, this Court agrees with many other courts that: if all ‘applicant[s] for admission’ also are ‘seeking admission,’ then the words ‘seeking admission’ would be surplusage”).

Fourth, other district courts across the United States agree that someone who is detained in the interior cannot be treated as an “arriving alien,” ineligible for bond under § 1225(b)(2). *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1256-59 (W.D. Wash. 2025) (granting preliminary injunction prohibiting IJs from denying bond to individuals apprehended in the interior based on 8 U.S.C. § 1225(b)); *Gomes v. Hyde*, 2025 WL 1869299 at *6-7 (D. Mass. July 7, 2025) (relying on statutory structure and Laken Riley Act amendments to § 1226(a) to find that recent entrant re-detained on a warrant was not subject to § 1225(b)(2)); *Martinez v. Hyde*, 2025 WL 2084238, at *6–8 (D. Mass. July 24, 2025); *Lopez Benitez*, 2025 WL 2371588 at *7; *Rocha Rosado v. Figueroa*, 2025 WL 2337099, at *8-10 (D. Ariz. Aug. 11, 2025); *Aguilar Maldonado v. Olson*, 2025 WL 2374411, at *11–13 (D. Minn. Aug. 15, 2025); *accord Castillo Lachapel v. Joyce*, 2025 WL 1685576, at *2 (S.D.N.Y. June 16, 2025) (parties agreed that a person who had entered without inspection and was arrested in the interior was detained under § 1226(a)). All in all, “Respondents’ new interpretation is contrary to the agency’s own implementing regulations, its published guidance, the decisions of its immigration judges (until very recently), decades of practice, the Supreme Court’s gloss on the statutory scheme, and the overall logic of our immigration system.” *Aguiriano Romero v. Hyde*, No. 1:25-cv-11631-BEM at *16 (D. Mass. Aug. 19, 2025) (cleaned up). Accordingly, those who have been residing in the interior of the United States, such as Petitioner, are only subject to detention under 8 U.S.C. § 1226.

Fifth, Supreme Court precedent supports a distinct application of § 1226 and § 1225, distinguishable by geographic and temporal limitations. As the Supreme Court recognized in *Jennings*, “§ 1225(b) applies primarily to aliens seeking entry into the United States,” (*Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018)) and the section is generally imposed “at the Nation’s borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible.” *Id.* at 287 (emphasis added). In comparison, “The Government is also authorized to detain certain aliens already in the country. Section 1226(a)’s default rule permits the Attorney General to issue warrants for the arrest and detention of these aliens pending the outcome of their removal proceedings.” *Id.* at 285 (emphasis added). The definitions of § 1225(b) and § 1226(a) in *Jennings* further supports the conclusion that § 1225(b) has a limited temporal and geographic scope, and that § 1226(a) applies to those already in the United States.

Lastly, Ms. Cabrera-Lopez cannot be subject to any other types of mandatory detention. Petitioner does not meet the criteria for Expedited Removal under 8 U.S.C. § 1225(b)(1). See *Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025). Ms. Cabrera-Lopez is also not lawfully subject to mandatory detention under 8 U.S.C. § 1226(c), because she 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). This leaves Petitioner subject only to detention under 8 U.S.C. § 1226(a), if at all. As such, Petitioner must then, upon her request, receive a custody redetermination hearing (colloquially called a “bond hearing”) with strong procedural protections. See 8 C.F.R. § 236.1(d); 8 C.F.R. § 1003.19(a)-(f). See also *Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021).

III. The Government's overwhelming record of order noncompliance militates for Petitioner's immediate release, or in the alternative, a federal bail hearing.

The Government's recent overwhelming record of noncompliance with lawful court orders as they pertain to the rights of noncitizens in our country strongly militates for either a grant of immediate release, or in the alternative, this Court holding a federal bail hearing on the question of Ms. Cabrera-Lopez's custody. As noted by the District of Minnesota, in its order of January 28, 2026, cancelling Todd M. Lyons' scheduled hearing before that court, ICE has violated at least 96 court orders in at least 74 cases since January 1, 2026. *Juan T.R., v. Noem*, No. 26-CV-107 (PJS/DLM), at *2 (D. Minn. Jan. 28, 2026). The court notes that "ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence." *Id.* at *2-3. "ICE is not a law unto itself." *Id.* The Government's record in 2025 is no better. The Department of Justice, through the Executive Office for Immigration Review, has been routinely refusing to comply with the Central District of California's lawful Order in *Maldonado-Bautista v. Santacruz*, No. 5:25-CV-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov 25, 2025) or its clarifying Order of Final Judgement issued on December 22, 2025.

Petitioner appears before this Court seeking redress from the Government's ongoing violation of her right to due process. In light of the Board's decision in *Hurtado*, 26 I&N Dec. 219, coupled with the Government's recent record of willful noncompliance with lawful court orders, it may be futile to order a bond hearing before an immigration court. *Walizada*, No. 2:25-cv-00768, at *57. As such, Petitioner respectfully requests that this Court consider granting her immediate release, or in the alternative, schedule an individualized federal bail hearing, in the hopes of effectively providing habeas relief for Ms. Cabrera-Lopez's continued unlawful detention without individualized review.

IV. Upon consideration of the factors for federal bail and immigration bond, Petitioner is not a danger to the community nor a flight risk.

Relevant to a determination of federal bail or immigration bond, Petitioner does not present a danger to the community nor a flight risk.

As to her lack of dangerousness, Ms. Cabrera-Lopez has a limited criminal record, consisting of two charges of driving without a license, and one charge of operating a motor vehicle under the influence of alcohol. *See* Complaints and Summons, Ex. 21. Upon her arrest in 2024 for operating a motor vehicle under the influence, Petitioner took full responsibility for her actions by appearing in court and paying the resulting fine. *Id.* After her arrest, she was released upon payment of a \$300 bond. *Id.* No one was injured, and there was no property damage from this incident. Petitioner has affirmed that she will never repeat these actions and that she has learned from this mistake. *See* Petitioner's Affidavit, Ex. 1; Affidavit of Danna Lopez-Flores, Ex. 7. In 2025, she received her only other infraction, a misdemeanor charge for driving without a license. *See* Complaints and Summons, Ex. 21.

Instead of presenting a danger to the community, Petitioner is escaping danger in her native country of Nicaragua. Petitioner fled Nicaragua to escape persecution as a political activist, and she filed for asylum on September 25, 2024. *See* Petitioner's I-589 Application with Attached Affidavit. Ms. Cabrera-Lopez also has friends and community members who attest that Petitioner is a kind, hardworking, and highly motivated individual. *See* Letters of Support from Stephanie Gonzalez, Lusmy Gonzalez, Leopoldo Gonzalez, Antonio Zavaleta, Juan Santos, Michael and Melissa Carrier, Jie M. Liang, Ya Ping Lu, and Diana Wu, Ex. 11-19.

Regarding her lack of flight risk, Petitioner has the support of her long-time friend and former employer, Ruben Zavaleta, who will act as her immigration sponsor. Mr. Zavaleta has affirmed that he will ensure that Ms. Cabrera Lopez complies fully with all legal and

immigration-related obligations, and will post any required bail or bond to secure Ms. Cabrera-Lopez's release from detention. *See* Sponsor Letter from Ruben Zavaleta, Ex. 10. Petitioner has family ties in the area – her brother, Junior Manuel Cabrera, also lives in South Portland and is seeking asylum. *See* Petitioner's Affidavit, Ex. 1. Petitioner has lived in the United States since 2022. She has a permanent stable address at 88 Devereaux Circle, South Portland, Maine 04106. *See* Proof of Petitioner's Address, Ex 9. She plans on returning to her home upon release from immigration detention. Petitioner is also employed at Big Fin Poke, a restaurant in South Portland. She has worked there for approximately 5 months, and hopes to continue her work here. *See* Letter of Support from Jie M. Liang, Petitioner's Employer, Ex. 17. Lastly, Petitioner has a pending I-589 application seeking asylum and protection under the Convention Against Torture. *See* Petitioner's I-589 Application with Attached Affidavit, Ex. 4. Her application is complete, establishing a *prima facie* case for relief. She has filed substantial evidence to support her claim, including a detailed affidavit (*see id.*) and country conditions documentation such as the 2022 Department of State report describing human rights abuses against anti-government protestors in Nicaragua, Amnesty International's coverage of the widespread political violence, and contemporary news articles about President Ortega's crackdown on students and critics (*see* Ex. 20). Petitioner will not abandon her avenues for immigration relief by absconding from future hearings. In sum, Petitioner is not a flight risk as she seeks to remain in Maine with her family, friends, job, and community.

CONCLUSION

In this brief in support of Ms. Cabrera-Lopez's petition for writ of habeas corpus, Petitioner seeks her immediate release from detention, or a declaration of her bond eligibility and a custody redetermination proceeding in front of this Court, which may exercise its inherent authority to hold its own bail hearing on the question of custody. In the alternative, Petitioner

seeks a bond hearing in immigration court. Petitioner respectfully requests these forms of habeas corpus relief be granted upon consideration that her current detention in the Chittenden Regional Correctional Facility is unlawful, and that she is eligible for a bond hearing because she is detained under 8 U.S.C. § 1226(a). If this Court grants her the opportunity to present arguments that she is not a danger to the community nor a flight risk at a future custody redetermination proceeding, Petitioner respectfully requests leave to supplement this filing with additional documents in support of her release on bail or immigration bond.

Respectfully submitted February 11, 2026,

PETITIONER HEYLIN JULESMY CABRERA-LOPEZ ,

By her attorney,



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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non registered participants on February 11, 2026.

 /s/ Robin Nice

Robin Nice