UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Action No. 26-CV-1210 (AMD)

BRAYAN ORLANDO BANEGAS VILLATORO,

Petitioner,

V.

REPLY BRIEF IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE, AND TEMPORARY RESTRAINING ORDER

CHRISTOPHER SHANAHAN,
Field Office Director,
New York Field Office,
U.S. Immigration and Customs Enforcement,

Respondent.

PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Brayan Banegas Villatoro respectfully submits this reply in further support of his Petition for a Writ of Habeas Corpus.

Respondents' opposition does not meaningfully address the central constitutional defect in this case: the stop and arrest of Petitioner by ICE officers were unsupported by reasonable suspicion or a warrant. Instead, the Government attempts to justify Petitioner's detention by pointing to a reinstated removal order obtained only after the unlawful stop occurred.

Because ICE officers lacked lawful authority to stop Petitioner in the first place, the detention that followed is unconstitutional.

I. ICE LACKED REASONABLE SUSPICION TO STOP PETITIONER

Respondents assert that ICE officers stopped Petitioner after observing "a person that matched the physical description and photo of Petitioner" enter a vehicle that was registered to a Honduran national allegedly without lawful immigration status. Rodriguez Decl. ¶ 15. This assertion does not establish reasonable suspicion.

Under the Fourth Amendment, an investigative stop must be supported by "specific and articulable facts" giving rise to a reasonable suspicion that the individual stopped is engaged in wrongdoing. See *Terry v. Ohio*, 392 U.S. 1, 21 (1968). The Second Circuit has emphasized that reasonable suspicion requires a "particularized and objective basis" for suspecting the person stopped. See United States v. Swindle, 407 F.3d 562, 568 (2d Cir. 2005).

Respondents provide no such particularized facts here. The declaration does not describe the alleged "physical description," explain how distinctive it was, or indicate how officers determined that the person entering the vehicle was Petitioner before the stop occurred. A vague assertion that someone "matched" a description is insufficient to justify a warrantless stop.

The Second Circuit has repeatedly rejected investigative stops based on generalized or conclusory descriptions. See United States v. Freeman, 735 F.3d 92, 96–97 (2d Cir. 2013) (reasonable suspicion cannot rest on speculative or generalized observations).

Here, Respondents offer only the bare conclusion that officers believed the driver matched Petitioner's description, without identifying the specific facts supporting that belief.

Furthermore, Respondents admit that they checked the vehicle registration (Rodriguez Decl. ¶ 15) and should have seen that it was not registered to the individual who they were searching for at the time of the stop.

II. A VEHICLE REGISTRATION CHECK DOES NOT PROVIDE REASONABLE SUSPICION OF IMMIGRATION VIOLATIONS

Respondents also rely on the fact that the vehicle was registered to an individual who allegedly lacked lawful immigration status. Rodriguez Decl. ¶ 15. This fact provides no lawful basis for the stop.

First, vehicle registration information does not establish the identity of the driver. The Supreme Court has recognized that the fact that a vehicle is registered to a particular person does not establish that the registered owner is the person driving it. See Kansas v. Glover, 589 U.S. 376, 381 (2020).

Second, even if officers believed the registered owner was driving the vehicle, a database entry suggesting that the owner may lack lawful immigration status does not create reasonable suspicion of criminal activity. The Supreme Court has made clear that unlawful presence in the United States is generally a civil immigration matter, not a criminal offense. See Arizona v. United States, 567 U.S. 387, 407 (2012).

Respondents' account therefore amounts to the following chain of speculation:

1. Officers ran a license plate;
2. the database allegedly indicated that the registered owner lacked lawful status;
3. officers assumed the driver was the registered owner; and
4. officers assumed that the driver was therefore removable.

This speculative chain cannot satisfy the Fourth Amendment's requirement of individualized suspicion.

III. THE ADMINISTRATIVE WARRANT WAS OBTAINED ONLY AFTER THE UNLAWFUL SEIZURE

The Government's own declaration confirms that ICE officers did not possess an administrative warrant at the time they stopped Petitioner.

Instead, officers broke the vehicle window, removed Petitioner from the car, searched his person, and only then "conducted checks on the Petitioner's identity and obtained an I-205." Rodriguez Decl. ¶ 15.

Thus, the administrative warrant was obtained after the arrest had already occurred.

Because ICE officers lacked both reasonable suspicion and a warrant at the moment they stopped and seized Petitioner, the arrest violated the Fourth Amendment.

IV. SECOND CIRCUIT PRECEDENT RECOGNIZES SUPPRESSION FOR EGREGIOUS IMMIGRATION STOPS

Even in immigration proceedings, the Second Circuit recognizes that evidence obtained through egregious Fourth Amendment violations must be suppressed.

In Almeida-Amaral v. Gonzales, 461 F.3d 231, 235 (2d Cir. 2006), the court held that suppression is warranted when immigration officers obtain evidence through an "egregious" Fourth Amendment violation.

The Second Circuit reaffirmed this principle in Cotzojay v. Holder, 725 F.3d 172, 182 (2d Cir. 2013), explaining that suppression is appropriate where immigration officers obtain evidence through unconstitutional searches or seizures that are fundamentally unfair.

Here, ICE officers forcibly broke the window of Petitioner's vehicle and removed him without first confirming his identity, without a warrant, and without reasonable suspicion. Only after the seizure did officers check Petitioner's identity and obtain the administrative warrant.

This sequence of events presents precisely the type of constitutional violation that courts have recognized as egregious.

V. PETITIONER'S ALLEGED NON-COMPLIANCE CANNOT RETROACTIVELY JUSTIFY THE STOP

Respondents emphasize that Petitioner refused to roll down the vehicle window and did not comply with officers' commands. Rodriguez Decl. ¶ 15.

But a person's refusal to cooperate with law enforcement cannot create reasonable suspicion where none existed at the outset. The constitutionality of a stop must be assessed based on the facts known to officers before the seizure occurs.

Because ICE lacked lawful grounds to stop Petitioner in the first place, his refusal to engage with officers cannot retroactively supply the legal justification that was missing from the start.

VI. PETITIONER'S CLAIM IS NOT BARRED BY 8 U.S.C. § 1252

Respondents argue that this Court lacks jurisdiction because Petitioner's claim allegedly interferes with the execution of a removal order. That argument mischaracterizes the Petition.

Petitioner does not seek review of the removal order itself. Instead, he challenges the legality of the stop, arrest, and detention that preceded the reinstatement of that order.

Courts have consistently held that constitutional challenges to unlawful detention remain cognizable in habeas proceedings. Petitioner's claim does not ask this Court to review or invalidate the removal order; it asks the Court to address the unconstitutional seizure that led to his current detention.

Accordingly, the jurisdictional provisions cited by Respondents do not bar this Court from reviewing Petitioner's Fourth Amendment claim.

CONCLUSION

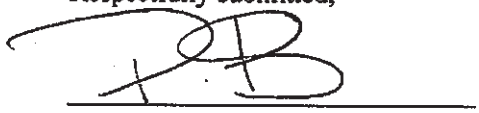
ICE officers stopped Petitioner without reasonable suspicion, arrested him without a warrant, and only afterward obtained administrative authorization for his detention.

The Government cannot rely on evidence obtained after an unlawful seizure to justify the stop that produced it. Because Petitioner's detention flows directly from that unconstitutional arrest, the writ of habeas corpus should issue.

For these reasons, the Court should grant the Petition and order Petitioner released from ICE custody.

Dated: March 12, 2026

Respectfully submitted,



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