


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAIANE CRUZ DE MOURA,

as Next Friend of

MAIKON ANDRE DIAS FERREIRA (A# )

Petitioner,

v.

WARDEN, BROOME COUNTY CORRECTIONAL FACILITY,
U.S. DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

Respondents.

MOTION FOR IMMEDIATE RELEASE OR, IN THE ALTERNATIVE,
FOR A CONSTITUTIONALLY ADEQUATE BOND HEARING

I. INTRODUCTION

Petitioner respectfully moves this Court for the immediate release of Mr. Maikon Andre Dias Ferreira, or alternatively, for a prompt and constitutionally adequate bond hearing.

His continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment.

II. BACKGROUND

Mr. Dias Ferreira:

- Has NO criminal record
- Has NO history of violence
- Is the father of a U.S. citizen child
- Maintains strong family and community ties
- Was involved in a non-violent incident
- The criminal case has been CLOSED

Despite these facts, he remains detained after bond was denied.

III. ARGUMENT

A. DETENTION VIOLATES DUE PROCESS

Detention is excessive and not reasonably related to any legitimate government purpose.

B. NO RISK OF DANGER OR FLIGHT

Mr. Dias Ferreira poses no danger and is not a flight risk.

C. DETENTION IS PUNITIVE

Immigration detention is civil, not punitive. Continued detention here is effectively punishment.

D. IRREPARABLE HARM

Continued detention causes:

- Emotional harm to a U.S. citizen child
- Family separation
- Financial hardship

IV. RELIEF REQUESTED

Petitioner respectfully requests:

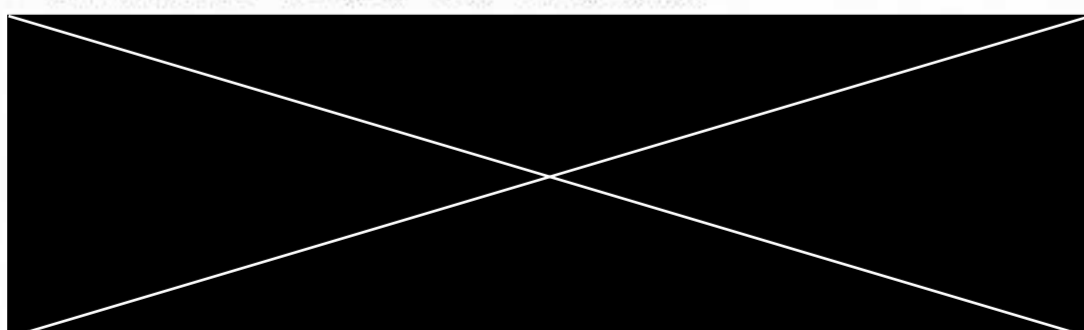
1. Immediate release; OR
2. A prompt and constitutionally adequate bond hearing

V. CONCLUSION

Continued detention is unlawful and requires immediate judicial intervention.

Respectfully submitted,


Daiane Cruz de Moura



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

I. INTRODUCTION

Petitioner, Daiane Cruz de Moura, respectfully files this Petition as next friend on behalf of Maikon Andre Dias Ferreira, who is currently detained by ICE.

This Petition challenges the unlawful, prolonged, and unconstitutional detention in violation of the Fifth Amendment.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241. Venue is proper because Petitioner is detained in this district.

III. NEXT FRIEND STANDING

Petitioner has standing due to her relationship and acting in best interests.

IV. FACTUAL BACKGROUND

- Lawful entry (B1/B2 visa)

- U.S. citizen child
- No criminal record
- No history of violence
- Incident non-violent
- Criminal case closed

V. GROUNDS

- Violation of substantive due process
- Violation of procedural due process
- Impermissible punitive detention

VI. EQUITIES

- Strong family ties
- Stable relationship
- No danger or flight risk

VII. HARM

- Emotional harm to child
- Family separation
- Financial hardship

VIII. RELIEF

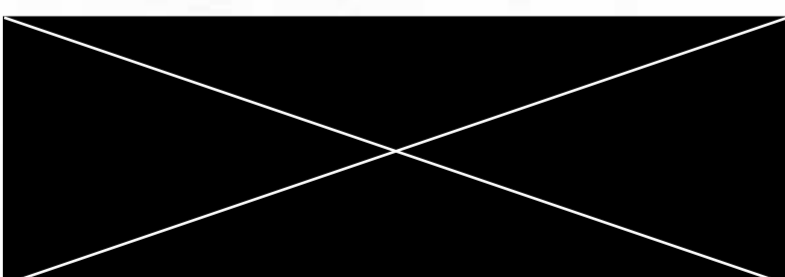
Request immediate release OR bond hearing.

IX. CONCLUSION

Detention is unlawful and unconstitutional.

Respectfully submitted,

Daiane Cruz de Moura



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF DAIANE CRUZ DE MOURA

I, Daiane Cruz de Moura, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

I. PERSONAL INFORMATION

My name is Daiane Cruz de Moura.

I reside at [REDACTED]

I am the long-term partner of Maikon Andre Dias Ferreira.

We have been in a relationship for more than 10 years.

We have a U.S. citizen daughter born [REDACTED]

II. RELATIONSHIP

Maikon is a dedicated father and partner.

He has always supported our family and been present in our daughter's life.

III. CHARACTER

He is a hardworking man.

He has no criminal record.

He has no history of violence.

He has never physically harmed me.

IV. INCIDENT

The situation was a misunderstanding.

There was no physical violence.

There were no injuries.

The case has been resolved and closed.

V. IMPACT

His detention has caused emotional distress to our daughter.

I am facing financial hardship.

Our family is suffering.

VI. REQUEST

He is not a danger and not a flight risk.

I respectfully ask the Court to grant his release.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 03/21/25

Signature: Daiane C. de Moura

Daiane Cruz de Moura