

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LUIS JAVIER LATA BUNAY,)

Petitioner,)

v.)

ANTONE MONIZ, Superintended of the)
Plymouth County Correctional Center,)
JOSEPH D. MCDONALD, Sherrif of Plymouth)
County,)

PATRICIA HYDE, Field Office Director,)
MICHAEL KROL, HSI New England Special)
Agent in Charge, and TODD LYONS, Acting)
Director U.S. Immigrations and Customs)
Enforcement, MARKWAYNE MULLIN,)
U.S. Secretary of Homeland Security,)
TODD BLANCHE, Acting U.S. Attorney General)

Respondents.)
_____)

Case No. 1:26-cv-11649

**PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Luis Javier Lata Bunay is an Ecuadorian national who was granted T-Nonimmigrant Status on February 20, 2026, this status is valid until February 19, 2030.
2. Accordingly, to vindicate Petitioner's statutory, constitutional, and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.
3. Petitioner alleges violations of the Fourth Amendment and Fifth Amendment.
4. Petitioner asks this Court to find that his arrest and detention are illegal and order his immediate release, a stay of transfer outside of the District of Massachusetts, and a reasonable award of attorney's fees.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner is a noncitizen and whether Petitioner was ordered removed under 8 U.S.C. § 1225(b)(1).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Venue is proper because Petitioner is in the custody of the Plymouth County Correctional Facility located in Plymouth, Massachusetts.

9. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to his claims occurred in this District, and Petitioner resides in this District. There is no real property involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

12. Petitioner is the beneficiary of an approved I-914 for T-Nonimmigrant Status as well as an approved I-192 for advance permission to enter as a nonimmigrant. He is currently being detained in the Plymouth County Correctional facility and has been detained at said facility since October 26, 2026.

13. Respondent, Antone Moniz, is sued in their official capacity as the Superintendent of the Plymouth County Correctional Center. Respondent Moniz is the immediate custodian of the Petitioner.

14. Respondent, Joseph D. McDonald, is sued in his official capacity as the Sherrif of Plymouth County. Respondent McDonald is a legal custodian of Petitioner and has authority to release him.

15. Respondent Patricia Hyde is sued in her official capacity as the Director of the Boston Field Office of U.S. Immigration and Customs Enforcement. Respondent Hyde is a legal custodian of Petitioner and has authority to release him.

16. Respondent Michael Krol is sued in his official capacity as the HSI New England Special Agent in Charge. In this capacity, Respondent Krol is a legal custodian of Petitioner and has the authority to release him.

17. Respondent Todd Lyons is sued in his official capacity as Acting Director of the United States Immigration and Customs Enforcement. In this capacity, Respondent Lyons oversees all detention of noncitizens held in ICE custody and is a legal custodian of petitioner with the authority to release him.

18. Respondent Markwayne Mullin is sued in their official capacity as Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

19. Respondent Todd Blanche is sued in their official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he 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 Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

20. Petitioner is a 25-year-old citizen of Ecuador. Petitioner has resided in the United States for approximately 13 years. Petitioner lived in Brockton, Massachusetts, prior to his detention.

21. Petitioner entered the United States in 2013, Petitioner entered the United States through Mexico without inspection at or near the border in Texas.

22. Petitioner submitted an I-914 application for T-Nonimmigrant Status on October 19, 2023, along with an I-192 application for advance permission to enter as a non-immigrant. On

February 21, 2026, both applications were approved. Petitioner currently has lawful status in the United States as a T Nonimmigrant and said status is valid until February 19, 2030.

23. In October of 2025, the Petitioner was detained by Immigration Customs Enforcement. He is currently being held at the Plymouth County Correctional Facility.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fourth Amendment Reasonable Search and Seizure

24. The allegations in the above paragraphs are realleged and incorporated herein.

25. The Department arrested and detained Petitioner in violation of his right to be free from unreasonable search and seizure. A party claiming a Fourth Amendment violation must establish both that a seizure occurred and that the seizure was unreasonable. *Sodal v. Cook County* 506 U.S. 56, 71 S. Ct. 538, 121 L. Ed. 2d 450 (1992). A seizure is unreasonable if a balance of public and private interests implicated by the seizure favors the asserted private interest. *Id.* Petitioner asserts a private interest to apply for lawful status in the United States. The Department has not yet asserted a reason for detaining Petitioner. The balance of Petitioner's asserted private interest outweighs the government interest.

26. For these reasons, Petitioner's arrest and detention violates the Fourth Amendment.

COUNT TWO

Violation of Fifth Amendment Right to Due Process

27. The allegations in the above paragraphs are realleged and incorporated herein.

28. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

29. The Department's arrest and continued detention of the Petitioner has prevented him from enjoying the lawful status that he has in the United States. The Respondents cannot remove the Petitioner to his native country of Ecuador pursuant to the approval of his I-914 Application for T-Nonimmigrant Status.

30. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention and arrest violates the Fourth Amendment and the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release petitioner, and, in the interim preventing his transfer outside of the District.
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Thomas R. Logan
Thomas R. Logan
Counsel for Petitioner
Barrales Law
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East Boston, MA 02128
(617) 720-3600
tlogan@barraleslaw.com

Dated: April 8, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Luis Javier Lata Bunay, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 8th day of April, 2026.

/s/Thomas Logan

Thomas Logan

CERTIFICATE OF SERVICE

I, Thomas Logan, do certify that I have served a copy of the Petition for Writ of Habeas Corpus to the Respondents in the above captioned case by way of the Court's electronic service system. I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: April 8, 2026

By: /s/ Thomas Logan
THOMAS LOGAN
Counsel for the Petitioner

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Zara Magdalena Sumba Allaico

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Thomas Logan, Barrales Law, 292 Bennington Street, Boston, MA 02128, 617-720-3600

DEFENDANTS

Antone Moniz, Joseph McDonald, Patricia Hyde, Michael

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2241. Brief description of cause: Violation of Right to Due Process

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE: April 8, 2026 SIGNATURE OF ATTORNEY OF RECORD: /s/ Thomas Logan

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Luis Javier Lata Bunay v. Antone Moniz

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

N/A

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Thomas Logan

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