UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MOACIR DIAS COELHO,
Petitioner,

v.

LUIS SOTO,
in his official capacity as Director/Warden of Delaney Hall Detention Facility;

ARTHUR J. WILSON, JR.
in his official capacity as Field Office Director, New Jersey Field Office, U.S. Immigration & Customs Enforcement;

TODD BLANCHE,
in his official capacity as Attorney General, U.S. Department of Justice;

MARKWAYNE MULLIN,
in his official capacity as Acting Secretary, U.S. Department of Homeland Security; and

TODD M. LYONS,
in his official capacity as Acting Director, U.S. Immigration & Customs Enforcement;
Respondents.

Civil Action No.:

MOTION FOR TEMPORARY RESTRAINING ORDER/INJUNCTIVE RELIEF
&
PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

A#: [redacted]

MOTION FOR TEMPORARY RESTRAINING ORDER/INJUNCTIVE RELIEF

Petitioner, Moacir Dias Coelho ("Mr. Coelho"), respectfully moves before this Honorable Court for a Temporary Restraining Order and injunctive relief enjoining Respondents from continuing his unlawful detention during the pendency of his habeas corpus petition filed pursuant to 28 U.S.C. § 2241.

On May 3, 2026, while exiting his apartment complex with his wife, Immigration and Customs Enforcement ("ICE") stopped Mr. Coelho's vehicle and detained him. ICE was allegedly searching for another individual residing within the apartment complex; nevertheless, Mr. Coelho

was taken into custody. Mr. Coelho entered the United States in 2021 on a B-2 visa and has remained in this country since that time.

Mr. Coelho is entitled to seek a bond hearing before the Immigration Court based upon his manner of entry. Undersigned counsel is actively preparing a comprehensive bond motion with supporting medical documentation, evidence of equities, and proof addressing both danger and flight risk, which will be filed shortly. However, given the urgent constitutional and medical harms at issue, that process is neither immediate nor sufficient to protect Mr. Coelho from the irreparable harm caused by his continued detention. Further, as routinely observed in similarly situated matters involving noncitizens with no presently pending relief before the Immigration Court, custody determinations frequently result in continued detention despite substantial equities, significant medical vulnerability, and the absence of any individualized showing establishing danger to the community or flight risk. **Accordingly, this habeas petition and accompanying motion for temporary restraining order represent the only presently viable mechanism to prevent further irreparable harm while Mr. Coelho's immigration proceedings remain pending**.

Most critically, Mr. Coelho is an extraordinarily medically vulnerable detainee suffering from severe cardiovascular disease, including a non-ST elevated myocardial infarction ("NSTEMI") in May 2025 requiring cardiac catheterization intervention, followed by continued cardiology treatment and monitoring throughout 2025. His medical records confirm persistent coronary artery disease, uncontrolled hypertension, diabetes mellitus, and dependence on numerous life sustaining medications, all of which he continues to take daily, including antiplatelet therapy, cardiac medications, diabetic treatment, blood pressure medications, and emergency nitroglycerin. *Exhibit B: Medical Records ("Exhibit B")*. Mr. Coelho is not a healthy individual capable of safely enduring prolonged civil detention. He is an individual with active cardiac

disease whose condition can rapidly deteriorate without warning, placing him at constant risk of catastrophic cardiac injury or death.

To obtain a temporary restraining order and preliminary injunction, a movant must demonstrate (1) a likelihood of success on the merits, (2) irreparable harm in the absence of relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 320 (3d Cir. 2020).

First, Mr. Coelho is likely to succeed on the merits because his continued detention without a meaningful individualized custody determination violates fundamental principles of due process. Civil immigration detention cannot become automatic confinement untethered from individualized findings regarding danger or flight risk. Although undersigned counsel is preparing a comprehensive bond motion addressing Mr. Coelho's equities, medical vulnerability, danger, and flight risk, that process is neither immediate nor sufficient to protect him from the ongoing constitutional and medical harms presented here. Accordingly, absent intervention from this Court, Mr. Coelho faces continued detention despite his extraordinary medical condition, substantial equities, and the absence of any meaningful showing justifying continued confinement.

Second, absent immediate intervention, Mr. Coelho faces profound and irreparable harm. Continued detention in a high stress custodial environment substantially increases the risk of another cardiac event, stroke, irreversible injury, or death. Further, although Mr. Coelho is receiving some medications while detained, neither undersigned counsel nor Mr. Coelho's family has any meaningful assurance that all prescribed medications are being consistently administered in the proper dosages, at the proper times, or with the continuity required for a patient with severe cardiovascular disease and diabetes. Any interruption in antiplatelet therapy, blood pressure

medication, diabetic treatment, nitroglycerin access, or cardiac monitoring could have catastrophic and irreversible consequences.

Compounding these concerns is the reality that civil immigration detention facilities are fundamentally unequipped to provide the level of continuous cardiac monitoring, specialist intervention, and emergency responsiveness Mr. Coelho's condition requires. There is no meaningful assurance that he is receiving consistent cardiology follow up, proper monitoring of his hypertension and diabetes, or timely emergency intervention should his condition suddenly deteriorate. Conditions at Delaney Hall only magnify these dangers. [1] Reports documenting mold exposure, contaminated food, and unsanitary living conditions underscore the serious risks posed to medically vulnerable detainees. For Mr. Coelho, continued confinement under such conditions is medically dangerous and places him at heightened risk of another catastrophic cardiac event, permanent injury, or death.

An additional and immediate harm is the risk of transfer. ICE routinely transfers detainees out of state without notice, disrupting continuity of care and access to counsel. For Mr. Coelho, such transfer would not merely complicate litigation; it could interrupt already fragile medical

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[1] OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF HOMELAND SECURITY, *Issues Requiring Action at the Essex County Correctional Facility, Newark, New Jersey*, OIG-19-20 (Feb. 13, 2019). https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-20-Feb19.pdf. (In which, prior inspection report, DHS found a host of food safety and living conditions violations endured by detainees. Concerning the food served to inmates, DHS found: widespread mishandling of food ranging from service of moldy bread, "slimy, foul-smelling lunch meat," "raw chicken leaking blood all over refrigeration units," and service of meat "that smelt like fecal matter. Concerning environmental conditions, DHS found: leaking ceilings dripping directly onto detainee beds, showers laced with mold and peeling paint, dilapidated beds requiring detainees to utilize bedsheets to tie the seams of the mattress together, and lack in access to recreation space outside of their living area.

Inside the Tumult That Led 4 Men to Escape From a Migrant Facility, NYTIMES ARTICLE (June 2025), https://www.nytimes.com/2025/06/14/nyregion/newark-ice-detainees-escape.html (The article provides four detainees "escape" the infrastructure as a result of the conditions they endured, ranging from sleeping on the floor, limited to drinking foul-tasting water for hydration, and going hours on end without food just to be served slices of bread as a meal. The four detainees were able to "escape" the facility by punching through the exterior wall of the jail.

oversight at a critical moment and place him at even greater risk of severe medical deterioration.

Third, the balance of equities overwhelmingly favors Mr. Coelho. He has significant ties to the United States, poses no danger to the community, and suffers from severe medical vulnerabilities that render continued detention extraordinarily dangerous. By contrast, Respondents suffer no legitimate prejudice from releasing a medically vulnerable individual under reasonable conditions of supervision while these proceedings remain pending.

Finally, the public interest strongly favors relief. The public maintains a profound interest in ensuring that constitutional protections are upheld and that civil immigration detention does not expose medically vulnerable individuals to potentially life-threatening harm without meaningful process or adequate safeguards.

For the foregoing reasons, Petitioner respectfully requests that this Court: (1) issue a Temporary Restraining Order enjoining Respondents from continuing Petitioner's detention pending resolution of the habeas petition; (2) order his immediate release, or in the alternative, a prompt individualized bond hearing; (3) enjoin any transfer absent notice to counsel; and (4) grant such other and further relief as this Court deems just and proper.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner, Moacir Dias Coelho, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Moacir Dias Coelho ("Mr. Coelho") is a citizen of Brazil who entered the United States in 2021 on a B 2 visa and has resided here since that time. During his residence in the United States, Mr. Coelho has established substantial ties to this country and has lived peacefully within the community alongside his wife and family.

2. On May 3, 2026, while exiting his apartment complex with his wife, Mr. Coelho was stopped and detained by Immigration and Customs Enforcement ("ICE") agents. ICE was allegedly searching for another individual residing within the apartment complex; nevertheless, Mr. Coelho was taken into custody and transferred to Delaney Hall.
3. Mr. Coelho is entitled to seek an individualized custody determination before the Immigration Court based upon his manner of entry. However, despite his substantial equities, severe medical vulnerabilities, and lack of dangerousness, continued detention remains virtually inevitable as a practical matter because noncitizens without presently pending relief before the Immigration Court are routinely subjected to prolonged detention regardless of individualized circumstances. Undersigned counsel is actively preparing and filing a comprehensive bond motion addressing Mr. Coelho's equities, medical condition, danger, and flight risk. Nevertheless, absent intervention from this Court, Mr. Coelho faces continued detention despite the absence of any meaningful showing justifying his confinement.
4. Mr. Coelho poses no danger to the community and no meaningful risk of flight. He has significant community and family ties and suffers from extraordinary medical vulnerabilities that make continued detention particularly dangerous and punitive in effect.
5. Compounding the unlawfulness of his continued detention are Mr. Coelho's severe and ongoing medical conditions. In May 2025, Mr. Coelho suffered a non-ST elevated myocardial infarction ("NSTEMI") requiring cardiac catheterization intervention and extensive cardiac treatment. Thereafter, he remained under continued cardiology treatment and monitoring throughout 2025 for coronary artery disease, uncontrolled hypertension, diabetes mellitus, and related cardiovascular complications. His medical records further confirm dependence on

numerous life sustaining medications, including antiplatelet therapy, cardiac medications, diabetic treatment, blood pressure medications, and emergency nitroglycerin. Exhibit B.

6. Mr. Coelho remains confined in civil immigration detention despite his severe cardiovascular disease and ongoing need for continuous monitoring and treatment. Although Respondents allegedly provided some medications while detained, neither Mr. Coelho nor undersigned counsel has any meaningful assurance that all prescribed medications are being consistently administered in the proper dosages, at the proper times, or with the continuity required for an individual with severe cardiac disease. Continued detention places Mr. Coelho at constant risk of another catastrophic cardiac event, irreversible injury, or death.

7. The Constitution does not permit the Government to continue detaining a medically vulnerable, non-dangerous individual without meaningful due process and individualized justification. Mr. Coelho's continued detention violates the Due Process Clause of the Fifth Amendment. See *Diop v. ICE Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Chavez Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469 (3d Cir. 2015); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203 (3d Cir. 2020). Accordingly, Mr. Coelho respectfully seeks immediate release or, in the alternative, a prompt and constitutionally adequate individualized custody determination at which Respondents bear the burden of justifying continued detention.

PARTIES

8. Mr. Coelho has been detained by Respondents since May 3, 2026, at Delaney Hall Detention Facility ("Delaney").

9. Respondent Luis Soto is named in his official capacity as the Director/Warden of Delaney. Mr. Soto is responsible for the operation of Delaney, where Mr. Coelho is currently detained.

10. Respondent Arthur J. Wilson is named in his official capacity as the Director of the New

Jersey Field Office for ICE. Mr. Wilson is responsible for arrests, processing, detention, production, transfer, and release of individuals in removal proceedings. He is a legal custodian of Mr. Coelho.

11. Respondent Todd Blanche is named in his official capacity as the U.S. Attorney General ("AG"). AG Blanche is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g) and oversees the Executive Office for Immigration Review ("EOIR"). He is a legal custodian of Mr. Coelho.

12. Respondent Markwayne Mullin is named in his official capacity as the Acting Secretary of the U.S. Department of Homeland Security ("DHS"). Mr. Mullin is responsible for the administration of immigration laws under 8 U.S.C. § 1103(a) and oversees ICE. He is a legal custodian of Mr. Coelho.

13. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of ICE. Mr. Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is a legal custodian of Mr. Coelho.

JURISDICTION

14. This Court has proper jurisdiction over Mr. Coelho's Petition for Writ of Habeas Corpus. As per 28 U.S.C. § 2241, this Court has the discretion to evaluate and grant the instant writ of habeas corpus. Under 28 U.S.C. § 1331, this Court has original jurisdiction over the federal issue arising in this matter. Article I, § 9, cl. 2 of the United States Constitution, the Suspension Clause, protects the privilege of habeas corpus. The All-Writs Act, 28 U.S.C. § 1651, grants this Court with remedial authority to issue this necessary writ. The Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., specifically allows this Court to grant injunctive and declaratory relief if it sees fit.

15. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS; as well as claims by noncitizens seeking to protect their due process rights. *See, Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018).

16. Mr. Coelho's current detention as enforced by Respondents constitutes a "severe restraint [on his] individual liberty," such that he is "in custody in violation of the Constitution or laws … of the United States." *Hensley v. Municipal Court,* 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).

VENUE

17. Venue is proper in the District of New Jersey. Pursuant to 28 U.S.C. § 2241(d), a writ of habeas corpus may be filed in the district where the Petitioner is held in custody. Under 28 U.S.C. § 1391 (b) (2), a proper venue is where a substantial part of the events and omissions gave rise to the claim.

18. Mr. Coelho is currently in ICE custody at Delaney, where a substantial part of the events giving rise to his habeas claim occurred. Due to the custody location and occurrence in events, it is proper to file in the District of New Jersey.

EXHAUSTION

19. No statutory exhaustion requirements exist as to Mr. Coelho's unlawful detention claims. *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000).

20. Although exhaustion is not statutorily required when challenging detention under 28 U.S.C. §2241, many courts still require proof of exhaustion largely to the appropriate agency's benefit. *Id*.

21. There are several exceptions that courts consider when evaluating exhaustion requirements.

An immigrant detainee advancing a due process claim is likely to be exempt because the Board of Immigration Appeals ("BIA") does not have jurisdiction to adjudicate constitutional issues. Mr. Coelho is not required to prove exhaustion because he is advancing due process claims in the instant habeas petition.

STATEMENT OF FACTS

22. Petitioner Moacir Dias Coelho is a native and citizen of Brazil, born on [redacted]. Mr. Coelho entered the United States in 2021 on a B 2 visa and has remained in the United States since that time. Prior to entering the United States, Mr. Coelho served as a police officer in Brazil before retiring from public service. Since arriving in the United States, he has resided peacefully within the community, established substantial ties to this country, and lived alongside close family members, including his brother, who is a United States citizen. *Exhibit A: Declaration of Counsel Alexandra Minogue, Esq. in Support of Mr. Coelho's Habeas Petition* , ¶¶ 3 5. *("Exhibit A")*.

23. Prior to his detention, Mr. Coelho resided with his wife and maintained substantial family and community ties within the United States. He poses no danger to the community and no meaningful risk of flight. *Id.* ¶¶ 4 6.

Mr. Coelho's Detention and Proceedings

24. On May 3, 2026, while exiting his apartment complex with his wife, Mr. Coelho was stopped and detained by Immigration and Customs Enforcement ("ICE") agents. ICE was allegedly searching for another individual residing within the apartment complex; nevertheless, Mr. Coelho was taken into custody and transferred to Delaney Hall Detention Facility in Newark, New Jersey. *Id.* ¶ 7.

25. Mr. Coelho remains detained at Delaney Hall. Although Mr. Coelho is entitled to seek an individualized custody determination before the Immigration Court based upon his manner of entry, undersigned counsel is presently preparing and filing a comprehensive bond motion together with supporting medical documentation and evidence addressing danger and flight risk. Nevertheless, as routinely observed in similarly situated matters involving noncitizens without presently pending relief before the Immigration Court, continued detention frequently results despite substantial equities, severe medical vulnerability, and the absence of any individualized showing establishing danger to the community or flight risk.

26. To date, Mr. Coelho has not been provided any individualized custody determination or bond hearing.

Mr. Coelho's Medical Condition

27. Mr. Coelho suffers from severe and ongoing cardiovascular disease requiring continuous treatment, monitoring, and specialist care. In May 2025, Mr. Coelho suffered a non ST elevated myocardial infarction ("NSTEMI") requiring hospitalization, cardiac catheterization intervention, and extensive cardiac treatment through Virtua Health. *Exhibit B.*

28. Following his cardiac event, Mr. Coelho remained under continued cardiology treatment and monitoring throughout 2025. His medical records document persistent coronary artery disease, uncontrolled hypertension, diabetes mellitus, hyperlipidemia, and ongoing cardiovascular complications requiring continued specialist follow up and medication management. *Id.*

29. Mr. Coelho remains prescribed numerous life sustaining medications, all of which he continues to take daily, including aspirin, carvedilol, clopidogrel (Plavix), atorvastatin, metformin, amlodipine, and emergency nitroglycerin. His medical records further confirm ongoing

cardiology follow up and continued monitoring throughout May, June, August, and September 2025. *Id.*

30. Although Respondents allegedly provided some medications while Mr. Coelho remains detained in ICE custody, neither Mr. Coelho nor undersigned counsel has any meaningful assurance that all prescribed medications are being consistently administered in the proper dosages, at the proper times, or with the continuity required for an individual suffering from severe cardiovascular disease and a documented history of cardiac intervention.

31. Continued detention places Mr. Coelho at constant risk of another catastrophic cardiac event, irreversible injury, or death. His family remains deeply concerned regarding his physical health, access to proper medical care, and overall wellbeing while detained at Delaney Hall.

32. Mr. Coelho continues to remain in ICE custody at Delaney Hall pending further immigration proceedings.

LEGAL FRAMEWORK

I. MR. COELHO IS LIKELY TO SUCCEED ON THE MERITS OF HIS CLAIMS THAT HIS DETENTION IS UNLAWFUL & VIOLATES HIS DUE PROCESS RIGHTS.

33. The Due Process Clause of the Fifth Amendment applies to all persons within the United States, including noncitizens, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Individuals navigating the immigration system in pursuit of lawful status are therefore entitled to notice, a meaningful opportunity to be heard, and protection against governmental restraints that deprive them of liberty or property interests. *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). With respect to detention in particular, the Supreme Court has made clear that civil confinement "for any

purpose constitutes a significant deprivation of liberty that requires due process protection." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

A. Categorical Detention Without Meaningful Process Violates Due Process.

34. Mr. Coelho remains detained without any meaningful individualized custody determination despite the absence of any showing that he poses a danger to the community or meaningful risk of flight.

35. Civil immigration detention cannot operate through automatic incarceration untethered from individualized process. Detention remains constitutionally permissible only where it serves a legitimate regulatory purpose and is accompanied by adequate procedural safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *United States v. Salerno*, 481 U.S. 739, 747 (1987); *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

36. Mr. Coelho has substantial ties to the United States, including close family members residing lawfully in this country, no history suggesting dangerousness, and severe medical vulnerabilities requiring ongoing treatment and monitoring. Nevertheless, he remains detained without any meaningful opportunity to demonstrate that continued confinement is unnecessary.

37. Further, the lack of presently pending immigration relief does not justify continued detention. Liberty under the Constitution is not conditioned upon the filing of an application for relief, nor may Respondents categorically detain a lawfully admitted noncitizen solely because no application is presently pending before the Immigration Court. Due process instead requires individualized consideration of the actual bases for detention, including danger to the community and flight risk.

38. As a practical matter, noncitizens without presently pending relief are routinely subjected to continued detention regardless of substantial equities, medical vulnerability, or the absence of dangerousness. But the Constitution does not permit detention to become punitive merely because an individual lacks a pending application before the Immigration Court. *Zadvydas*, 533 U.S. at 690.

39. Continued detention under these circumstances, absent meaningful individualized review, cannot be reconciled with the Due Process Clause of the Fifth Amendment.

B. Mr. Coelho's Continued Detention Without an Individualized Custody Determination Violates Procedural Due Process.

40. When a protected liberty interest is at stake, courts must balance the factors set forth in *Mathews v. Eldridge*, including: (1) the private interest affected; (2) the risk of erroneous deprivation through existing procedures; and (3) the Government's interest. 424 U.S. at 335.

41. Mr. Coelho's liberty interest is overwhelming. He entered the United States lawfully, has substantial family and community ties, and suffers from severe cardiovascular disease requiring ongoing monitoring and treatment.

42. In May 2025, Mr. Coelho suffered a non-ST elevated myocardial infarction requiring hospitalization, cardiac catheterization intervention, and continued cardiology treatment. His medical records further confirm coronary artery disease, uncontrolled hypertension, diabetes mellitus, and dependence upon numerous life sustaining medications. *Exhibit B.*

43. Despite these extraordinary medical vulnerabilities, Mr. Coelho remains confined in immigration detention without any meaningful custody review and without assurance of adequate cardiac monitoring or continuity of care. Continued detention places him at constant risk of another catastrophic cardiac event, irreversible injury, or death.

44. The risk of erroneous deprivation here is extreme. Mr. Coelho has never been afforded any meaningful opportunity to demonstrate that he poses no danger and no meaningful risk of flight despite his substantial equities and severe medical vulnerabilities.

45. By contrast, the Government's interests can be fully satisfied through release subject to reasonable conditions or, at minimum, a prompt and constitutionally adequate individualized custody determination. Providing such process imposes minimal administrative burden while protecting against catastrophic constitutional and human consequences.

46. Under *Mathews*, the balance weighs decisively in Mr. Coelho's favor. His continued detention without meaningful individualized review violates procedural due process.

C. Mr. Coelho's Continued Detention Is Arbitrary and Violates Substantive Due Process.

47. Civil immigration detention is constitutionally permissible only where it bears a reasonable relation to a legitimate regulatory purpose. Where detention becomes excessive, arbitrary, or untethered from individualized necessity, it violates substantive due process. *Zadvydas*, 533 U.S. at 690; *Salerno*, 481 U.S. at 747.

48. Mr. Coelho's continued detention serves no legitimate regulatory purpose. He is not alleged to be dangerous, has substantial ties to the United States, and suffers from severe medical conditions that place him at heightened risk of catastrophic harm while detained.

49. Continued detention under these circumstances, particularly absent any individualized custody determination, bears no reasonable relation to any legitimate governmental objective. Instead, it functions as punitive confinement imposed without meaningful process.

50. Because Mr. Coelho's detention is arbitrary, excessive, and imposed without adequate procedural safeguards, it violates the Due Process Clause of the Fifth Amendment and cannot be sustained.

CLAIMS FOR RELIEF
COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS)

51. Petitioner re alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

52. Mr. Coelho is neither a flight risk nor a danger to the community. He entered the United States lawfully, has substantial family and community ties within the United States, including a United States citizen brother, and suffers from severe medical vulnerabilities requiring ongoing treatment and monitoring.

53. Civil immigration detention must bear a reasonable relation to a legitimate regulatory purpose and cannot become punitive in nature. *Zadvydas v. Davis*, 533 U.S. 678, 690 91 (2001). Because Mr. Coelho poses no meaningful danger to the community and no meaningful risk of flight, his continued detention serves no legitimate regulatory purpose.

54. Further, the absence of presently pending immigration relief does not justify continued detention. Liberty under the Constitution is not conditioned upon the filing of an application for relief, nor may Respondents continue detaining a lawfully admitted noncitizen solely because no application is presently pending before the Immigration Court.

55. As a practical matter, noncitizens without presently pending relief are routinely subjected to prolonged detention regardless of substantial equities, severe medical vulnerability, or the absence of dangerousness. But detention under such circumstances, untethered from individualized necessity, transforms civil confinement into punitive detention forbidden by due process. *Zadvydas*, 533 U.S. at 690.

56. Mr. Coelho is also extraordinarily medically vulnerable. In May 2025, he suffered a non ST elevated myocardial infarction requiring hospitalization, cardiac catheterization intervention, and extensive cardiac treatment. *Exhibit B.* Following his hospitalization, he remained under continued cardiology treatment and monitoring throughout 2025 for coronary artery disease, uncontrolled hypertension, diabetes mellitus, and related cardiovascular complications.

57. Mr. Coelho remains prescribed numerous life sustaining medications, including aspirin, carvedilol, clopidogrel (Plavix), atorvastatin, metformin, amlodipine, and emergency nitroglycerin. *Exhibit B.*

58. Despite these severe medical conditions, Mr. Coelho remains confined in immigration detention without any assurance of adequate cardiac monitoring, continuity of care, timely medical intervention, or appropriate specialist follow up treatment. Although Respondents allegedly provided some medications while detained, neither Mr. Coelho nor undersigned counsel has any meaningful assurance that all prescribed medications are being consistently administered in the proper dosages, at the proper times, or with the continuity required for an individual suffering from severe cardiovascular disease and a documented history of cardiac intervention.

59. Continued detention under these circumstances places Mr. Coelho at constant risk of another catastrophic cardiac event, irreversible injury, or death.

60. Detaining Mr. Coelho under these circumstances, without any individualized justification and despite his severe medical vulnerabilities and substantial equities, renders his confinement excessive, punitive, arbitrary, and unconstitutional.

COUNT TWO

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS)

61. Petitioner re alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

62. The Fifth Amendment protects all persons from deprivation of liberty without due process of law.

63. Mr. Coelho possesses a substantial liberty interest in freedom from prolonged civil detention and in obtaining a meaningful individualized custody determination.

64. Despite that protected liberty interest, Mr. Coelho has been detained without any meaningful opportunity for an individualized custody determination. Respondents continue to confine him without any hearing assessing whether he poses a danger to the community or a meaningful risk of flight.

65. Further, as routinely observed in similarly situated matters involving noncitizens without presently pending relief before the Immigration Court, continued detention frequently results despite substantial equities, severe medical vulnerability, and the absence of any individualized showing establishing danger to the community or flight risk.

66. The risk of erroneous deprivation here is extreme. Mr. Coelho has never been afforded any meaningful opportunity to demonstrate that he poses no danger and no meaningful risk of flight despite his lawful entry, substantial family ties, and documented medical vulnerabilities.

67. Continued detention also exposes Mr. Coelho to ongoing medical danger due to his severe cardiovascular disease and need for continuous monitoring, treatment, and specialist care.

68. A prompt and meaningful custody determination would impose minimal burden upon Respondents while protecting against the severe constitutional and human consequences of erroneous detention.

69. Mr. Coelho is therefore detained without constitutionally sufficient process in violation of the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this action pursuant to 28 U.S.C. § 2241 and the United States Constitution;
2. Issue a Writ of Habeas Corpus ordering Mr. Coelho's immediate release from Respondents' custody on the ground that his continued detention violates the Due Process Clause of the Fifth Amendment;
3. In the alternative, order Respondents to immediately release Mr. Coelho under reasonable conditions of supervision;
4. In the alternative, order a prompt and constitutionally adequate individualized custody determination before an Immigration Judge;
5. Order that any custody hearing place the burden on the Government to establish, by clear and convincing evidence, that Mr. Coelho poses a danger to the community or a meaningful risk of flight;
6. Retain jurisdiction to review any custody determination to ensure compliance with this Court's Order and constitutional due process requirements;
7. Enter injunctive relief prohibiting Respondents from transferring Mr. Coelho out of this District during the pendency of this action; and
8. Grant such other and further relief as this Court deems just and proper.

Dated: 05/06/26

Respectfully Submitted,

Alejandra Mirabal

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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Motion for Temporary Restraining Order and Injunctive Relief and Petition for Writ of Habeas Corpus with all attachments using the PACER system.

Dated: 05/06/26

Respectfully Submitted,



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