

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

Dylan Lopez Contreras,

Petitioner,

v.

Case No. _____

LEONARD ODDO, in his official capacity as the Facility Administrator of the Moshannon Valley Processing Center; BRIAN MCSHANE, in his official capacity as acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement; TODD LYONS, in his official capacity as Acting Director U.S. Immigrations and Customs Enforcement; and KRISTI NOEM, in her official capacity as U.S. Secretary of Homeland Security; U.S. Department of Homeland Security; U.S. Immigrations and Customs Enforcement,
Respondents.

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

ORAL ARGUMENT REQUESTED

INTRODUCTION

1. Dylan Lopez Contreras is a twenty-year-old high school student in the Bronx, New York, from Venezuela. Dylan has a pending application for asylum, no criminal history, and is pursuing Special Immigrant Juvenile (“SIJS”) status which would give him a pathway to a green card. Pursuant to the humanitarian parole, Dylan applied for and was granted authorization to work legally in the United States. Since his legal entry into the United States with humanitarian parole over a year ago, he has enrolled in school at English Language Learners and International Support Preparatory Academy (“ELLIS Prep”), works part-time to help support his family, and helps his mother care for his younger siblings.

2. Dylan also suffers from a severe, chronic illness that his doctors are still working to diagnose and treat. He has required significant testing and follow up from various specialists to try to diagnose.
3. On May 21, 2025, Dylan appeared without a lawyer for a routine appearance in Immigration Court in New York City. At that hearing, the Department of Homeland Security (“DHS”) unilaterally moved to dismiss Dylan’s proceedings, even though the proceedings would have addressed his pending application for asylum.
4. DHS’s motion to dismiss Dylan’s proceedings is part of a coordinated practice wherein DHS attempts to dismiss pending immigration proceedings for noncitizens across the country in order to transfer them from full Immigration Court proceedings under 8.U.S.C.§ 1229(a)—where noncitizens can pursue asylum claims, be represented by counsel, gather and present evidence, and pursue appeals — to cursory proceedings called “expedited removal” under 8 U.S.C. § 1225(b)(1), which remove immigrants from Immigration Court and deprive them of the procedural protections built into regular removal proceedings.
5. Dylan, along with his mother who accompanied him to the hearing, primarily speak Spanish, did not have an attorney, and did not understand that dismissal of Dylan’s regular removal proceedings would mean that Respondents would seek to place him in expedited removal proceedings. They believed that the dismissal would make it easier for him to obtain a green card through the SIJS process. The Immigration Judge dismissed Dylan’s proceedings.
6. Dylan and his mother left the courtroom and entered an elevator to leave the courthouse. Two unfamiliar men in plainclothes followed them into the elevator. When the elevator reached the lobby, the men revealed themselves to be Immigration and Customs Enforcement (“ICE”) agents. They handcuffed Dylan, refused to show his mother a warrant, and threatened her with

arrest if she tried to record her son's arrest. Dylan's mother pled with the officers that Dylan was young, ill, and applying for SIJS, but the officers ignored her pleas.

7. In the eight days since his detention, DHS has moved Dylan to four separate ICE detention facilities, including facilities in Texas and Louisiana. They have also repeatedly misrepresented his location to Dylan's counsel and thereby delayed and prevented him from speaking with his attorneys.

8. Dylan's arrest and ongoing detention cause him enormous and continued harm. He has been ripped away from his high school studies, his work, and his mother and young siblings who rely on him. His detention imperils his ability to pursue a diagnosis and treatment for his severe medical condition. His detention also threatens his ability to gather the necessary materials to submit a SIJS application, appear for his scheduled hearing in family court, and pursue his asylum claim.

9. Dylan now respectfully asks this Court to hold that his continued detention is unlawful and order his immediate release from custody. He also respectfully asks that this Court order Respondents to not transfer him outside of the District for the duration of this proceeding.

JURISDICTION & VENUE

10. This case arises under the United States Constitution and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.* This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 2241, 28 U.S.C. § 1331, and 5 U.S.C. § 701 *et seq.*

11. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 208 (3d Cir. 2020); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

12. Administrative exhaustion is unnecessary as it would be futile.
13. Mr. Dylan Lopez Contreras is detained in civil immigration custody at the Moshannon Valley Processing Center (“Moshannon”) in Clearfield County, Pennsylvania. He has been detained since on or about May 21, 2025.
14. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. §§ 1391(b)(2) and (e)(1) because at the time of filing, Petitioner is detained at Moshannon Valley Processing Center (“Moshannon”) in Clearfield County, Pennsylvania within the jurisdiction of the Western District of Pennsylvania.
15. Respondents are officers, employees, or agencies of the United States.
16. A substantial part of the events or omissions giving rise to these claims occurred in Clearfield County, Pennsylvania, and no real property is involved in this action.

PARTIES

17. Petitioner Dylan Lopez Contreras is a citizen of Venezuela and a resident of New York City who has been detained since on or about May 21, 2025. He was paroled into the United States on May 1, 2024, and is a student at ELLIS Prep, a public high school in New York City. He suffers from significant gastrointestinal issues that require prompt in-person attention by his doctors. He is currently detained at Moshannon in Clearfield County, Pennsylvania. He is in the custody and direct control of Respondents and their agents.
18. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security. In this capacity, Respondent Noem oversees DHS and is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103.

19. Respondent Todd Lyons is named in his official capacity as Acting Director for ICE. In this capacity, he is responsible for ICE's policies, practices, and procedures, including relating to detention determinations. Respondent Lyons is a legal custodian of Petitioner.

20. Respondent Brian McShane is named in his official capacity as the acting director of ICE's Philadelphia Field Office, which is responsible for ICE activities in the Philadelphia Area of Responsibility, which encompasses Delaware, Pennsylvania, and West Virginia and its detention facilities, including Moshannon. Respondent McShane is an immediate legal custodian responsible for the detention of Petitioner.

21. Respondent Leonard Oddo is named in his official capacity as the Facility Administrator of Moshannon, which detains individuals suspected of civil immigration violations pursuant to a contract with ICE. Respondent Oddo is the immediate physical custodian responsible for the detention of Petitioner.

22. Respondent DHS is a cabinet-level department of the United States federal government. Its components include ICE. Respondent DHS is a legal custodian of Petitioner.

23. Respondent ICE is a subagency of DHS that is responsible for carrying out removal orders and overseeing immigration detention. Respondent ICE is a legal custodian of Petitioner.

BACKGROUND

24. For habeas petitions filed pursuant to 28 U.S.C. § 2241 *et seq.*, the Court may either “forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,” unless Dylan is not entitled to relief. 28 U.S.C. § 2243; *see also Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (“the primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases.”). If the Court

elects to direct Respondent to show cause, that response “shall be returned within three days unless for good cause additional time, not exceeding twenty days.” 28 U.S.C. § 2243.

Expansion of Expedited Removal

25. In expedited proceedings, certain non-citizens deemed by an immigration officer to be “inadmissible” because they engaged in fraud or misrepresentation to gain admission or immigration benefits, 8 U.S.C. § 1182(a)(6)(C), or because they lack the required documents for entry, 8 U.S.C. § 1187(a)(7), may be ordered removed by that officer “without further hearing or review.” 8 U.S.C. § 1225(b)(1)(A)(i).

26. Individuals who are processed through expedited removal who express a fear of harm or wish to apply for asylum are entitled to a Credible Fear Interview (“CFI”), *see* 8 U.S.C. §§ 1225(b)(1)(A)(ii); (b)(1)(B)(ii). They are entitled to “further consideration of the application for asylum,” though they only return to Immigration Court for full removal proceedings before an Immigration Judge if they are found to have the necessary fear. *See* 8 U.S.C.

§ 1225(b)(1)(B)(ii).

27. The statute only allows for two groups of individuals to be subjected to expedited removal: 1) a noncitizen who is “arriving” in the United States; and 2) a noncitizen “who has not been admitted or paroled into the United States” and cannot prove to the “satisfaction of an immigration officer” that they have been continuously physically present in the country for two years. *See* 8 U.S.C. § 1225(b)(1)(A)(iii)(II); 8 C.F.R. §§ 235.3(b)(1)(ii); (b)(6).

28. On January 20, 2025, President Trump signed Executive Order 14159, titled “Protecting the American People Against Invasion.” That Executive Order characterized noncitizens as “significant threats to national security and public safety, committing vile and heinous acts against innocent Americans” and “engaged in hostile activities, including espionage, economic

espionage, and preparations for terror-related activities.” That Executive Order directed, *inter alia*, DHS to “ensure...expedited removal of aliens from the United States.”

29. On January 21, 2025, Acting Deputy Secretary of DHS Benjamine Huffman issued for public inspection and effective immediately a designation expanding the scope of expedited removal to apply nationwide and to certain noncitizens who are unable to prove they have been in the country continuously for two years. On January 24, 2025, DHS published a Notice in the Federal Register, 2025-01720 (90 FR 8139) greatly expanding DHS’ expedited removal powers. On February 18, 2025, ICE sent an email directive to Enforcement and Removal officers directing them to consider for expedited removal all noncitizens previously released by Customs and Border Protection who was found to be inadmissible under 8 USC § 1182(a)(6)(C), even those who were arriving aliens.¹

30. This expansion of expedited removal is being challenged in separate litigation. *See Make the Road New York v. Huffman*, 25-cv-00190 (D.D.C. filed Jan. 22, 2025).

31. The application of expedited removal to individuals who entered the United States legally through humanitarian parole processes is being challenged in separate litigation. *See Coalition for Humane Immigrant Rights v. Noem*, 25-cv-00872 (D.D.C. filed Mar. 24, 2025).

32. Expedited removal differs from removal proceedings before an Immigration Judge. *Compare* 8 U.S.C. § 1229(a) (outlining procedures and noncitizens rights in hearings before immigration judges) *with* 8 U.S.C. § 1225(b)(1)(A)(i) (outlining summary procedures by which a DHS official can remove a noncitizen without a hearing). Removal proceedings pursuant to 8 U.S.C. § 1229(a) are adjudicated by Immigration Judges who are part of the Executive Office for

¹ See 2025.02.18 ICE Email Directive on Expedited Removal and Nondetained Docket, Immigration Policy Tracking Project (2025) available at <https://immpolicytracking.org/policies/ice-directs-ero-officers-to-consider-expedited-removal-for-large-categories-of-noncitizens/#/tab-policy-documents>.

Immigration Review (“EOIR”), under the Department of Justice (“DOJ”). Noncitizens in these proceedings are given the time and opportunity to gather and present evidence, give testimony, present and challenge witnesses, and put forth legal briefing. *See, e.g.*, 8 U.S.C. § 1229a(b)(4) (enumerating noncitizens’ rights to have the privilege of being represented, opportunity to examine and present evidence, and a record to proceedings). Noncitizens can also apply for work authorization while certain applications for relief are pending before Immigration Court, 8 C.F.R. § 274a.12, and can have claims that are denied heard by the Board of Immigration Appeals and the Circuit Courts of Appeals. *See* 8 C.F.R. § 1003.38.

33. In contrast, expedited removal is a unilateral and summary process adjudicated solely by DHS officers; there is no Immigration Court or Immigration Judge involved and no judicial review. *See* 8 U.S.C. § 1225(b)(1)(A)(i). An individual who is placed into expedited proceedings can be removed with little to no due process.

Noncitizens Are Entitled to Constitutional Protections in Their Immigration Detention

34. 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*, 533 U.S. at 693.

35. The Due Process Clause of the Fifth Amendment, rather than the Eighth Amendment, governs the rights of civil detainees. *Bistrain v. Levi*, 912 F.3d 79, 91 (3d Cir. 2018) (quoting *Kost v. Kozakiewicz*, 1 F.3d 176, 188 (3d Cir. 1993) (explaining that the rights of pretrial civil detainees are “at least as great as the Eighth Amendment protections available to a convicted prisoner”)); *see also Charles v. Orange County*, 925 F.3d 73, 82 (2d Cir. 2019). Under the Due Process Clause, the rights of civil detainees “are at least as great as the Eighth Amendment

protections available to a convicted prisoner.” *City of Revere v. Massachusetts Gen. Hosp.*, 463 U.S. 239, 244 (1983); *Bistrain*, 912 F.3d at 91; *Charles*, 925 F.3d at 82 (same).

36. Noncitizens are protected by the Fifth Amendment. *Plyler v. Doe*, 457 U.S. 202, 210 (1982).

37. Immigration detainees are civil detainees. *Zadvydas*, 533 U.S. at 690.

38. Immigration detention serves two goals: “ensuring the appearance of [noncitizens] at future immigration proceedings” and “[p]reventing danger to the community.” *Id.*

39. The government must “justify continued detention by clear and convincing evidence.” *Black v. Decker*, 103 F.4th 133, 157 (2d Cir. 2024).

40. The Due Process Clause of the Fifth Amendment also guarantees noncitizens and citizens alike notice and an opportunity to be heard before being deprived of a protected interest.

Mathews v. Eldridge, 424 U.S. 319, 333 (1976); *see also Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 168 (1951) (Frankfurter, J., concurring) (“[T]he right to be heard before being condemned to suffer grievous loss of any kind ... is a principle basic to our society.”).

Noncitizens Have a Constitutional Right of Access to Courts

41. In addition, U.S. citizens and noncitizens alike have a right of access to courts. “It is well established that all persons enjoy a constitutional right of access to the courts, although the source of this right has been variously located in the First Amendment right to petition for redress, the Privileges and Immunities Clause of Article IV, section 2, and the Due Process Clauses of the Fifth and Fourteenth Amendments.” *Beckerman v. Susquehanna Twp. Police & Admin.*, 254 F. App’x 149, 153 (3d Cir. 2007) (citing *Monsky v. Moraghan*, 127 F.3d 243, 247 (2d Cir. 1997)). “The right of access to the courts has a number of constitutional roots, including

the Due Process Clause and the First Amendment.” *Allah v. Seiverling*, 229 F.3d 220, 224 n. 4 (3d Cir. 2000).

42. Arrests at Immigration Courts violate the constitutional right of access to courts. *Doe v. U.S. Immigr. & Customs Enf’t*, 490 F. Supp. 3d 672, 694 (S.D.N.Y. 2020); *see also Washington v. U.S. Dep’t of Homeland Sec.*, 614 F. Supp. 3d 863, 883 (W.D. Wash. 2020).

43. To demonstrate that a plaintiff has been denied access to a court, they must “demonstrate that a defendant caused actual injury, *i.e.*, took or was responsible for actions that hindered a plaintiff’s efforts to pursue a legal claim.” *Beckerman*, 254 Fed. App’x at 153 (quoting *Monsky*, 127 F.3d at 247 (cleaned up)).

STATEMENT OF FACTS

Dylan Lopez Contreras’s Time in the United States

44. Dylan is a 20-year-old young man who fled persecution in Venezuela to seek asylum in the United States. *See* Exhibit A. He waited in Mexico for an appointment through the CBP One mobile application and was paroled into the United States on May 1, 2024. Dylan was issued a Notice to Appear that same day, which was docketed with the Immigration Court on May 2, 2024.

45. Following his parole into the United States, Dylan moved to New York City to reunite with his mother and younger siblings. Although Dylan graduated from high school in Venezuela, he enrolled in ELLIS Prep, a Bronx high school serving English language learners who are over-aged for traditional public high schools. Dylan was determined to learn English and enroll in college.

46. In addition to attending high school, Dylan began working part-time as a delivery driver to support his family. His income allowed his family to move out of a homeless shelter into their own apartment.
47. Because his mother was working long hours, Dylan took on an active caregiving role with his younger siblings. Dylan became responsible for picking them up from school and supervising them.
48. Dylan loves school and is planning to go to college, where he hopes to study computer engineering or audiovisual sciences.
49. Dylan also loves music and dreams of being a musician. He's learning to play guitar at school and is teaching himself ukelele in his spare time.
50. He enjoys learning languages and wants to travel the world someday to get to know other cultures and people. He likes practicing English with his classmates.
51. Dylan also loves spending time with his family. Two days before Respondents detained him, he went with his mother and siblings to visit waterfalls in Pennsylvania. He has also gone on family outings to visit the Statue of Liberty and to the New York Aquarium.
52. Dylan is beloved by his community. Classmates describe him as playing Uno with friends during lunch and freely sharing arepas, a popular Venezuelan dish of fried cornmeal stuffed with meat or cheese. Since his detention, his community has repeatedly spoken out in his defense, including organizing a rally in his support.
53. Even as Dylan adjusted to his new life in the United States, he was careful to take all steps necessary to maintain his parole and seek permanent immigration relief from removal. He filed an asylum application detailing his fear of his removal to Venezuela on May 28, 2024, less

than a month after being paroled into the country and far ahead of the one-year filing deadline for asylum applications.

54. On October 2, 2024, he attended his first master calendar hearing *pro se* at the New York Immigration Court at 290 Broadway. Unable to secure counsel, Dylan attended the hearing with his mother. The Immigration Court scheduled a second master calendar hearing for May 21, 2025.

55. Prior to his second hearing, Dylan began the process of seeking Special Immigrant Juvenile Status (“SIJS”) with the assistance of a *pro se* clinic — the NYC Asylum Seeker Navigation Center, set up by the City of New York to provide *pro se* services to newly arrived New York residents. SIJS is a pathway to lawful permanent resident status (“LPR”) or a “green card” for children who are under 21 years of age and have been “abused, neglected or abandoned” by one or more parents.

56. There are two general stages in obtaining SIJS: the first is a proceeding in the Family or Surrogates Court where the child resides, and the second is an application with DHS. Dylan currently has a hearing in Bronx Family Court scheduled for May 30, 2025, to pursue the guardianship and special findings order necessary for SIJS relief. *See* Exhibit B. Upon information and belief, Dylan is *prima facie* eligible for SIJS relief because he is under 21 years old, he is unmarried, he is unable to be reunified with his father as his father is deceased, and it is not in his best interest to return to his home country. 8 C.F.R. § 204.11; 8 U.S.C. § 101(a)(27)(J).

Dylan Lopez Contreras’s Medical History

57. Since arriving in the United States, Dylan has experienced serious, chronic medical problems, including persistent fevers and gastrointestinal issues, leading him to seek medical treatment repeatedly from the Sun River Health Center. Unable to determine the cause of his

symptoms, the health center referred him to New York Blood and Cancer Specialists for follow-up visits with an oncologist and hematologist. These specialists are currently in the process of assessing whether Dylan's symptoms are the result of cancer or Chron's disease. *See* Exhibit A.

58. On May 27, 2025, Dylan's doctor from Sun River Health Center provided a letter to his mother stating that recent laboratory results are "clinically significant" and require "immediate evaluation." The provider indicated that, due to these results, a prompt in-person visit with Dylan was highly recommended. *See* Exhibit C.

ICE Unlawful Detention of Dylan

59. Since mid-May 2025, the DHS has been employing a new campaign by which counsel for DHS moves to dismiss cases in Immigration Court in order to immediately pursue expedited removal. Upon dismissal, ICE officers waiting in lobbies, hallways, and elevator wells in Immigration Court buildings invoke expedited removal to arrest individuals leaving their hearings.²

60. It appears that ICE's selection of individuals to detain in Immigration Courts is random, as individuals in various postures in their immigration proceedings have been subjected to the policy.

² There has been substantial press coverage of the DHS campaign to pursue dismissal, arrest, and expedited removal in the Immigration Courts. *See, e.g.*, Gwynne Hogan, *ICE Agents Arrest at Least Seven Immigrants as Courthouse Blitz Continues*, The City (May 29, 2025), available at <https://www.thecity.nyc/2025/05/29/ice-arrests-migrants-290-broadway-court-trump/>; Luis Ferré-Sadurní and Dana Rubenstein, *ICE, Shifting Tactics, Detains High School Student at N.Y.C. Courthouse*, The New York Times (May 27, 2025), available at <https://www.nytimes.com/2025/05/27/nyregion/new-york-student-arrested-ice.html>; Ted Hesson and Kristina Cooke, *ICE arrests migrants at courthouses, opens door to fast-track departs*, Reuters (May 23, 2025), available at <https://www.reuters.com/world/us/ice-arrests-migrants-courthouses-opens-door-fast-track-deportations-2025-05-23/>; Camilo Montoya-Galvez and Nidia Cavazos, *ICE ending migrants' court cases in order to arrest and move to deport them*, CBS News (May 23, 2025), available at <https://www.cbsnews.com/news/ice-ending-migrants-court-cases-arrest-move-to-deport-them/>; Michael Elsen-Rooney, *A Bronx high schooler showed up for a routine immigration court date. ICE was waiting.*, Chalkbeat (May 26, 2025), available at <https://www.chalkbeat.org/newyork/2025/05/27/bronx-high-school-student-detained-by-immigration-ice-agents/>.

61. On May 21, 2025, Dylan attended his second master calendar hearing *pro se* at the 290 Broadway Immigration Court. His mother attended the hearing with him as he remained unrepresented at the time. On information and belief, counsel for DHS moved the Immigration Court to dismiss Dylan's proceedings, despite Dylan's pending application for asylum. *See* Exhibit A.

62. The Court asked Dylan's mother several questions regarding the possibility of dismissal, a complicated legal procedure that she did not fully understand. Dylan and his mother are primarily Spanish-speaking and neither have any background in the American legal system. At the time of the hearing, Dylan and his mother did not understand that dismissal of Dylan's regular removal proceedings would mean that Respondents would seek to place him in expedited removal proceedings. They did not understand that DHS attorneys and ICE officers were coordinating efforts across the country to move to dismiss removal proceedings in Immigration Courts and immediately detain those same respondents for expedited removal.

63. Based on representations from the Immigration Court, Dylan and his mother believed that dismissal of proceedings would facilitate the processing of Dylan's SIJS application. They did not understand that Dylan would no longer be able to pursue his pending asylum application once proceedings were dismissed. Had Dylan or his mother known this, they would have vigorously opposed the dismissal of proceedings. Indeed, on May 23, 2025, Dylan filed a Motion to Reconsider the dismissal of his proceedings through his recently-retained attorneys at NYLAG.

64. The Immigration Court ordered dismissal of proceedings, Dylan and his mother left the courtroom. As they entered an elevator to descend to the lobby, two men in plainclothes followed them into the elevator. When they reached the first floor, the men told Dylan and his

mother to go up against the wall. Dylan's mother saw another woman in the lobby crying as she was detained and realized the plainclothes men were likely ICE officers.

65. The officers were speaking English, which neither Dylan nor his mother understood. His mother believed they said they had an arrest warrant, but the officers declined to show her a copy of the warrant when she asked to see it. The officers demanded to see Dylan and his mother's papers. Upon looking at their paperwork, the officers immediately began handcuffing Dylan.

66. Dylan's mother attempted to record the interaction on her cell phone but stopped after being warned that she could be detained as well if she continued. She told the officers that Dylan was very young and ill, as well as that he was applying for SIJS. The officers ignored her pleas, detaining Dylan and putting him into a vehicle.

67. Respondents did not offer Dylan any process or opportunity to be heard before being arrested and detained.

68. Respondents placed Dylan in expedited removal proceedings.

Dylan Lopez Contreras is Repeatedly Moved Between Detention Centers and Effectively Denied Access to Counsel

69. Within hours of Dylan's detention, his mother retained *pro bono* counsel from the New York Legal Assistance Group ("NYLAG") to represent him. Despite repeated attempts to locate Dylan to meet with him, counsel was unable to speak with Dylan until the morning of May 28, 2025, a full week after his unlawful detention. *See* Exhibit A.

70. Between May 21 and 26, Dylan was moved to ICE detention facilities in four different states, and ICE officials repeatedly misrepresented his whereabouts to counsel. On the evening of May 21, the date he was detained, Dylan called his mother and told her he was at 26 Federal Plaza in New York City but believed he would be moved to New Jersey shortly.

71. Counsel contacted ICE on May 21 to ask where Dylan was detained. An ICE official responded on May 22 stating that Dylan was detained in Orange County Jail in Goshen, New York. This representation was inconsistent with ICE's online detainee locator, which reflected that Dylan was detained at the Elizabeth Detention Center in New Jersey. Counsel called the Orange County Jail and was told that Dylan had never been detained at the facility and that their records reflected that he was detained in Elizabeth.

72. Operating on the understanding that Dylan was detained at the Elizabeth Detention Center, despite ICE's representations to the contrary, counsel attempted to schedule a meeting with Dylan. However, that evening the online detainee locator reflected that Dylan had been moved to the Port Isabel Detention Center in Los Fresnos, Texas.

73. On Friday, May 23, the Elizabeth Detention Center responded to counsel's visitation request stating that Dylan was no longer at the facility. Counsel then scheduled a meeting with Dylan at the Port Isabel Detention Center for Tuesday, May 27, the first available attorney meeting slot, six days after his unlawful detention.

74. On the evening of Saturday, May 24, Dylan called his mother and told her he had been moved to the Alexandra Staging Facility in Alexandria, Louisiana. At the time, the online locator still reflected that he was in Texas. Dylan also told his mother on Saturday that he had been informed that he would have a Credible Fear Interview ("CFI") on Monday, which was Memorial Day. He told his mother that he had requested to have an attorney present at his CFI, but was told the interview would happen with or without his attorney.

75. Counsel contacted ICE on the morning of Sunday, May 25, to inquire regarding Dylan's location, as the locator continued reflecting that he was in Texas. An ICE official responded that Dylan was at Moshannon Valley Processing Center in Pennsylvania. Shortly after receiving this

email, counsel learned from Dylan's mother that he had just called her from Alexandra, Louisiana.

76. Upon learning that ICE had once again misrepresented Dylan's location, counsel contacted ICE a second time on May 25 to ask where he was detained. This time, ICE responded that Dylan would be moved to Moshannon later that day.

77. As of 7:00 a.m. on Monday, May 26, the online locator reflected that Dylan was in Alexandra, Louisiana. However, that same morning, Dylan called his mother and told her he was now detained at Moshannon in Pennsylvania. NYLAG counsel contacted ICE in Moshannon to inquire about Dylan and received a response stating that Dylan had never been detained at Moshannon.

78. ICE did not confirm to Dylan's counsel that he was detained at Moshannon until approximately 10:27 a.m. on Tuesday, May 27. Counsel immediately scheduled an appointment with Dylan for 9:00 a.m. on Wednesday, May 28, a full week after his unlawful detention.

Dylan Lopez Contreras's Detention Will Cause Irreparable Harm

79. Since the start of his unlawful detention on May 21, 2025, Dylan has not been able to see his mother or younger siblings, nor has he been able to attend school. *See Exhibit A.*

80. Dylan has repeatedly been moved across the country between detention facilities, and his wrists and ankles have been shackled for extended periods of time.

81. As a result of his detention, Dylan is unable to access his doctors in New York City. The Sun River Health Center provided a letter to his mother earlier this week stating that recent laboratory results are "clinically significant" and require "immediate evaluation." The provider indicated that, due to these results, a prompt in person visit with Dylan was highly

recommended. *See* Exhibit C. Dylan has been unable to seek further information regarding these laboratory results.

82. Dylan is pursuing lawful status under the Special Immigration Juvenile Status (“SIJS”) program. 8 C.F.R. § 204.11; INA § 101(a)(27)(J).

83. In order to be eligible for SIJS, applicants must, *inter alia*, have been declared “dependent” by a juvenile court located in the United States,” obtain a “Special Findings Order,” and must submit the SIJS application to U.S. Citizenship and Immigration Services (USCIS) while they are under 21 years of age. Dylan turns twenty-one on November 19, 2025 and will lose his right to pursue this humanitarian protection.

84. Upon information and belief, Dylan is *prima facie* eligible for SIJS relief because he is under 21 years old, he is unmarried, he is unable to be reunified with his father because his father is deceased and it is not in his best interest to return to his home country.

85. If SIJS classification is granted, the holder is eligible for lawful permanent residency.³

86. Dylan has ongoing proceedings in Bronx Family Court to pursue SIJS protection.

87. Dylan has a forthcoming hearing in his SIJS case on Friday, May 30, 2025, via video conference. *See* Exhibit B.

88. Because of his ongoing detention, it is extremely unlikely that Dylan will be allowed to participate in his hearing. On May 28, 2025, counsel contacted Moshannon requesting Dylan’s video production for family court on May 30. Moshannon staff informed counsel that he could not appear by video on that date, but that they would see if a phone appearance was possible. Counsel was also informed that there were no other video conference times available until at

³ *See* U.S.C.I.S., Special Immigrant Juveniles, <https://www.uscis.gov/working-in-US/eb4/SIJ>.

least on or about June 3, 2025. Depending on the Family Court judge, Dylan's proceedings may be dismissed if he cannot appear.

89. Because his ongoing detention imperils his ability to appear at his Family Court proceedings, his ability to obtain the court order necessary — and thus to obtain a green card through the SIJS program — is imperiled by his ongoing detention.

90. Prior to dismissal of his regular removal proceedings, Dylan filed an asylum application with the Immigration Court. After the dismissal of his regular removal proceedings, DHS initiated expedited removal proceedings against Dylan.

Dylan's Expedited Removal Proceedings

91. In expedited removal, Dylan has been deprived of access to an Immigration Judge to hear his asylum claim. Even if Dylan passes his CFI, he is likely to remain detained throughout those proceedings. Moreover, his immigration case may be docketed in any number of places in the United States, far from his family and counsel to represent him. In essence, having been placed in expedited removal will mean that Dylan will be forced to reassert his asylum claim before a DHS officer in proceedings with fewer protections than those offered to him in the Immigration Court. If he is able to then "pass" that interview, he will be returned to the same procedural posture as before — having his asylum claim heard by an Immigration Judge — but will now be forced to proceed from detention, far from loved ones and counsel. Despite previously being told that his CFI would take place on Monday, May 26, Dylan learned early in the morning on Thursday, May 29 that his interview would take place at 8:30am that same day. Counsel was not notified of this interview and only learned it was happening after receiving a phone call from Dylan's mother.

92. Dylan and counsel from NYLAG attended his CFI on Thursday, May 29. On information and belief, the officer conducting Dylan's CFI only contacted counsel at Dylan's request. *See* Exhibit A.

93. On information and belief, the decision on Dylan's CFI remains pending. Preparing testimony and gathering evidence in support of an asylum application from detention is exponentially more difficult than doing so while living in the community.

94. All visits with attorneys must be scheduled ahead of time and are subject to detention center availability restrictions. Dylan's counsel are located in New York City, where he was living prior to his detention, more than 200 miles away from Moshannon.

CLAIMS FOR RELIEF

COUNT ONE VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION SUBSTANTIVE DUE PROCESS

95. Dylan Lopez Contreras realleges and incorporates by reference the paragraphs above.

96. Dylan is being detained without cause and in violation of his Constitutional right to Due Process under the Fifth Amendment.

97. The government's ongoing detention of Dylan is unjustified and unlawful.

98. The goals of immigration detention are to "ensur[e] [his] appearance ... at future immigration proceedings," and to "[p]revent[] danger to the community." *Zadvydas*, 533 U.S. at 690. Neither goal is served by Dylan's detention.

99. Dylan was detained by ICE at his immigration proceedings, demonstrating that there was no need for him to be detained to ensure his presence at those proceedings. His very presence in

the Immigration Court demonstrated that he was willing and able to attend his immigration proceedings. Indeed, he had attended two Immigration Court hearings before he was detained.

100. Moreover, because his detention jeopardizes his plans to attend his Family Court proceedings, necessary for him to pursue SIJS status, his detention in fact *hinders* his ability to pursue immigration relief.

101. The Due Process Clause guarantees detained immigrants the right to be detained in a safe situation, free from punitive conditions of confinement. *See* U.S. Const. amend. V.

102. Because his chronic illness requires significant follow up to determine necessary and crucial treatment and ongoing care, and his doctors have submitted letters requiring an immediate in-person follow up appointment with Dylan to assess next steps in his treatment, his ongoing detention may have severe and irreparable medical consequences by preventing him from accessing needed medical care.

103. The government's failure to adequately protect Dylan from these punitive conditions, or release him from the conditions altogether, violates his due process rights.

104. Dylan has no adequate remedy at law.

COUNT TWO
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
THE UNITED STATES CONSTITUTION
PROCEDURAL DUE PROCESS

105. Dylan Lopez Contreras realleges and incorporates by reference the paragraphs above.

106. Dylan is being detained without cause and in violation of his Constitutional right to Due Process under the Fifth Amendment.

107. The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. at 319, 333 (1976).
108. Respondents provided Dylan with no notice or opportunity to be heard prior to arresting and detaining him.
109. Respondents have offered Dylan no meaningful opportunity to be heard or challenge his detention since detaining him.
110. Dylan’s detention thereby deprives him of his rights to Due Process under the Fifth Amendment of the United States Constitution.
111. Dylan has no adequate remedy at law.

COUNT THREE
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C.
§ 1225(b)(1)(A); ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2); 8 U.S.C.
§ 1252(e)(3)

112. An immigration officer may process a noncitizen for expedited removal upon determining that such noncitizen “is arriving in the United States or is described in clause (iii)” and is inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7). *See* U.S.C. § 1225(b)(1)(A)(i).
113. Subclause (I) of clause (iii) referenced above provides that the Secretary may apply expedited removal to “any or all aliens described in subclause (II) as designated by the [Secretary].” 8 U.S.C. § 1225(b)(1)(A)(iii)(I).
114. Subclause (II) referenced above includes a description of noncitizens who may be designated by the Secretary to be amenable to expedited removal and specifies that such noncitizens must not ‘ha[ve] been admitted or paroled into the United States.’ 8 U.S.C.

§ 1225(b)(1)(A)(iii)(II). A noncitizen who “ha[s] been admitted or paroled following inspection by an immigration officer at a designated port-of-entry” is excluded from expedited removal under 8 U.S.C. § 1225(b)(1)(A)(i). 8 C.F.R. § 235.3(b)(1)(ii). *See also* 8 C.F.R. § 235.3(b)(6) (requiring that noncitizen be given a “reasonable opportunity” to establish to an immigration officer “that he or she was admitted or paroled into the United States following inspection at a port-of-entry,” and cannot thereby be processed for expedited removal).

115. The February 18 directive ordering DHS to expand its expedited removal powers violates the INA and is “not in accordance with law” and “in excess of statutory ... authority” under the APA, 5 U.S.C. § 706(2)(A), (C), to the extent that it authorizes the use of expedited removal for noncitizens who were inspected and granted parole at a port of entry and are currently present in the United States subsequent to such parole. Such individuals have already arrived in the United States and have begun establishing their lives here and are therefore no longer in the act of “arriving.” Because such noncitizens are not “arriving in the United States,” they cannot be subjected to expedited removal under 8 U.S.C. § 1226(b)(1)(A)(i).

116. Dylan does not fall into either category appropriate for expedited removal. First, he is not “arriving in the United States,” as he has been physically present in the United States for nearly 13 months. *See Al Otro Lado, Inc. v. McAleenan*, 394 F.Supp.3d 1168, 1200 (S.D. Cal. 2019) (finding that 8 U.S.C. “section 1225(b)(1)(A)(ii) therefore reinforces the conclusion that Congress intended to authorize aliens in the process of arriving in to the United States to apply for asylum under Section 1158(a)(1)”).

117. Second, Dylan does not fall into the second category of noncitizens to which expedited proceedings can be applied, as he was paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5).

118. Accordingly, ICE’s arrest and placement into expedited removal of Dylan violates the INA and the APA.

COUNT FOUR
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706

119. Dylan realleges and incorporates by reference the paragraphs above.

120. The government actions causing Dylan’s detention are arbitrary and capricious, an abuse of discretion, contrary to constitutional right, and in excess of statutory jurisdiction. 5 U.S.C. § 706(2).

121. These actions further violate the *Accardi* doctrine and federal agencies’ own rules. *Chong v. Dist. Dir.*, I.N.S., 264 F.3d 378, 389 (3d Cir. 2001) (agencies are required to follow their own regulations (citing *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954))).

122. On May 21, 2025, ICE detained Dylan in 26 Federal Plaza as part of its coordinated campaign to dismiss cases and invoke expedited removal in Immigration Court buildings. The government has not justified why it specifically targeted, arrested, and detained Dylan, a high school student without a criminal record and abiding by all immigration laws and procedures, under this policy.

123. 5 U.S.C. § 706(2) requires that government agencies do not act arbitrary and capriciously and the *Accardi* doctrine requires that government agencies do abide by rules and procedures in taking agency actions. Dylan’s indiscriminate and unjustified detention is an arbitrary, capricious, and unlawful action taken by the Department of Homeland Security without regard for his Constitutional and statutory rights.

124. The only groups of individuals subject to expedited removal proceedings are noncitizens “arriving” in the United States and noncitizens who have “not been admitted or paroled into the

United States” and cannot prove to the “satisfaction of an immigration officer” that they have been continuously physically present in the country for two years. *See* 8 U.S.C.

§ 1225(b)(1)(A)(iii)(II); 8 C.F.R. §§ 235.3(b)(1)(ii); (b)(6).

125. Dylan falls into neither category. He is not “arriving” because he has been in the United States for over a year, and he was admitted or paroled into the United States upon his initial entry in May 2024. Respondents therefore violated their own regulations and guidance when they placed Dylan in expedited removal and detained him as a result of being placed in expedited removal. His detention is therefore contrary to law.

126. Because Dylan’s detention is unsupported by statute, it is in contravention of the *Accardi* doctrine and the Administrative Procedure Act’s requirements that Respondents’ actions not be arbitrary and capricious, abuses of discretion, contrary to constitutional right, and/or in excess of statutory jurisdiction.

COUNT FIVE
VIOLATION OF THE OF THE FIRST AND FIFTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

127. Dylan Lopez Contreras realleges and incorporates by reference the paragraphs above.

128. U.S. citizens and noncitizens alike are guaranteed the right to due process under the Fifth Amendment to the United States Constitution, which includes the rights to access courts and to participate in state court proceedings as a witness, party or complainant.

129. U.S. citizens and noncitizens alike are guaranteed the right of petition under the First Amendment to the U.S. Constitution, which includes the right to petition the Government for a redress of grievances. This right to petition includes the right to access courts and to participate in state court proceedings as a witness, party or complainant.

130. The Immigration Courts are courts within the meaning of the First and Fifth Amendments.

131. Respondents' arrest and detention of Dylan at the 290 Broadway Immigration Court violates his right to engage in constitutionally protected conduct under the First and Fifth Amendments by interfering with his right to access the court and petitioning that court for redress.

132. As a result of Respondents' unlawful arrest and detention of Dylan, his rights were violated and he has and continues to suffer prejudice.

133. Dylan has no adequate remedy at law.

COUNT SIX

VIOLATION OF THE OF THE REHABILITATION ACT § 504, 29 U.S.C. § 794

134. Dylan Lopez Contreras realleges and incorporates by reference the paragraphs above.

135. Section 504 of the Rehabilitation Act requires that reasonable accommodations be made for Dylan's disabilities in connection with immigration proceedings.

136. To state a claim under the Rehabilitation Act, Dylan must show that "(1) he is a qualified individual with a disability; (2) the defendant is subject to one of the Acts; and (3) he was denied the opportunity to participate in or benefit from the defendant's services, programs, or activities, or was otherwise discriminated against by the defendant because of his disability." *See Wishkin v. Potter*, 476 F.3d 180, 184 (3d Cir. 2007); *Bragdon v. Abbott*, 524 U.S. 624, 632 (1998) (in interpreting the ADA's definition of "disability" by reference to interpretations of the Rehabilitation Act's definition of "handicapped individual," observing that 42 U.S.C. § 12201(a) directs the courts "to construe the ADA to grant at least as much protection as provided by the regulations implementing the Rehabilitation Act").

137. Dylan has an ongoing gastrointestinal condition that requires ongoing testing and treatment. He has had ongoing treatment but his doctors have been unable to determine the cause of his concerning symptoms and so they sent him for follow-up at New York Cancer and Blood Specialists for follow-up visits with an oncologist and hematologist. While detained, his doctors have received some of his tests back with significant results that require an in-person visit with Dylan as soon as possible.

138. It is also clear that he and Respondents are subject to the Rehabilitation Act and Respondents receive federal funding.

139. The Rehabilitation Act requires that reasonable accommodations be made for Dylan's disabilities in connection with his immigration proceedings. The government has violated the Rehabilitation Act by subjecting Dylan to re-detention rather than making reasonable modifications to its detention policy so as to avoid discrimination against individuals such as Dylan who suffers from severe medical impairments.

COUNT SEVEN RELEASE ON BAIL PENDING ADJUDICATION

140. Dylan Lopez Contreras realleges and incorporates by reference the paragraphs above.

141. This Court has the "inherent authority" to grant bail to habeas petitioners like Dylan. *See Vega v. United States*, 514 F. Supp. 2d 767, 770 (W.D. Pa. 2007) (citing *Johnston v. Marsh*, 227 F.2d 528, 531 (3d Cir.1955)); *see also Mapp v. Reno*, 241 F.3d 221, 230 (2d Cir. 2001).

142. Bail pending habeas matter is pending is appropriate "when the petitioner has raised substantial constitutional claims upon which he has a high probability of success, and also when extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective." *Landano v. Rafferty*, 970 F.2d 1230, 1239 (3d Cir. 1992).

143. Dylan meets this standard here. This petition raises constitutional claims on which he has a high probability of success. And Dylan's immediate release is necessary to make his remedy effective. As long as he remains detained, his health is at continued, serious risk; his ability to litigate his SIJS proceedings is jeopardized; and he will fall behind on his schoolwork.

PRAYER FOR RELIEF

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

- 1) Assume jurisdiction over this matter;
- 2) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act; Section 1225(b)(1)(A) of the Immigration and Nationality Act; the First Amendment, and the Rehabilitation Act;
- 3) Issue a Writ of Habeas Corpus ordering Respondents to release Dylan Lopez Contreras immediately;
- 4) Order that Dylan Lopez Contreras not be transferred outside the Western District of Pennsylvania;
- 5) Award Dylan Lopez Contreras's 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,

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*** Law graduate pending admission to the
New York Bar*
**** Application for admission to Western
District of Pennsylvania forthcoming*

Pro Bono Counsel for Petitioner

Date: May 29, 2025

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for a Writ of Habeas Corpus and all attachments using the CM/ECF system. I will also mail a copy by USPS Certified Priority Mail to each of the undersigned individuals:

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Dated: May 29, 2025

/s/ Witold J. Walczak
Witold J. Walczak
Pro Bono Counsel for Petitioner