

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

L.G.M.,

Petitioner,

v.

**Civil Action No.
2:25-CV-02631-PKC**

**ANTHONY J. LAROCCO,
in his official capacity as Sheriff of the
Nassau County Correctional Center;**

**WILLIAM P. JOYCE,
in his official capacity as Acting Field Office
Director, New York City Field Office, U.S.
Immigration & Customs Enforcement;**

**KRISTI NOEM,
in her official capacity as Secretary, U.S.
Department of Homeland Security;**

**PAMELA BONDI,
in her official capacity as Attorney General,
U.S. Department of Justice.**

Respondents.

PETITIONER'S SUBMISSION REGARDING BOND CONDITIONS

INTRODUCTION

In accordance with this Court's July 31, 2025 Memorandum and Order, Petitioner L.G.M. respectfully makes this submission regarding bond conditions for his release. Attached to this submission is a proposed bond Order.

The underlying Petition for Writ of Habeas Corpus was filed in this Court on May 9, 2025. On July 9, 2025 this Court held a bond hearing and on July 31, 2025 the Court issued an order granting L.G.M.'s release, "subject to bond conditions to be determined with input from L.G.M. and Government Respondents." ECF 43 at 2.

ARGUMENT

The Court's decision in this case finds that "bond can be granted to L.G.M. with conditions that would sufficiently ameliorate any danger he presents to the community." ECF 43. at 9.

A. Bond Conditions Regarding Dangerousness

The first condition proposed by this Court is some level of home confinement. ECF 43 at 15 ("The first and most important bond condition is to limit L.G.M.'s ability to leave his family home.") The Court emphasized that the purpose of this condition was to "restrict[] or curtail[] L.G.M.'s ability to interact with non-family members, in particular Gang members," which "should significantly lessen the risk of L.G.M. being involved in violence or other illegal activity." *Id.* at 15. "The Court relies on Government Respondents to advise on how to effectuate and monitor such restrictions, including the viability of an ankle monitor. The Court also invites L.G.M.'s counsel to advise whether and how L.G.M.'s family might be able to facilitate or ensure L.G.M.'s adherence to any such restrictions." *Id.* at 15.

As suggested by the Court, L.G.M. is amenable to a condition of home confinement that permits him to leave the home for court appearances, court-ordered obligations, ICE/ISAP appointments, attorney visits, religious services, medical appointments, employment, education,

gang diversion or other pro-social programs and therapy appointments. *See* Exhibit A, Proposed Bond Order. As has become typical for non-citizens released on bond, and based on the Court's Memorandum and Order, L.G.M. is further amenable to an Immigration and Customs Enforcement ("ICE") GPS monitoring device, such as an ankle monitor, wrist-worn device or SmartLINK Mobile application. *See* Exhibit B, ICE Alternatives to Detention information¹ ("ATD-ISAP uses three different types of technology to ensure compliance with release conditions: telephonic reporting, body-worn Global Positioning System (GPS) monitoring, and SmartLINK."); Exhibit C, TRAC Data FY 2025 (19 Nov 2024)² ("SmartLINK, an app that requires users to report presence via smartphone, remains the technology utilized by ICE in over 85 percent of cases. While ICE offices increasingly report using ankle-worn monitors (18,000) and wrist-worn devices (6000) for monitoring ATD enrollees, these together account for only 13 percent of cases.")

In addition, as reflected in the bond hearing evidence, L.G.M.'s family is supportive of his return home and will support him in compliance with the Court's bond conditions. ECF 39-1 (Letters in support of bond). Therefore, L.G.M. respectfully requests that the restrictive measures of home confinement and body worn monitoring be reassessed by this Court, upon motion of L.G.M., after 90 days; if L.G.M. is in compliance with the bond conditions then he seeks the opportunity for reduced monitoring, such as telephonic ICE reporting and a home curfew. A bond order that includes an opportunity for future reductions will serve the dual purpose of ensuring a lack of danger to the community as well as supporting L.G.M.'s transition back to society. The opportunity to seek reduction of conditions after 90 days will also further due process by ensuring the conditions do not become impermissible punishment. Just as civil immigration detention

¹ Available at: <https://www.ice.gov/features/atd> (last accessed August 21, 2025)

² Available at: <https://tracreports.org/whatsnew/email.241119.html> (last accessed August 21, 2025)

cannot be punitive in nature, the conditions for release from immigration detention likewise must not become punishment. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (concluding that because immigration detention is civil rather than criminal it cannot be punitive in nature, and "has two regulatory goals: ensuring the appearance of [noncitizens] at future immigration proceedings and preventing danger to the community."); *United States v. Witkovich*, 353 U.S. 194 (1957) (government cannot force a person to give INS information on political activities or associations as a condition of release; Attorney General was only entitled to request information necessary to facilitating the noncitizen's deportation); *Siminoff v. Esperdy*, 267 F.2d 705, 707 (2d Cir. 1959) (INS could not, as a condition of release, require noncitizens to provide 48 hours' notice of intent to leave New York City, as it was unduly burdensome and beyond what was necessary to ensure their availability for deportation); *U.S. v. Salerno*, 481 U.S. 739, 746 (1987) (Even "[w]hen government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner.")

The second bond condition proposed by the Court is L.G.M.'s participation in treatment and pro-social programming. ECF 43 at 61. L.G.M. maintains that he is no longer a member of a gang and is agreeable to bond conditions that will further support his separation from the former gang. L.G.M. is amenable to a bond condition for participation at the S.T.R.O.N.G. Youth program³, in the capacity identified by the program, and that he be permitted to find an alternative pro-social program if at any point he is no longer able to attend S.T.R.O.N.G. *See* Exhibit D, Supplemental Letter of A. Guzman, LMSW ("Supp. A. Guzman"); ECF 39-3, S.T.R.O.N.G. Youth

³ As reflected in the material about the S.T.R.O.N.G. University, the program is designed to support youth who are leaving or have left gang affiliations, and has offered "gang prevention, intervention, and reentry support services for over 25 years." ECF 39-3. Therefore, L.G.M. respectfully proposes that any bond condition prohibiting association with known gang members includes an exception for those times at which he is present at an anti-gang program.

Inc. Program Letter. L.G.M. is also amenable to an additional condition for attendance at therapy sessions, in the manner and frequency determined by the therapist. *See* Supp. A. Guzman. L.G.M. intends to engage in culturally and intellectually appropriate therapy upon his release, which will be coordinated with the assistance of his social worker. *Id.* L.G.M. respectfully requests that compliance with this condition be demonstrated by an updated letter from L.G.M.'s social worker at the Bronx Defenders, if requested. *Id.* at 2 (Explaining that a requirement for regular reporting directly from L.G.M.'s therapist risks undermining the therapeutic relationship.)

As to the third condition proposed by this Court, L.G.M. will return to construction with his step-father. ECF 43 at 16. L.G.M. can travel to and from work with his step-father, and the work will be located in Long Island where the family resides, generally between the hours of 6am and 6pm. *See* Supp. A. Guzman. The home confinement proposed by L.G.M. includes language that allows for his presence out of the home for employment with his step-father. *See* Bond Order.

B. Bond Conditions Regarding Flight Risk

Next, the Court held that the government Respondents did not meet their burden of proof to establish that L.G.M. is a flight risk such that he cannot be released, and asked the parties "to propose measures that would decrease the risk of flight, such as regular reporting to the government agency identified by Government Respondents as the primary point of contact for L.G.M.'s release." ECF 43 at 18.

L.G.M. is amenable to a condition that he attend in-person appointments at the ICE Intensive Supervision Appearance Program (ISAP) office nearest to his home in Hempstead, New York every other month, or no more than once per month, if necessary. *See* Exhibit E, ICE Document Number 11305, "Alternative to Detention Handbook – Intensive Supervision Appearance Program." On information and belief, the ISAP office will oversee compliance with

reporting requirements, ensure that the ICE monitoring devices are functioning properly and will report any violations to the ICE Field Office. *Id.* L.G.M. proposes in-person appointments at the nearest ISAP office, rather than at the ICE New York Field Office, which is located at 26 Federal Plaza, New York, New York, and is approximately 1.5 hours away from his home by car or public transportation. Due to a high volume of individuals at 26 Federal Plaza on a daily basis, ICE check-in's can take many hours and each ICE appointment will require a full day away from home, work or programs for L.G.M. See Exhibit F, Spectrum NY1, "Inside the chaotic arrests at New York's immigration court," (August 20, 2025)⁴. Therefore, L.G.M. respectfully proposes that reporting every other month to the local ISAP office will be sufficient, if required, especially if L.G.M. is also on an electronic monitoring device.

In addition, L.G.M. requests a condition that should the government Respondents seek to re-detain him in connection with his immigration status or proceedings, or for any violation of the conditions of release, the government Respondents must provide 72-hours' notice to the Court and to L.G.M.'s counsel who shall have an opportunity to respond. See Exhibit F, Order, *Oztruk v. Trump*, 2:25-cv-00374-wks, (D.Vt. May 16, 2025) (Order for additional conditions of bail, including that "the government must provide 48-hours notice to the Court and to Ms. Ozturk's counsel" if the government should seek to re-detain.)

CONCLUSION

Wherefore, L.G.M. proposes an initial period of home confinement, as defined in the proposed order, with an ICE ankle monitor, smart watch device or SMARTLink mobile application; weekly participation at S.T.R.O.N.G. Youth Inc. or an alternative pro-social program;

⁴ Available at: <https://nyp1.com/nyc/all-boroughs/news/2025/08/20/chaotic-arrests-at-new-york-s-immigration-court> (last accessed August 21, 2025).

therapy sessions as set forth by the therapeutic provider; and employment in construction with his step-father, all of which can be reevaluated on or after 90 days on the motion of either party. A proposed Order is attached here.

Dated: August 21, 2025

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

Dated: August 21, 2025

By: /s/ Elyssa Williams
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