

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JAIME IVAN DUCHI-NAULA

Petitioner,

v.

Case No. 1:25-cv-247-LM-AJ

E.L. TATUM, JR., Warden of the
Federal Correctional Institute, Berlin; **PATRICIA
H. HYDE**, Acting Field Office Director of the
Immigration and Customs Enforcement,
Enforcement and Removal Operations, Boston Field
Office; **TODD LYONS**, Acting Director, U.S.
Immigration and Customs Enforcement; **KRISTI
NOEM**, Secretary of U.S. Department of Homeland
Security; **PAMELA BONDI**, U.S. Attorney
General,

Respondents.

PETITIONER'S MOTION TO CLARIFY AND TO POSTPONE CLOSURE

Petitioner respectfully moves to clarify the Court's March 25, 2026 Order granting Count II of the Habeas Petition (Petition) and to postpone closure of the Petition.

On March 25, 2026, the Court issued an Order granting Count II of the Petition and finding that Petitioner is entitled to a bond hearing as a matter of due process pursuant to *Destino v. FCI Berlin, Warden*, No. 25-cv-374-SE-AJ, 2025 U.S. Dist. LEXIS 269322 (D.N.H. Dec. 24, 2025) (Elliott, J.). The government has already sought a bond hearing with the Immigration Court, and one is scheduled for April 2, 2026 at 10:00am. See Exhibit A.

In its Order, the Court stated that "[t]he government may not re-incarcerate petitioner unless it establishes at an individualized hearing comporting with due process that petitioner's release would pose (1) a flight risk by a preponderance of the evidence or (2) a danger by clear

and convincing evidence.” Petitioner respectfully asks the Court to clarify whether it intended this Court or the Immigration Court to conduct an individualized hearing, particularly in light of the fact that the government has already sought such a hearing.

Additionally, in its Order the Court also directed the clerk “to enter judgment and close the case.” Should the Court determine that the Immigration Court is the proper court to hold the individual hearing, Petitioner respectfully requests the Court to postpone closure of the case until after Petitioner’s bond hearing scheduled for April 2, 2026 has concluded and a decision by the Immigration Court has issued, should a question arise as to the constitutionality of the bond hearing. *See Chuma v. FCI Berlin*, No. 26-cv-159-LM-AJ, 2026 U.S. Dist. LEXIS 62983, *6 (D.N.H Mar. 25, 2026) (McCafferty, J.) (“Thus, a claim that an IJ violated a noncitizen’s due process rights by failing to apply the constitutionally mandated burden of proof set forth in *Hernandez-Lara* is cognizable in a habeas petition despite § 1226(e).”); *Mayancela v. FCI Berlin, Warden*, No. 25-cv-348-LM-TSM, 2025 U.S. Dist. LEXIS 226280, *11 (D.N.H. Nov. 18, 2025) (McCafferty, J.) (“Because [petitioner] claims that the IJ failed to apply the constitutionally mandated burden of proof, this court has jurisdiction to consider [petitioner’s] claim.”).

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Clarify whether this Court or the Immigration Court is the intended tribunal to conduct any individualized hearing; and
- B. Postpone closure of the Petition until after Petitioner’s April 2, 2026 bond hearing in Immigration Court has concluded and the Immigration Judge has issued a decision; and
- C. Grant such other and further relief as may be just and equitable.

Date: March 26, 2026

Respectfully submitted,

/s/ Chelsea Eddy

Chelsea Eddy (N.H. Bar No. 276248)

SangYeob Kim (N.H. Bar No. 266657)

Gilles R. Bissonnette (N.H. Bar No. 265393)

Caroline Meade (*Pro Hac Vice*)

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Counsel for Petitioner

EXHIBIT A

IMMIGRATION COURT
150 APOLLO DRIVE, SUITE 100
CHELMSFORD, MA 01824

Gomez & Martinez, LLC
Williams, Kimberly Ann
286 Essex St
Lawrence, MA 01840

FILE: 

RE: DUCHI-NAULA, JAIME IVAN

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON Apr 2, 2026 AT 10:00 A.M. AT THE FOLLOWING ADDRESS:

150 APOLLO DRIVE, SUITE 100
CHELMSFORD, MA 01824

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☐ PERSONAL SERVICE ☐ ELECTRONIC SERVICE ☐
TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☐ DHS
DATE: 03/26/2026 BY: COURT STAFF LJF
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

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