UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Haydan Ryan Gopie, Petitioner, v. TODD LYONS, field office director for U.S. Immigration and Customs Enforcement (ICE) in New York, Kristi Noem, Secretary of the Department of Homeland Security. Pamela Bondi, Attorney General; Warden, Nassau County Correctional Center in their official capacities, Respondents.	Case No. 25-5229 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Haydan Ryan Gopie, is a lawful permanent resident from Trinidad and Tobago. He entered the United Sates legally using a visitor B1/B2 visa.

2. Petitioner later attained Lawful Permanent Resident status through marriage, and received a green card on November 16, 2016.

3. As of today, September 17, 2025, immigration officials have not initiated removal proceedings against Petitioner.

4. However, yesterday, on September 15, after attending his misdemeanor probation check, which he has been in compliant since March 15, 2024, at the Nassau District Court, in 99 Main Street Hempstead NY 11550, without warning or apparent justification, Immigration and Customs Enforcement ("ICE") detained Mr. Haydan Ryan Gopie.

6. Petitioner's detention was unlawful and unwarranted, since he was not in immigration proceedings, and ICE had no authority to detain him.

7. Furthermore, even if petitioner was in removal proceedings, which he was not, Petitioner's Lawful Permanent Resident Status has not changed, and the immigration authorities failed to conduct a proper individual assessment of Mr. Haydan Ryan Gopie.

8. Pursuant to 28 U.S.C. § 2243, Mr. Haydan Ryan Gopie requests that the Court issue an Order to Show Cause directing ICE to file a return "within three days[,] unless for good cause additional time, not exceeding twenty days, is allowed," justifying its unexplained decision to detain Mr. Haydan Ryan Gopie, in violation of the law, and further, in much excess of any statutory authority.

9. Accordingly, to vindicate Petitioner's fifth amendment constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

JURISDICTION

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

11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constituting (Suspension Clause).

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

VENUE

13. Venue is proper because—on information and belief—Petitioner is detained at,

Nassau County Correctional Center, 100 Carmen Drive, East Meadow, which is within the jurisdiction of this Court, the Eastern District of New York.

PARTIES

14. Petitioner, Haydan Ryan Gopie,, is a national of Trinidad and Tobago. He attained Lawful Permanent Resident status on November 16, 2016, and received a green card.

15. On September 15, 2025, after attending his scheduled every other Monday probation check, for his misdemeanor conviction, Immigration and Customs Enforcement ("ICE") detained Mr. Haydan Ryan Gopie.

16. Todd Lyons, is the Acting Director of ICE's New York Field Office. In his official capacity, he is charged with carrying out the functions of that office, including by making and overseeing decisions regarding immigration detention throughout the New York State, including Nassau County. He therefore has custody over Petitioner, in that he can order his release from ICE custody.

17. Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"), which is ICE's parent agency. In her official capacity, she is charged with making determinations as to removability, asylum eligibility, and immigration custody, all of which are binding on DHS. She therefore has constructive custody over Petitioner, in that she has the capacity to order DHS to release Petitioner from custody.

18. Pamela Bondi is the Attorney General. In her official capacity, she is charged with making determinations as to removability, asylum eligibility, and immigration custody, all of which are binding on DHS. She therefore has constructive custody of Petitioner, in that she has the capacity to order DHS to release Petitioner.

19. The Warden of the Nassau County Correctional facility is the immediate custodian of Petitioner. The Warden has day-to-day responsibility over the facility in which Petitioner is currently confined and is the proper respondent to this habeas corpus petition. The Nassau County Correctional Center is located at 100 Carman Avenue, East Meadow, New York 11554.

20. Brian Flanagan is the Acting Director of the Nassau County Field Office of U.S. Immigration and Customs Enforcement (ICE), located within the Department of Homeland Security. In his official capacity, Respondent Flanagan exercises authority over the detention and removal operations of ICE within Nassau County, New York, including custody determinations affecting Petitioner.

STATEMENT OF FACTS

19. Petitioner, Haydan Ryan Gopie, left his home country of Trinidad and Tobago, and entered the United Sates using a visitor B1/B2 visa.

20. Petitioner attained Lawful Permanent Resident status and received a green card on November 16, 2016.

21. As of today, September 17, 2025, immigration officials have not initiated removal proceedings against Petitioner.

22. However, yesterday, on September 15, after attending his misdemeanor probation check, which he has been in compliant since March 15, 2024, at the Nassau District Court, in 99 Main Street Hempstead NY 11550, without warning or apparent justification, Immigration and Customs Enforcement ("ICE") detained Mr. Haydan Ryan Gopie.

23. At first every Monday he had a probation check, and after one year, every other Monday.

24. At the moment, presumably, on information and belief—Petitioner remains

detained at, Nassau County Correctional Center, 100 Carmen Drive, East Meadow.

25. However, Mr. Haydan Ryan Gopie fears that ICE intends to transfer him to a remote detention facility beyond the reach of his family, and attorneys, here in New York. Cf., e.g., *Ozturk v. Hyde,* 136 F.4th 382 (2d Cir. 2025) (attempted transfer to ICE detention center in Louisiana); Mahdawi v. Trump, 136 F.4th 443 (2d Cir. 2025) (same).

LEGAL FRAMEWORK

26. **Mr. Haydan Ryan Gopie's Detention Is Unlawful because he is not in removal proceedings, and on the contrary, he has attained Lawful Permanent Resident status, and received a green card since November 16, 2016.**

27. Moreover, Mr. Haydan Ryan Gopie Detention Is Unlawful Because it violates his fifth amendment rights.

28. As the Supreme Court has repeatedly instructed, freedom "from government custody, detention, or other forms of physical restraint" is at "the heart" of what the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *Foucha v. Louisiana,* 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.").

29. This is particularly true in the context of civil detention. See, e.g., *Addington v. Texas,* 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection."); *Foucha,* 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment "statute that place[d] the burden on the detainee to prove that he is not dangerous").

A. DHS is Detaining Petitioner in Violation of His Procedural Due Process

30. To determine whether a civil detention violates a detainee's procedural due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge,* 424 U.S. 319 (1976). See *Velasco Lopez v. Decker,* 978 F.3d 842, 851 (2d Cir. 2020) (applying Mathews test to a challenge involving discretionary noncitizen detention).

31. Pursuant to Mathews, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews,* 424 U.S. at 335.

32. The first Mathews factor requires consideration of the private interest affected by Respondents' detention of Petitioner. This factor weighs heavily in Petitioner's favor because Mr. Mr. Haydan Ryan Gopie's interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004).

33. As the court in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 (DEH), stated, "the most significant liberty interest there is—the interest in being free from imprisonment" (quoting *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d cir. 2020)).

34. The second Mathews factor requires courts to assess whether the challenged procedure creates a risk of erroneous deprivation of individuals' private rights and the degree to which alternative procedures could ameliorate these risks. There is very little doubt that the second prong of Mathews favors Petitioner, as the challenged detention, overwhelmingly creates a risk of erroneous deprivation of individuals' private rights.

35. Regarding the value of additional safeguards, the court in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 stated that "[a] person's liberty cannot be abridged without adequate procedural protections".

36. The third Matthews factor, the Government's interest, also weighs in favor of granting this petition. The Government's only legitimate interest at stake is its interest in ensuring that people facing removal do not endanger the public or abscond during the pendency of their removal cases. In our case, Petitioner has regularly attended all his probation check-ins. In fact ICE arrested him today, when he was doing his duty, to attend his probation hearing. The probation clearly did not view Petitioner as a flight risk, as he has been coming weekly or bi weekly for over a year to his probation meetings.

37. Moreover, Mr. Haydan Ryan Gopie, has a steady job as a mechanic, owns a home, is married to a US citizen, has two US citizen children, and pays his taxes regularly.

38. **Lastly, and most relevant to determining the legality of discretionary noncitizen detention, this Honorable Court**, in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 (DEH), stated that "before the Government may exercise such discretion to detain a person '§1226(a) and its implementation regulations require ICE officials to make an individualized custody determination'". (quoting Velesaca v. wolf, No. 20 Civ. 2153, 2020 WL 7973940 (2d cir. Oct. 13, 2020).

39. As in *Carlos Javier Lopez Benitez v. Francis,* **here too, no individualized determination as to the factors, such as his high flight risk or dangerousness occurred before ICE arrested Mr. Haydan Ryan Gopie's today, on September 17, 2025.**

B. Continued Detention Of Petitioner Violates His Substantive Due Process Right To Be Free From Arbitrary Detention.

40. At a bare minimum, "the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention." *Zadvydas,* 533 U.S. at 718 (Kennedy, J., dissenting) (emphasis added).

41. To meet the strictures of due process, Mr. Haydan Ryan Gopie's detention must "bear[] a reasonable relation to [the] purpose[s]" of civil immigration detention, which the Supreme Court has identified as mitigating flight risk and mitigating danger to the community. *See Zadvydas,* 533 U.S. at 690 (quoting *Jackson v. Indiana,* 406 U.S. 715 (1972)) (quotation marks omitted).

42. Respondents will not be able to show that Petitioner's detention without bond is necessary to prevent flight or to mitigate danger

FIRST CLAIM FOR RELIEF
VIOLATION OF PROCEDURAL DUE PROCESS

43. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

44. The Due Process Clause of the Fifth Amendment protects the procedural rights of all persons in the United States, including noncitizens, from unlawful civil detention. Applying the three-part test set forth in *Mathews v. Eldridge,* 424 U.S. 319 (1976), and in *Velasco Lopez v. Decker,* 978 F.3d 842, 851 (2d Cir. 2020), Petitioner's has been deprived of his right to procedural due process, and he is therefore entitled to immediate release.

45. Moreover, according to this Honorable Court, in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 (DEH), before the Government can exercise the discretion to detain even a non-citizen, §1226(a) and its implementation regulations require immigration officials to make an

individualized custody determination, as to the factors such as his high flight risk or dangerousness occurred before ICE arrests an alien.

SECOND CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process

46. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

47. The Due Process Clause of the Fifth Amendment protects the substantive right of all persons in the United States, including noncitizens, to be free from unjustified deprivations of physical liberty. U.S. CONST. amend. V; see generally *Reno v. Flores,* 507 U.S. 292 (1993).

48. "[G]overnment detention violates the [Due Process Clause] unless the detention is ordered in a criminal proceeding with adequate procedural protections, or, in certain special and narrow nonpunitive circumstances, where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas,* 533 U.S. at 690 (quotation marks and citations omitted).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

(1) Assume jurisdiction over his petition;

(2) Enjoin Respondents from transferring Petitioner outside of this judicial district;

(3) Direct Respondents to show cause within three days (or in no event more than twenty days) why the Petition should not be granted;

(4) Order Petitioner's immediate release during the pendency of these proceedings;

(5) Declare Petitioner's ongoing detention to be violative of Due Process Clause of the Fifth Amendment;

(6) Issue a writ of habeas corpus directing Respondents to release Petitioner;

(7) Award reasonable attorney's fees and costs to Petitioner; and

(8) Provide such other relief as the Court deems just and proper.

Dated: September 17, 2025
Queens, New York

/s/ Reuben S. Kerben, Esq.
Reuben S. Kerben, Esquire

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

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

Dated this 17th day of September, 2025.

/s/ Reuben S. Kerben