UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| Haydan Ryan Gopie,<br><br>Petitioner,<br><br>v.<br><br>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 of Nassau County Correctional Center<br><br>in their official capacities,<br><br>Respondents. | Case No. 25-cv-5229<br><br>**PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS** |

**PETITONER'S REPLY TO RESPONDENTS' OPPOSITION, TO THE PETITION FOR WRIT OF HABEAS CORPUS**

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## I. INTRODUCTION

On September 17, 2025, Petitioner filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. Petitioner seeks an order from this Court directing his release from custody.

This Court retains habeas jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause to review unlawful immigration detention. See *Muñoz Materano v. Arteta*, No. 25-cv-6137 (S.D.N.Y. Sept. 12, 2025) (holding that § 1252 does not bar judicial review of ICE's *ultra vires* detentions). ICE's arrest and confinement of a lawful permanent resident outside any removal proceeding, without an individualized custody determination, were unconstitutional and *ultra vires*.

Haydan Ryan Gopie, is a lawful permanent resident born in Trinidad and Tobago. He entered the United States on or about 2006, using a visitor B1/B2 visa.

Petitioner later attained Lawful Permanent Resident status, and was granted permanent resident status on November 16, 2016.

Respondents concede in their opposition brief, that on the day Petitioner filed this Habeas Corpus Petition, on September 17, 2025, the immigration officials had not initiated removal proceedings against Petitioner. And surely, on September 15, 2025, the day Petitioner was detained, no removal proceedings had been initiated.

Respondents admit that Petitioner was only served a Notice To Appear ("NTA") on September 18, 2025.

On September 15, after attending his misdemeanor probation appointment, which he has been fully compliant with 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.

Petitioner's detention was unlawful and unwarranted, since he was not in immigration proceedings, at the time of his arrest; Petitioner's Lawful Permanent Resident Status had not changed, and the immigration authorities failed to conduct a **proper** individual assessment of Mr. Haydan Ryan Gopie.

## II. LEGAL ARGUMENT

### 1. ICE Violated the Fifth Amendment by Failing to Conduct an Individualized Custody Determination

Respondents have failed to show that ICE officials conducted an individualized custody determination before detaining Petitioner. Courts in this Circuit have uniformly held that ICE's generic 'high-risk' labels, unsupported by notice or explanation, violate violate *Mathews v. Eldridge*, 424 U.S. 319 (1976). See *Lopez Benitez v. Francis*, 2025 WL 2371588, at *9* (S.D.N.Y. Aug. 13, 2025); *Muñoz Materano v. Arteta*, No. 25-cv-6137, slip op. at 16 (S.D.N.Y. Sept. 12, 2025). Those courts ordered release because ICE offered only conclusory risk classifications with no evidence.

The Southern District recently reaffirmed this principle in *Lopez Benitez v. Francis*, No. 25-cv-5937 (DEH), 2025 WL 2371588, at *6* (S.D.N.Y. Aug. 13, 2025), explaining 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).

ICE's so-called custody classification is conclusory and unsupported by any record evidence, rendering the decision arbitrary and capricious under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). The ICE assessment merely states that they determined that Petitioner is a "high risk to public safety", however, the ICE official does not demonstrate how he came to that conclusion.

Rather he just offers a generic statement, "given the nature of the criminal conviction for endangering the welfare of a child…", which has no significance in our context, since the Criminal Court had released Petitioner at the time of his plea, and nothing has changed since that time.

Moreover, on the contrary, Petitioner has been in full compliance with all his probation check-ins for over a year, since March 15, 2024.

Similar boilerplate findings were rejected in *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025), and *Muñoz Materano v. Arteta*, No. 25-cv-6137 (S.D.N.Y. Sept. 12, 2025), where the courts held that ICE's reliance on generic safety language without individualized analysis failed the Fifth Amendment's due-process standard.

Furthermore, the ICE official failed to conduct the required individualized assessment of Mr. Haydan Ryan Gopie's circumstances—specifically, there was no evaluation of any risk of flight or potential danger to the community prior to his arrest on September 15, 2025.

In fact, the record shows that ICE never performed a genuine individualized review at all. Rather, the agency had predetermined to arrest Petitioner based on a single lapse in judgment from 2014. The ICE official's own declaration confirms that ICE first deemed Mr. Gopie removable and issued a warrant "in anticipation of arresting Gopie" on June 6, 2014, but that

warrant lay dormant for more than a decade before being re-approved for execution on July 14, 2025.

Mr. Gopie was finally arrested two months later, on September 15, 2025, during a routine probation check-in—only then did ICE abruptly conclude that he was a "high risk" to society.

If ICE truly believed that Mr. Gopie posed a "high risk to public safety," it is inexplicable that the agency waited more than a decade—from the initial warrant issued on June 6, 2014, until his arrest on September 15, 2025—to take him into custody.

The delay itself undermines ICE's claim that it made any genuine individualized assessment of danger or flight risk. Instead, the record makes clear that ICE's actions were pretextual: the agency used his 2014 conviction as a belated justification to target and detain a lawful permanent resident who had since rebuilt his life and maintained compliance with his probation.

2. **Exhaustion Should Be Excused Because the Due Process Violation Was Pre-Deprivation**

Contrary to Respondents' contention, Petitioner did exhaust his other remedies, as he filed for bond. Even if a subsequent bond hearing were available, exhaustion is excused where the constitutional violation occurred *before* any hearing could cure it. See *Lopez Benitez v. Francis*, 2025 WL 2371588, at *9* (S.D.N.Y. Aug. 13, 2025); *Muñoz Materano v. Arteta*, No. 25-cv-6137, slip op. at 16 (S.D.N.Y. Sept. 12, 2025). On October 1, 2025, the Immigration Court denied Petitioner's request for bond. Petitioner is not required to appeal that denial to the Board of Immigration Appeals.

3. **ICE's Arrest and Detention Were Ultra Vires Because No Removal Proceedings Had Commenced**

Respondents mislead this Honorable Court by suggesting that Petitioner was already in removal proceedings at the time of his arrest. The record demonstrates otherwise. As of September 17, 2025—the date this habeas petition was filed—no removal proceedings had been initiated against Mr. Gopie. Indeed, on September 15, 2025, the day ICE detained him, he had not even been served with a Notice to Appear ("NTA"). Respondents' own filings confirm that the NTA was not issued or served until several days later, around September 18, 2025, and it was not filed with the immigration court until September 25, 2025.

At the time of his arrest, Mr. Gopie was attending a routine misdemeanor probation check-in at the Nassau District Court, 99 Main Street, Hempstead, New York—an obligation with which he had been fully compliant since March 15, 2024. ICE officers detained him without prior notice or any pending immigration proceeding. Because no charging document had yet vested jurisdiction in the immigration court, ICE lacked statutory authority under 8 U.S.C. § 1226(a) to detain him.

This factual timeline mirrors *Muñoz Materano v. Arteta*, No. 25-cv-6137 (S.D.N.Y. Sept. 12, 2025), where the court found ICE's detention of a noncitizen ultra vires because it occurred before jurisdiction had vested. As in *Muñoz Materano*, ICE's actions here exceeded its statutory authority and violated the Fifth Amendment's guarantee of due process. Mr. Gopie's detention was therefore unlawful from its inception and cannot be justified by any post-hoc filing of an NTA.

**4. Petitioner's Detention Fails the *Mathews v. Eldridge* Due-Process Balancing Test**

Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), due process requires weighing (1) the individual's liberty interest, (2) the risk of erroneous deprivation and the value of additional safeguards, and (3) the government's interest. Each factor favors Petitioner: his liberty interest is paramount; the risk of error was total because ICE provided no notice or hearing; and the government offered no legitimate interest for continued detention. See *Lopez Benitez v. Francis*, 2025 WL 2371588, at *8–9* (S.D.N.Y. August 13, 2025). (holding detention 'with no process at all' violates the Fifth Amendment).

## III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order his immediate release from ICE custody. ICE's detention of a lawful permanent resident before the commencement of removal proceedings, without any individualized determination, was ultra vires, arbitrary and capricious, and in violation of the Fifth Amendment's Due Process Clause. See *Lopez Benitez v. Francis*, No. 25-cv-5937, (S.D.N.Y. 2025); *Muñoz Materano v. Arteta*, No. 25-cv-6137, (S.D.N.Y. Sept. 12 2025).

Respectfully submitted,

Reuben S. Kerben, Esq.

Date: October 7, 2025