UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JULIANA MILENA OJEDA MONTOYA,

Petitioner,

v.

KEVIN JOYCE, Sheriff, Cumberland County Sheriff's Office, Cumberland County; DAVID WESLING, Acting Field Office Director, Boston Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, U.S. Department of Justice,

Respondents.

No. 2:25-cv-00558-SDN

RESPONSE TO ORDER CONCERNING LAKEN RILEY ACT (DKT. #14)

The Government hereby responds to the Court's Order, Dkt. #14, Nov. 10, 2025, "to file additional briefing with the Court by November 14, 2025, on the question of the applicability of the Laken Riley Act to Petitioner's case."

During oral argument held in this matter on November 10, 2025, Dkt. #10, Petitioner's counsel raised the Supreme Judicial Court of Massachusetts decision of *Commonwealth v. Scott*, 464 Mass. 355 (2013), as bearing on whether the crime at issue here—Assault and Battery with a Dangerous Weapon in violation of Massachusetts General Law Chapter 265, Section 15A—"resulted in . . . serious bodily injury to another person" pursuant to 8 U.S.C. § 1226(c)(1)(E)(ii). A crime resulting in "serious bodily

injury" to a victim, as § 1226(c)(1)(E)(ii) requires, is defined by the Laken Riley Act as having "the meanings given such terms in the jurisdiction in which the acts occurred." *Id.* § 1226(c)(2). Here, the applicable Assault and Battery with a Dangerous Weapon law defines "serious bodily injury" to "mean bodily injury which results in a permanent disfigurement, loss or impairment of a bodily function, limb or organ, or a substantial risk of death." MASS. GEN. LAWS ANN. CH. 265, § 15A(d) (2025).

The *Scott* decision elaborates that "the word 'permanent' must sensibly be read to modify only the term 'disfigurement,' rather than each word in the phrase 'disfigurement, loss or impairment.'" 464 Mass. at 357 n.2. As such, a defendant causes "serious bodily injury" when the injuries caused "result[] either in . . . loss or impairment of a bodily function, limb, or organ. . ." *Id.* at 357. Yet, as the Supreme Judicial Court of Massachusetts further observed, "impairment of a limb occurs when, because of *significant damage to its structure*, its capacity to perform its usual function is compromised." *Id.* at 358 (emphasis added). There must be "significant effects on the body," rather than an injury which is "more than merely transient and trifling." *Id.* at 359.

Given this standard, as articulated by the Supreme Judicial Court of Massachusetts, the Government concedes that the underlying injuries caused by Petitioner's assault on her co-worker—through obviously serious in a general sense[1]—do not fall within the Laken Riley Act's particular definition of "serious bodily injury" under §§ 1226(c)(1)(E)(ii) and 1226(c)(2).

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[1] As previously established: the victim sustained a "Severe Laceration" to the palm of her left hand; her hand was bandaged and bloody; the laceration appears to be approximately one inch long; discernible bruising and discoloration surrounded the laceration.

Dated: November 13, 2025
Bangor, Maine

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2025, I caused the foregoing to be electronically filed with Clerk of Court using the CM/ECF system, which sent such notice to any individuals and entities who have entered appearances in this case to date, pursuant to the Court's ECF system.

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