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By ECF

December 14, 2025

The Honorable Ramon E Reyes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Luz Dary Hinestroza Arango v. Genalo, No. 25-cv-6720 (RER)
Response to the Court's Second Scheduling Order Dated December 12, 2025

Dear Judge Reyes:

In anticipation of today's hearing, we would like to address the following questions posed by the Court of the Respondents. The Court asked that the respondents to discuss the following points, which they have in their letter dated December 12.

1) The issuance of a "Notice to Appear" (NTA) related to a removal process related to the Petitioner;

2) Any arrest warrant (I-200) issued for the Petitioner's apprehension;

3) Any individualized custody determination relating to Petitioner made by an Immigration and Customs Enforcement officer prior to or contemporaneously with her arrest;

4) Any "Notice of Custody Determination" that had been prepared by DHS and/or provided to Petitioner; and

5) Whether any such detention determination was made as a matter of discretion, or part of a mandatory policy and what factors were considered in reaching the result. See *Gopie v. Lyons*, No. 25-CV-05229 (SJB), 2025 WL 3167130, (E.D.N.Y. Nov. 13, 2025); *Clarke v. Nassau Cnty. Corr. Ctr.* et al, No. 25-CV-06773 (GRB), ECF No. 7 (E.D.N.Y. Dec. 9, 2025).

Based on the controlling law cited by the Court, including *Gopie v. Lyons*, we respectfully submit that Ms. Arango should be released by this Court, as DHS did not have probable cause or legal authority to effectuate her arrest.

Respondents have indeed provided incontrovertible evidence that Mrs. Arango was illegally detained by DHS on December 3, 2025.

First, at the time of her arrest, DHS had not issued, much less properly filed, a Notice to Appear, with the Immigration Court. The NTA was only issued after or on December 5th, 2025, as evidenced in the NTA itself and which not filed with the Court until a much later date.

Second, the Arrest Warrant I-200 signed by Officer Pettto, was dated December 3rd, was produced two days before the Notice to Appear was issued on December 5th.

Third, no particularized determination of the detention factors required to be applied to Mrs. Arango's circumstances were made before or during her arrest. The Notice of Custody Determination was only produced two days later on December 5th at 10:24 AM.

No particularized determination was made by an officer as to Mrs. Arango's "flight risk" or "dangerousness to the community" factors.

Lastly, based on Officer Dawsons'declaration, the arrest was apparently made pursuant to a discretionary policy, yet no particularized factors were utilized in deciding whether she should be arrested.

For the foregoing reasons, *inter alia,* we most respectfully request that the Court release Ms. Arango.

Respectfully submitted,

S. Michael Musa-Obregon

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Musa-Obregon Law, PC
On behalf of Petitioner
Luz Dary Hinestroza Arango