UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Action No. 2:26-cv-01501-BMC

HENRI GIOVANI MORALES JIMENEZ,

Petitioner,

V.

MEMORANDUM OF LAW IN REPLY OF EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE, AND TEMPORARY RESTRAINING ORDER

CHRISTOPHER SHANAHAN,
Field Office Director,
New York Field Office,
U.S. Immigration and Customs Enforcement,

Respondent.

MEMORANDUM OF LAW IN REPLY

Petitioner respectfully submits this reply memorandum of law in further support of his petition for a writ of habeas corpus and in response to Respondents' opposition.

PRELIMINARY STATEMENT

Respondents' opposition attempts to reframe this case as a routine challenge to post-order detention under 8 U.S.C. § 1231. It is not.

At its core, this case arises from an unconstitutional warrantless vehicle stop and arrest conducted inside the interior of the United States, without a judicial warrant, without probable cause, and without any lawful basis under the Fourth Amendment.

Respondents entirely ignore this threshold constitutional defect.

Instead, they rely on statutory detention authority that is derivative of an unlawful seizure. But where the Government's custody is obtained through a constitutional violation, it cannot bootstrap that illegality into lawful detention authority.

Because Petitioner's arrest was unlawful, the resulting detention—and all evidence obtained as a result—must be suppressed, and his continued custody is unconstitutional.

ARGUMENT

I. THE GOVERNMENT FAILS TO JUSTIFY THE INITIAL VEHICLE STOP AND WARRANTLESS ARREST IN THE INTERIOR

Respondents' brief is notable for what it omits:
any justification whatsoever for the initial stop and arrest.

According to the Government's own declaration:

- Petitioner was encountered in Nassau County, New York
- He was arrested during a targeted enforcement operation
- The arrest was executed pursuant to an administrative removal warrant (Form I-205)

Critically, there is:

- No claim of a judicial warrant
- No claim of probable cause prior to the stop
- No explanation of why the vehicle was stopped

This omission is dispositive.

II. A WARRANTLESS VEHICLE STOP IN THE INTERIOR REQUIRES AT LEAST REASONABLE SUSPICION—WHICH IS ABSENT HERE

Under the Fourth Amendment, vehicle stops are seizures and must be supported by at least reasonable suspicion.

The Supreme Court in *Brignoni-Ponce* held that immigration officers may not stop a vehicle based solely on suspicion of immigration status.

Likewise, in *Delaware v. Prouse*, the Court held that random stops without reasonable suspicion violate the Fourth Amendment.

Here:

- The stop occurred deep in the interior (New York)
- There is no border nexus
- There are no articulable facts provided

Thus, the stop was unconstitutional.

III. AN ICE ADMINISTRATIVE WARRANT DOES NOT AUTHORIZE A WARRANTLESS ARREST IN THE INTERIOR

Respondents rely on the existence of an I-205 administrative warrant. That reliance is misplaced.

An administrative warrant:

- Is not issued by a neutral magistrate
- Does not satisfy the Fourth Amendment's warrant requirement

Courts across this Circuit have recognized that ICE cannot rely solely on an administrative warrant to conduct a warrantless arrest in the interior, particularly where the individual is not encountered in a constitutionally permissible manner.

The Government must still show:

- Probable cause, and
- A lawful basis for the initial seizure

They have shown neither.

IV. THE UNLAWFUL STOP REQUIRES SUPPRESSION AND INVALIDATES THE BASIS FOR DETENTION

Evidence obtained through an unconstitutional seizure must be suppressed where the violation is egregious.

The Second Circuit in *Almeida-Amaral v. Gonzales* recognized that suppression is warranted where:

- There is an egregious Fourth Amendment violation, or
- The violation undermines the reliability of the evidence.

Similarly, courts have suppressed evidence where immigration arrests were based on:

- Database checks alone, or
- Stops lacking individualized suspicion

Here, the violation is egregious because:

- The stop occurred without any stated legal basis
- It took place in the interior, not at the border

- It resulted in immediate arrest and custodial detention

Without the unlawful stop:

- ICE would not have identified Petitioner
- There would be no reinstatement proceeding
- There would be no detention under § 1231

Thus, the detention is the direct fruit of an unconstitutional seizure.

V. RESPONDENTS' RELIANCE ON § 1231 FAILS BECAUSE IT PRESUPPOSES A LAWFUL ARREST

Respondents argue that detention is mandatory under § 1231 following reinstatement.

This argument fails for a fundamental reason: the statute does not cure constitutional violations.

The Government cannot:

1. Conduct an unlawful stop,
2. Derive identity and records from that stop, and
3. Use that information to trigger mandatory detention.

Courts have consistently rejected attempts to rely on statutory authority where the underlying custody is unconstitutional.

VI. JURISDICTION EXISTS BECAUSE PETITIONER CHALLENGES THE LEGALITY OF HIS DETENTION—NOT THE REMOVAL ORDER

Respondents argue that this Court lacks jurisdiction under 8 U.S.C. § 1252. That is incorrect.

Petitioner does not seek:

- Review of the removal order

He challenges:

- The constitutionality of his arrest, and
- The legality of his present detention

Such claims fall squarely within habeas jurisdiction.

Courts in this District—including this Court—have repeatedly held that:

- Challenges to unlawful detention remain reviewable, even where a removal order exists

Because the detention is tainted by a Fourth Amendment violation, jurisdiction is proper.

VII. DETENTION FOLLOWING AN UNLAWFUL SEIZURE VIOLATES DUE PROCESS

Even aside from the Fourth Amendment, continued detention violates the Fifth Amendment.

Respondents rely on cases such as *Demore v. Kim*, but those cases assume lawful arrest and custody.

Where detention follows an unconstitutional seizure:

- It is not rationally related to a legitimate government interest
- It becomes arbitrary and unlawful

Due process does not permit the Government to detain an individual based on evidence obtained through constitutional violations.

VIII. SECOND CIRCUIT AUTHORITY REQUIRES SUPPRESSION FOR UNLAWFUL ICE STOPS AND EGREGIOUS FOURTH AMENDMENT VIOLATIONS

The Government's failure to justify the initial stop is particularly fatal in light of controlling Second Circuit precedent, which recognizes that immigration enforcement is fully constrained by the Fourth Amendment—especially in the interior of the country.

A. The Second Circuit Recognizes Suppression in Immigration Proceedings for Egregious Violations

In Almeida-Amaral v. Gonzales, the Second Circuit held that suppression is warranted where a Fourth Amendment violation is "egregious" or fundamentally unfair. The Court emphasized that suppression applies where:

- The stop is not based on any articulable suspicion,
- The seizure is racially motivated or arbitrary, or
- The violation is sufficiently severe to undermine constitutional protections

The Court made clear that immigration proceedings are not exempt from constitutional scrutiny, particularly where enforcement actions resemble general criminal policing in the interior.

Here, the complete absence of any stated basis for the vehicle stop places this case squarely within the type of egregious violation contemplated by Almeida-Amaral.

B. Stops Based Solely on Database Checks or Identity Queries Are Constitutionally Deficient

The Second Circuit has repeatedly rejected enforcement actions premised solely on database information or post-stop identity confirmation, rather than pre-stop suspicion.

In Pretzantzin v. Holder, the Court suppressed evidence where immigration officers relied on information obtained following an unlawful entry and arrest, holding that:

> Evidence obtained as a result of an unconstitutional seizure cannot be used where the violation is egregious.

Critically, the Court rejected the Government's attempt to rely on identity evidence discovered after the unlawful stop, reinforcing that the Fourth Amendment violation taints the entire chain of events.

Similarly, in Cotzojay v. Holder, the Second Circuit emphasized that:

- Warrantless entries and arrests require strict scrutiny, and
- The Government bears the burden of proving lawful conduct once a violation is plausibly alleged

These cases are directly applicable where, as here, ICE relies on:

- Post-stop database verification, and
- Identity confirmation after an unjustified seizure

C. District Courts in This Circuit Have Suppressed Evidence from Interior ICE Stops Lacking Individualized Suspicion

Courts within the Second Circuit—particularly in New York—have consistently suppressed evidence where ICE stops lack individualized suspicion.

In Maldonado v. Holder, the court held that suppression was warranted where ICE officers:

- Conducted enforcement operations without individualized suspicion, and
- Relied on generalized assumptions rather than specific facts

Likewise, in Rojas v. INS, the court condemned immigration stops that:

- Functioned as dragnet-style enforcement, and
- Lacked particularized suspicion tied to the individual

These cases underscore a key principle:
ICE may not conduct generalized enforcement stops in the interior and justify them after the fact.

D. ICE Vehicle Stops in the Interior Are Especially Suspect and Require Particularized Justification

Unlike border encounters, interior enforcement actions are subject to full Fourth Amendment protections. As recognized in United States v. Brignoni-Ponce (applied consistently in this Circuit), officers must have:

- Specific, articulable facts,
- Supporting reasonable suspicion,
- Tied to the particular individual or vehicle

The Government's submission here offers none of these.

There is:

- No description of the vehicle,
- No explanation for the stop,
- No claim of surveillance, tip, or warrant-based tracking

This absence of justification is precisely the type of arbitrary enforcement the Second Circuit has condemned.

E. The Violation Here Is Egregious Under Second Circuit Standards

Under Second Circuit law, a violation is "egregious" where:

- It is intentional or grossly negligent, or
- It involves a complete lack of legal justification

See Almeida-Amaral v. Gonzales; Cotzojay v. Holder.

This case meets that standard because:

- ICE conducted a warrantless stop in the interior,
- Without articulating any legal basis,
- Followed by an arrest based solely on administrative authority

That is not a close case—it is the textbook definition of an egregious Fourth Amendment violation.

F. Suppression Is Required and Defeats the Government's Detention Theory

Because the stop was unlawful:

- The identity and records obtained are fruit of the poisonous tree
- The reinstatement process is tainted
- The claimed § 1231 detention authority collapses

Under Pretzantzin v. Holder, the Government cannot rely on evidence obtained through an unconstitutional seizure to justify removal-related custody.

CONCLUSION

Respondents' opposition avoids the central issue: the Government has not justified the initial stop, seizure, or arrest. Because:

- The vehicle stop was unconstitutional,
- The arrest lacked a judicial warrant and probable cause, and
- The detention is the direct product of that illegality,

Petitioner's continued detention violates both the Fourth Amendment and the Due Process Clause. The Court should:

1. Grant the writ of habeas corpus, and
2. Order Petitioner's immediate release, or at minimum,
3. Order a prompt evidentiary hearing and suppression analysis.

Dated: March 23, 2026

Respectfully submitted,

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