

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Samuel Restrepo Cano	)	
	)	Case No. 26-cv-217
Petitioner,	)	
	)	PETITION FOR WRIT OF
v.	)	HABEAS CORPUS
	)	
CHRIS BRACKETT, Superintendent for Strafford	)	
County Department of	)	
Corrections	)	
PATRICIA HYDE, Boston Field Office Director	)	
for United States Immigration	)	
and customs enforcement	)	
	)	
Respondents	)	

INTRODUCTION

1. Samuel Restrepo Cano is a native and citizen of Columbia and his A# is .
2. Petitioner entered the United States EWI on November 19, 2022, and was granted parole § 212(d)(5)(A) on November 21, 2022, with the parole expiring on January 20, 2023.
3. Petitioner was subsequently issued a form I-862 Notice to Appear on January 17, 2023, and was placed in removal proceedings.
4. Petitioner has an approved Special Immigration Status with deferred action dated March 18, 2025, and his immigration proceedings were administratively closed on January 30, 2025, at the Boston Immigration Court in Boston, Massachusetts.

5. Petitioner was arrested by the Revere police department in Revere, Massachusetts on March 17, 2026, and criminal charges were filed on the same date in the Chelsea District Court, in Chelsea, Massachusetts.
6. Petitioner was detained by ICE in Chelsea, Massachusetts on March 17, 2026, and has been in custody ever since.
7. Petitioner is currently in custody at Strafford County Department of Corrections at 266 County Farm Rd, Dover, NH 03820.

JURISDICTION

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
9. Venue is proper because Petitioner is detained and still in the state of New Hampshire to the best of our knowledge.

PARTIES & FACTS ALLEGED

10. Samuel Restrepo Cano is a native and citizen of Columbia and his A# is .
11. Petitioner entered the United States EWI on November 19, 2022.
12. Petitioner was granted parole § 212(d)(5)(A) on November 21, 2022, with the parole expiring on January 20, 2023.
13. Petitioner was subsequently issued a form I-862 Notice to Appear on January 17, 2023, and was placed in removal proceedings.
14. Petitioner has an approved Special Immigration Status with deferred action dated March 18, 2025.
15. Petitioner's immigration proceedings were administratively closed on January 30, 2025, at the Boston Immigration Court in Boston, Massachusetts.

16. Petitioner was arrested by the Revere police department in Revere, Massachusetts on March 17, 2026.
17. Petitioner's criminal charges were filed on March 17, 2026, in the Chelsea District Court, in Chelsea, Massachusetts.
18. Petitioner was detained by ICE in Chelsea, Massachusetts on March 17, 2026, and has been in custody ever since.
19. Petitioner is currently in custody at Strafford County Department of Corrections at 266 County Farm Rd, Dover, NH 03820.
20. Petitioner was unlawfully taken into custody because his detention is governed by 8 U.S.C. § 1226, not 8 U.S.C. § 1225.
21. Petitioner was unlawfully taken into custody due to a violation of the Due Process Clause of the Fifth Amendment.
22. Petitioner was also unlawfully taken into custody based on the largely same theory of relief a different petitioner was afforded in another New Hampshire District Court Case. See Destino v. FCI Berlin, No. 25-cv-374, Doc. 9 (D.N.H. Dec. 24, 2025). Petitioner asks this Court to find that he was unlawfully detained and order his release.
23. Petitioner is member of the class certified in Guerrero Orellana v. Moniz, No. 25-CV-12664-PBBS, 2025 WL 3033769 (D. Mass. Oct. 30, 2025), as well as the class certified in Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment (citing Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025

WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (granting partial summary judgment to named Plaintiff-Petitioners)).

24. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus and order the petitioner immediately released or in the alternative ordering the government to afford the petitioner with a bond hearing under 8 U.S.C. § 1226.
25. Respondent Chris Brackett is the Superintendent for Strafford County Department of Corrections at 266 County Farm Rd, Dover, NH 03820.
26. Respondent Patricia Hyde is the Boston Field Office Director for U.S. Immigration and Customs Enforcement.
27. All respondents are named in their official capacities.
28. On information and belief, Petitioner is currently in custody in the District of New Hampshire, and one or more of the Respondents is his immediate custodian.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

29. On information and belief, Petitioner was arrested in Massachusetts and then placed in custody at Strafford County Department of Corrections at 266 County Farm Rd, Dover, NH 03820 without cause and in violation of his constitutional rights to due process of law.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- 1) Assume jurisdiction over this matter.
- 2) Order that Petitioner shall not be transferred outside the District of New Hampshire.
- 3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within seven days.

4

- 4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- 5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- 6) In the alternative, issue a Writ of Habeas Corpus ordering the government to afford the petitioner with a bond hearing.
- 7) Grant any further relief this Court deems just and proper.

Respectfully submitted,



David Teich Esq.

Bar #18046

Law Office of Stephen Bandar
2000 Massachusetts Ave., Suite 2

Cambridge, MA 02140

617-957-1027

BandarLawOfficeMA@gmail.com

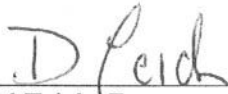
Counsel for Petitioner

Dated: March 23, 2026

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

I represent Samuel Restrepo Cano and I 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: March 23, 2026



David Teich, Esq.

Bar #18046

Law Office of Stephen Bandar
2000 Massachusetts Ave., Suite 2
Cambridge, MA 02140

617-957-1027

BandarLawOfficeMA@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2026, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 with enclosed supplemental evidence upon the following by electronic filing through the Court's CM/ECF, PACER system.

6