UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Hugo Adonis Reyes Benitez,

Petitioner,

v.

Markwayne MULLIN, et al.,

Respondents.

Case No. **2:26-cv-03720-RER**

PETITIONER'S REPLY IN FURTHER SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

1. PETITIONER'S REPLY IN SUPPORT OF HABEAS PETITION

(EVIDENCE RESPONSE – BOND / DETENTION)

Petitioner respectfully submits this Reply in support of his Petition for Writ of Habeas Corpus and in response to Respondents' submission.

Petitioner further respectfully requests that the Court accept the supporting declarations filed in connection with this Reply, notwithstanding their recent submission, due to the urgency of the custody determination and the imminent hearing scheduled in this matter.

I. THE GOVERNMENT RELIES PRIMARILY ON UNTESTED, INTERNAL, AND NON-ADVERSARIAL ALLEGATIONS

Respondents' justification for continued detention rests primarily on internal immigration records, including Form I-213, an ICE custody worksheet, and conclusory assertions of alleged gang affiliation.

These materials are not the product of an adversarial process and are not subject to cross-examination. They reflect unilateral law enforcement assessments rather than tested evidence.

II. FORM I-213 AND INTERNAL DHS RECORDS ARE NOT CONCLUSIVE PROOF OF DANGEROUSNESS

The Government's reliance on Form I-213 is misplaced to the extent it is treated as dispositive evidence of alleged gang affiliation or dangerousness.

The I-213 is:

- an internal administrative document

- prepared by enforcement officers
- not subject to cross-examination
- based on summaries and records checks rather than adjudicated findings

While such documents may be admissible in immigration proceedings, they are not immune from scrutiny, particularly where they are used to support serious allegations affecting liberty.

III. [redacted] ALLEGATION IS CONCLUSORY AND LACKS EVIDENTIARY FOUNDATION

Respondents assert that Petitioner is allegedly affiliated with [redacted] however, this assertion is unsupported by reliable, adjudicated, or corroborated evidence.

The record does not include:

- criminal convictions
- verified gang admissions
- sworn testimony
- judicial findings
- independent corroboration of gang membership

Instead, the allegation appears to be based on internal database references and officer interpretation, without transparent evidentiary basis.

Such conclusory labeling cannot substitute for proof in a liberty deprivation context.

IV. ICE CUSTODY WORKSHEET IS INTERNAL, NON-ADVERSARIAL, AND NOT SUBJECT TO CROSS-EXAMINATION

The Government also relies on an ICE custody determination worksheet.

This document:

- is not provided to the detainee in full adversarial form
- is not subject to cross-examination
- reflects internal discretionary balancing
- does not constitute independent proof of dangerousness

It is therefore insufficient to justify continued detention when weighed against contrary evidence.

V. PETITIONER PRESENTS SUBSTANTIAL AFFIRMATIVE EVIDENCE OF GOOD CHARACTER AND COMMUNITY TIES

In contrast to the Government's internal assessments, Petitioner submits extensive independent declarations demonstrating stability, rehabilitation, and community integration.

A. FAMILY TESTIMONY

Multiple family members confirm Petitioner is:

- non-violent
- respectful and humble
- family-oriented
- supportive of relatives and children
- not involved in gangs or criminal activity

B. COMMUNITY AND FRIEND DECLARATIONS

Independent witnesses, including friends and coworkers, describe Petitioner as:

- hardworking
- trustworthy
- helpful and supportive

- consistently peaceful in conduct

C. CHURCH INVOLVEMENT

Church members and religious leaders confirm:

- active participation in church life
- consistent moral conduct
- involvement in religious education and baptism preparation
- absence of gang affiliation or violent behavior

D. EDUCATIONAL AND MORAL RECORD

School records reflect:

- good to very good conduct ratings
- responsibility and respectful behavior
- consistent adherence to moral and civic values

E. EMPLOYMENT AND SOCIAL STABILITY

Evidence shows Petitioner:

- has worked and contributed economically
- has stable community ties
- is supported by multiple independent community members

VI. BALANCING OF EVIDENCE WEIGHS STRONGLY AGAINST DETENTION

When weighed fairly:

- unverified internal DHS allegations

  vs.

- multiple consistent sworn declarations

- family testimony
- church leadership support
- educational records
- community and employment evidence

The record does not support a finding that Petitioner is a danger or flight risk.

VII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Give limited weight to untested and internal Government allegations
2. Credit the substantial affirmative evidence submitted by Petitioner
3. Order Petitioner's release on appropriate conditions, or
4. Grant such other relief as the Court deems just and proper

Respectfully,

Dated: June 25, 2026

/s/ John J. Garzon

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EXHIBIT LIST

Petitioner respectfully submits the following exhibits in support of the **PETITIONER'S REPLY IN FURTHER SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

EXHIBIT M EDUCATIONAL AND HISTORICAL RECORDS
El Salvador School Certificates (Conduct & Academic Performance).

EXHIBIT N PSYCHOLOGICAL EVALUATION OF HUGO REYES BENITEZ
Psychological evaluation of patient Hugo Reyes Benitez

EXHIBIT O COMMUNITY / CHARACTER DECLATARIONS

- Declaration of Santos Angelica Benitez (Mother)
- Justin Lopez Declaration (lifelong acquaintance / caregiver role)
- Jessica Benitez Declaration (sister)
- Sulma Yaneth Bonilla Benítez Declaration (sister)
- Joseline Magana Declaration (church/community)
- Mirna Suyapa Ramos Declaration (church member)
- Ena Cruz Declaration (church member)
- Leslie Villatoro Santos Declaration (church/community)
- Dilian Gonzalez Declaration (church/community)
- Alejandro Vasquez Declaration (family/uncle)
- Jorge Benitez Declaration (pastor / family / religious leader)
- Melmer A Reyes Cruz Declaration (family)
- Juan Herrera Hernández Declaration (coworker)

EXHIBIT P
Church Letter (2026 – current membership / baptism involvement)

EXHIBIT Q
Declaration / Letter of Aida J. Genovese (Former Spanish Teacher, Brentwood High School)

EXHIBIT R
Photographs of Hugo as a member of the church