

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANY LUCIA LOPEZ BELLOZA,

Petitioner,

v.

Civil Action No. 1: 25-cv-13499-RGS

PATRICIA HYDE, Field Office Director,
MICHAEL KROL, HSI New England Special
Agent in Charge, and TODD LYONS, Acting
Director U.S. Immigration and Customs
Enforcement, KRISTI NOEM, U.S. Secretary of
Homeland Security, PAMELA BONDI, U.S.
Attorney General, DONALD J. TRUMP,
President of the United States of America

Respondents.

**RESPONDENTS' RESPONSE TO PETITIONER'S
MOTION FOR ORDER TO SHOW CAUSE AND REPLY TO OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

Respondents by and through their attorney, Leah B. Foley, United States Attorney for the District of Massachusetts, respectfully submit this response to Petitioner's Motion for Order to Show Cause and Reply to Opposition to Petition for Writ of Habeas Corpus. Doc. No. 16.

INTRODUCTION

Under binding precedent from the Supreme Court and the U.S. Court of Appeals for the First Circuit, this Court lacks habeas jurisdiction over this Petition because Petitioner was not in the District of Massachusetts when she filed her Petition seeking release from U.S. Immigration and Customs Enforcement ("ICE") custody. Petitioner does not dispute that she was in Texas when this Petition was filed, but argues that exceptions to the district of confinement and immediate custodian rules apply to ground jurisdiction with this Court. Doc. No. 16.

Petitioner's arguments are without merit, however. The "unknown location/custodian"

exception does not apply as Petitioner was fully aware of her detention location post-arrest and ICE provided her with multiple opportunities to speak with her family within hours of her arrest to alert them of her arrest and her whereabouts. Doc. No. 16-1, ¶¶ 12, 22, 27. ICE also provided Petitioner with a list of attorneys after her arrest and a chance to contact such attorneys. *Id.*, ¶ 25. ICE exercised no bad faith or furtiveness in transferring Petitioner from Massachusetts to Texas, instead, the purpose of such transfer, the day following her arrest, was to effectuate her removal order pending since 2017.

While this Court lacks jurisdiction to consider Petitioner's claims as to the legality of her arrest and detention since Petitioner was not in the district when this action was filed, Petitioner's argument that ICE lacked authority to detain her is nonetheless without merit as she was subject to a final order of removal since 2017 and there was no statutory or constitutional impediment to ICE's effectuation of that removal order. Petitioner's claim that ICE needed to demonstrate Petitioner was a danger to the community or a flight risk to lawfully detain her is without support and was recently rejected by another session of this Court. *See Hernandez Martinez v. Hyde*, No. CV 25-13852-NMG, 2025 WL 3719841, at *1 (D. Mass. Dec. 23, 2025) (Even when removal period has "long since lapsed", and even if petitioner was never in custody prior to removal order, because petitioner was subject to a removal order and was inadmissible, "he may nonetheless be detained under [8 U.S.C.] § 1231(a)(6).").

Finally, in response to Petitioner's Motion for Order to Show Cause, Respondents acknowledge and sincerely regret that ICE failed to comply with the Court's November 21, 2025 Order that prohibited ICE from transferring Petitioner from the District of Massachusetts or removing Petitioner from the jurisdiction of the United States ("No Transfer Order"). Doc. No. 2. Respondents, urge this Court, however, to deny Petitioner's Motion for Order to Show Cause.

As explained below, the violation of the No Transfer Order was inadvertent, occurring due to the mistaken understanding of the import of such Order by an ICE ERO Deportation Officer (“DO”) handling duties outside his typical assignment. *See* Declaration of DO Richard A. St. Pierre, attached as Exhibit A, ¶¶ 11-14. Respondents, nonetheless, acknowledge and sincerely regret the violation of the No Transfer Order and explain that the lack of compliance with the Court’s Order was not done intentionally. *Id.*, ¶ 18. ICE ERO Boston management has taken steps to educate and remind its personnel of the proper course of action to take upon receipt of Habeas Petitions and similar district court orders. *See* Supplemental Declaration of Assistant Field Office Keith Chan, attached as Exhibit B, ¶ 12. Under the circumstances, an exercise of this Court’s contempt power is not warranted.

BACKGROUND

Respondents presume the Court’s familiarity with the factual background involving Petitioner’s immigration history and therefore do not recount such history again, aside from attaching the Board of Immigration Appeals’ (“BIA”) 2017 decision denying Petitioner’s appeal since Petitioner’s counsel seemingly questions the existence of such order.¹ *See* Exh. C.

On the morning of November 20, 2025, Petitioner was arrested by U.S. Customs and Border Protection (“CBP”) personnel at Boston Logan International Airport and was thereafter transferred to ICE custody at the ERO Field Office in Burlington, Massachusetts. Doc. No. 8-1, ¶ 8. According to Petitioner, she was aware of her location at the Boston Field Office as she “saw signage identifying the building.” Doc. No. 16-1, ¶ 12.

Later in the morning of November 20, Petitioner was given the chance to call her father

¹ *See* Doc. No. 16 at 11-12.

and tell him that “she had been detained by immigration at the Boston Field Office” and that she had a removal order from 2017. *Id.*, ¶ 22. After the call concluded, ICE provided Petitioner with a list of attorneys and an opportunity to contact the five lawyers who were on such list. *Id.*, ¶ 25.

In the early afternoon, Petitioner requested a chance to make another phone call, and she called and spoke with her mother. *Id.*, ¶ 27. She then made a second phone call to her father who informed her that they were trying to contact an attorney. *Id.* According to an interview Petitioner provided to *New York Magazine*, as it concerned her experience at the Burlington Field Office: “If we had questions, the agents would open the door to the cell and tell us what was happening. If we wanted to talk on the phone, they would give us time.”

<https://www.thecut.com/article/any-lucia-lopez-belloza-college-student-deported-honduras.html>

(last accessed Jan. 2, 2025).

Petitioner was transferred by ICE on November 21 from Massachusetts to Texas via a flight that departed Massachusetts at 12:27 PM EST. Doc. No. 8-1, ¶ 9. Petitioner arrived in Texas at approximately 4:48 PM EST and was housed at the Port Isabel detention facility until her removal to Honduras on November 22. *Id.*, ¶¶ 8-9.

Petitioner filed this action with this Court at 6:00 PM on November 21, 2025. Doc. No. 1. District Judge Burroughs issued an order at 6:10 PM on November 21 that Petitioner was not to be removed from the United States or transferred outside of Massachusetts for 72 hours. Doc. No. 2.

At 6:16 PM on November 21, the U.S. Attorney’s Office for the District of Massachusetts sent an email to an account monitored by ICE ERO Boston indicating that a habeas petition had been filed by Petitioner and that the district court had entered an order that Petitioner not be removed from the United States or transferred from the district of

Massachusetts for a period of 72 hours. *See* Exh. A, ¶ 10. The email from the U.S. Attorney’s Office also contained a copy of the Petition and the district court’s order. *Id.*

DO Richard A. St. Pierre, a member of ERO Boston’s Fugitive Operations Team, was monitoring the inbox that received the email from the U.S. Attorney’s Office. *Id.*, ¶ 11. DO St. Pierre was serving as the ERO duty officer, “due to staffing and coverage issues”, even though serving as the duty officer “is typically a duty handled by the Boston ERO detained Team, and not something that [he] normally perform[s] while serving on the Fugitive Operations Team.” *Id.*

Per DO St. Pierre, upon receiving the email from the U.S. Attorney’s Office, he “reviewed the Petitioner’s case, identified that she had already been transferred to Texas, and entered a comment into EARM (ERO’s database) reflecting that a Stay of Removal had been filed.” *Id.*, ¶ 12. DO St. Pierre explains that he was under the mistaken impression that Petitioner’s transfer from Massachusetts obviated the need for him to take further action upon receipt of the email from the U.S. Attorney’s Office. *Id.*, ¶ 13. Specifically, DO St. Pierre did not active a “Z-Hold” flag in the EARM database which is used to provide “notification to any ERO officer reviewing the matter that the alien’s case requires further review before they can be removed.” *Id.* Activating the “Z-Hold” flag in the EARM database is standard procedure “[a]ccording to ERO Boston’s local habeas processing procedures and practices” when a court order issuing a stay of removal or a prohibition on transfer is received. *Id.* DO St. Pierre also explains that he “did not contact anyone at ICE ERO in Port Isabel, Texas informing them that they needed to cancel the removal mission because [he] was similarly under the mistaken impression that since Petitioner was no longer in Massachusetts, the Court’s order did not apply to her.” *Id.*, ¶ 14.

ARGUMENT

A. The Immediate Custodian and District of Confinement Rules Apply to this Petition and Render this Court without Jurisdiction.

Because Petitioner was not in the District of Massachusetts when she filed this action and because she did not name her immediate custodian, and because no exceptions to these requirements exist to ground jurisdiction with this Court, this habeas action cannot proceed in this district.

In *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004), the Supreme Court held that an individual challenging his detention through a habeas petition must file that petition in the district where she is detained and must name the custodian detaining her in such district as the respondent. *See also Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (Explaining that habeas jurisdiction lies in only one district, the district of confinement, and because petitioners were confined in Texas, “venue is improper in the District of Columbia”). The First Circuit, in *Vasquez v. Reno* has also concluded that a district court did not have jurisdiction over a habeas petition filed “in a jurisdiction where neither [the petitioner] nor his immediate custodian was physically present.” 233 F.3d 688, 695 (1st Cir. 2000). Because Petitioner was not in this district and because her immediate custodian was not in Massachusetts at time of filing, this Court lacks habeas jurisdiction to consider her Petition. *See, e.g., Ozturk v. Trump*, 777 F. Supp. 3d 26, 43 (D. Mass. 2025) (Concluding no jurisdiction over petition as petitioner was not in Massachusetts at time of filing even though Petitioner was transferred out of the district without an opportunity to contact anyone concerning her arrest).

Here, when this case was filed at 6:00 PM on November 21, there is no dispute that Petitioner was outside of Massachusetts and in Texas. As such, this Court did not, and does not, have jurisdiction over the Petition. *See Ozturk*, 777 F.Supp.3d at 42 (Explaining that “whatever

the analytical overlap between this [place-of-confinement] general rule and the immediate-custodian rule may be, the Court must address both rules in determining its jurisdiction.”). *See also Dvortsin v. Noem*, No. 25-CV-01741-NYW, 2025 WL 1751968, at *5 (D. Colo. June 12, 2025) (Even if naming supervisory officials was permissible, “the Court is skeptical that it could be used to subvert the district of confinement rule here.”).

While possible exceptions to the immediate custodian and district of confinement rules exist, none apply in this case to ground jurisdiction in this District, despite Petitioner’s recent arguments to the contrary. Petitioner’s attorney argues that ICE failed “to be forthcoming about [Petitioner’s] detention location and immediate custodian” and also engaged in “repeated refusal to allow Petitioner to call her family and access counsel” and therefore an exception to the general rules must apply. *Id.* at 6. Petitioner, however, in her affidavit, belies all of these contentions, as she makes clear she was aware of her detention location and contacted her family to advise as to her arrest and whereabouts all within hours of her arrest. Doc. No. 16-1.

The First Circuit acknowledged that there could be “extraordinary circumstances” in which an official with supervisory control could be named as the respondent for a habeas petition, rather than the individual’s immediate custodian. *Vasquez*, 233 F.3d at 697. The court cited *Demjanjuk v. Meese*, 784 F.2d 1114, 1116 (D.C. Cir. 1986) for one such possible exception where a supervisory official was appropriately named when the petitioner was held in a confidential location before the petition was filed. *Id.*

This “unknown location/unknown custodian” exception is not applicable to this case as Petitioner knew she was in custody of ICE ERO Boston at the Burlington Field Office soon after her arrest. Doc. No. 16-1, ¶ 12. Petitioner advised her father that she “had been detained by immigration at the Boston Field Office” by 11:00 AM on the morning of her arrest, clearly

demonstrating that she was not being held in an undisclosed location by an unknown custodian. *Id.*, ¶ 22.

The First Circuit also contemplated an exception to the immediate custodian rule if ICE “spirited an alien from one site to another in an attempt to manipulate jurisdiction” and explained that a petitioner would need to “marshal[] facts suggesting furtiveness” or make a “showing of the elements necessary to demonstrate bad faith” for this exception to apply. *Vasquez*, 233 F.3d at 696. Here, Petitioner fails to meet her burden to demonstrate that this exception exists. ICE did not “spirit” Petitioner from one district to another to manipulate jurisdiction—instead, Petitioner was held for more than 24 hours in Massachusetts prior to her transfer to Texas and the purpose of such transfer was not to “manipulate jurisdiction” but to stage her for a flight carrying out removals to Honduras.²

In *Padilla*, two members of the majority that applied the general rule requiring a habeas petition be filed in the district of confinement, in a concurring opinion, suggested an exception to the general rule. 542 U.S. at 454. Justice Kennedy suggested an exception might be warranted “if there is an indication that the Government’s purpose in removing a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where the Government was not forthcoming with respect to the identity of the custodian and the place of

² See also *Ozturk*, 777 F.Supp.3d at 41-42 where this Court confronted a situation in which ICE arrested a habeas petitioner and transferred her from Massachusetts within hours of the arrest, first to Vermont where she was present when her habeas petition was filed, and then the next morning to Louisiana. The Court excused the petitioner’s failure to name her immediate custodian and applied the *Vasquez* exceptional circumstances exception because *Ozturk* was unable to communicate her whereabouts after her arrest and she was immediately transported out of Massachusetts within hours of her arrest. Here, in contrast, Petitioner was not moved out of state within a matter of hours and was given ample opportunity to contact family and a list of attorneys prior to her transfer from the district the next day.

detention.” *Id.* In such case, “habeas jurisdiction would be in the district court from whose territory the petitioner had been removed.” *Id.*

Justice Kennedy’s proposed exception to the place-of-confinement rule is also not implicated in this case.³ Petitioner’s attorney argues that ICE did not update its Online Detainee Locator System with Petitioner’s detention location after her arrest, and that this was evidence that ICE was not forthcoming with respect to the identity of her custodian or place of detention. Doc. No. 16 at 8.

Again, however, Petitioner was able to contact her family multiple times within hours of her arrest to provide them with notice that she had been arrested by ICE, that she was subject to a final order of removal, and that she was detained at the Boston Field Office. Petitioner plainly had notice as to where she was detained, by whom she was detained, and why she was detained. ICE also allowed Petitioner to contact five different attorneys soon after her arrest, again demonstrating that the agency was not making it difficult to know where a habeas petition could be filed within hours of her arrest on November 20. Petitioner’s counsel also asserts that her inability to communicate with ICE in the three hours between filing her appearance with ICE and Petitioner’s transfer from Massachusetts evidences furtiveness/bad faith, but the more reasonable explanation is the fact Petitioner had departed the Boston Field Office and was staging for transfer to Texas. Doc. No. 16-1, ¶¶ 32-33.

Further, Petitioner’s counsel complains of her inability to speak with ICE personnel as to Petitioner’s detention location after she made one call to ERO’s Boston Field Office and received an automated message, but she does not contend she followed the automated message’s

³ As this Court recently recognized in *Ozturk* in declining to exercise jurisdiction over a petition which was filed when the petitioner was in Vermont, “no court has yet relied upon the *Padilla* concurrence as the basis for jurisdiction.” 777 F.Supp.3d at 42.

instruction to contact ICE ERO by email. Doc. No. 16 at 3. Petitioner’s counsel also fails to explain whether they were in contact with Petitioner’s family who knew, as of mid-day on November 20, that Petitioner was detained at the Boston Field Office. Ultimately, ICE did not detain Petitioner in an undisclosed location and did not spirit her out of Massachusetts without providing Petitioner ample opportunity to disclose her arrest and detention location to her family. ICE’s lack of bad faith is also evident by its provision of a list of attorneys that Petitioner contacted after her arrest.

Simply because a detainee is transferred to another district post-arrest does not suggest bad faith underlying the transfer. *See Fuentes v. Choate*, No. 24-CV-01377-NYW, 2024 WL 2978285, at *9-10 (D. Colo. June 13, 2024) (Explaining that “there is no recognized exception to the immediate custodian rule for inconvenience or exigent circumstances.”). Because Petitioner was transferred from Massachusetts before she filed his Petition, this Court never acquired jurisdiction and therefore “ought not to ... act[] on the merits” of the Petition. *Vasquez*, 233 F.3d at 697.

B. Petitioner’s Arrest, Detention, and Removal were Authorized by the INA and did not Violate the Constitution.

Petitioner’s argument that ICE needed to make a determination prior to her arrest that she was a danger to the community or a flight risk is belied by the plain language of the statute which allows for arrest and detention of individuals who are inadmissible to the United States, such as Petitioner. Per Section 1231(a)(6), ICE may detain an individual beyond the removal period for three categories of aliens:

- Those who are inadmissible to the United States pursuant to 8 U.S.C. § 1182;
- Those who are subject to certain grounds of removability from the United States pursuant to 8 U.S.C. § 1227; or

- Those whom immigration authorities have determined to be a risk to the community or “unlikely to comply with the order of removal.”

See Johnson v. Guzman Chavez, 594 U.S. 523, 528-29 (2021).

Petitioner is inadmissible to the United States under Section 1182(a)(6)(A)(i) because she was present in the United States without being admitted or paroled and therefore ICE had statutory authority to arrest and detain her to effectuate her removal order. *See Quezada-Martinez v. Moniz*, 722 F. Supp. 3d 7, 11 (D. Mass. 2024) (Agreeing that petitioner’s arrest and detention beyond the removal period “is authorized by § 1231(a)(6)” as such “finding comports with the text of the statute as well as with recent Supreme Court precedent.”).

Multiple sessions of this Court have determined ICE has statutory authority arrest and detain individuals to effectuate removal orders under Section 1231(a)(6), even if the removal period has passed. *See e.g., Hernandez Martinez*, 2025 WL 3719841, at *1 (Even when removal period has “long since lapsed” petitioner “may nonetheless be detained under § 1231(a)(6)” if he is inadmissible to the United States, even if never detained previously); *Thai v. Hyde*, No. CV 25-11499-NMG, 2025 WL 1655489, at *2 n.1 (D. Mass. June 11, 2025) (Explaining that Section 1231(a)(6) allows for detention and removal of an alien who is inadmissible under this provision even when the removal period “has long since expired.”). This Court has agreed as well. *Rodriguez-Guardado v. Smith*, 271 F. Supp. 3d 331, 335 (D. Mass. 2017) (Finding ICE “has statutory authority” under Section 1231(a)(6) to arrest and detain an inadmissible alien beyond the removal period.).

To the extent Petitioner argues that ICE cannot enforce her removal order beyond the removal period, she provides no support to this theory, which is not grounded in law. *See Costa v. I.N.S.*, 233 F.3d 31, 37 (1st Cir. 2000) (Explaining that ICE “has broad discretion in deciding, administratively, whether and when to pursue deportation against an alien.”); *Lin v. United*

States, No. CIV.A. 5:07-CV-26, 2007 WL 951618, at *3 (S.D. Tex. Mar. 28, 2007) (Explaining that “the government now seeks to enforce removal orders issued some time ago, and there is nothing in § 1231 to indicate that [ICE] cannot enforce those removal orders “late.””).

The out of district cases Petitioner cites in her Reply do not support her argument that ICE lacked statutory authority to arrest and detain her under Section 1231(a)(6) without first demonstrating flight risk or danger to the community. Doc. No. 16 at 13-14. The cases cited by Petitioner from the Southern District of New York are inapposite as they do not involve individuals with final orders of removal subject to detention under Section 1231(a)(6), instead, those cases involve individuals arrested per Section 1226. *Id.* Concerning the case from the Eastern District of California cited by Petitioner, the district court acknowledged ICE’s statutory authority under Section 1231(a)(6) to detain the petitioner, but found petitioner entitled additional procedures under the Fifth Amendment prior to the revocation of an Order of Supervision. *Arzate v. Andrews*, No. 1:25-CV-00942-KES-SKO (HC), 2025 WL 2411010, at *7 (E.D. Cal. Aug. 20, 2025). Here, however, Petitioner was never released on an Order of Supervision after accrual of a final order of removal and therefore the district court’s analysis is irrelevant to the instant proceeding especially in that it focused significantly on the time that petitioner had previously spent in detention and his compliance with previous terms of release post-final order. *Id.* at *4-5.

Petitioner also asserts that ICE violated regulation – 8 C.F.R. § 241.4 – with its arrest and detention of Petitioner as ICE did not show that Petitioner was a flight risk or public safety risk prior to arrest. Doc. No. 12-13. This regulatory provision does not contain such requirement and Petitioner provides no case law in support of such an argument. This regulation sets forth the necessary processes that ICE must employ to revoke an Order of Supervision (8 C.F.R. §

241.4(l)), but again, Petitioner was not subject to an Order of Supervision, and therefore that provision did not apply. The regulation also concerns the necessary custody review that ICE must perform to continue detention prior to removal but specifically provides that ICE “will not conduct a custody review under these procedures when [ICE] notifies the alien that it is ready to execute an order of removal.” 8 C.F.R. § 241.4(g)(4). Further, the regulation makes clear that if ICE determines that “travel documents can be obtained ... the alien will not be released” unless ICE decides that “immediate removal is not practicable or in the public interest.” *Id.* § 241.4(g)(3). Here, with ICE able to effectuate removal in short-order, this regulation did not apply.

Finally, ICE’s brief detention and removal of Petitioner was constitutional as the Supreme Court has repeatedly “recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process.” *Demore v. Kim*, 538 U.S. 510, 523 (2003). The First Circuit has also recognized that the “execution of removal orders is a legitimate governmental interest which detention may facilitate.” *Hernandez-Lara v. Lyons*, 10 F.4th 19, 32 (1st Cir. 2021) (cleaned up). *See also Aguilar v. U.S. Immigration and Customs Enforcement*, 510 F.3d 1, 22 (1st Cir. 2007) (Recognizing the government’s “legitimate interest in effectuating detentions pending the removal of persons illegally in the country.”) And as recently noted by another session of this Court, “detention under § 1231(a)(6) is presumed to be constitutionally valid for a period of up to six months.” *Hernandez Martinez*, 2025 WL 3719841, at *2. In that case, the Court noted that because the petitioner “has been detained for less than two weeks ... [s]uch relatively brief detention does not violate his right to due process under the United States Constitution.” *Id.* at *2. So it was here as well with the constitutionality of Petitioner’s two-day detention prior to ICE’s effectuation of her removal to Honduras.

C. The Court should Deny the Motion for Order to Show Cause.

The Court should deny Petitioner’s motion for an order to show cause and deny Petitioner’s request that the Court hold Respondents in contempt and order Petitioner’s return to the United States. The information submitted with this filing establishes that the violation of the No Transfer Order was inadvertent, occurring due to an oversight and mistaken impression as to the import of the Order by an individual Deportation Officer that resulted in Petitioner’s case not being flagged for further review and removal from the manifest for her scheduled flight to Honduras. Exh. A, ¶¶ 10-14.

But no purpose of civil contempt proceedings – “coercing compliance with the orders of the court and/or [compensating] complainant for losses sustained by defendant’s noncompliance,” *United States v. Professional Air Traffic Controllers Organization (PATCO)*, 678 F.2d 1, 4 (1st Cir. 1982) – would or could be served by a contempt order in this case.

“The judicial contempt power is a potent weapon.” *Project B.A.S.I.C. v. Kemp*, 947 F.2d 11, 17 (1st Cir. 1991) (quoting *International Longshoremen’s Ass’n, Local 1291 v. Philadelphia Marine Trade Ass’n*, 389 U.S. 64, 76 (1967)); *see also id.* at 16 (referring to “[t]he contempt power” as “one of the most potent weapons in the judicial armamentarium”). “Recognizing the contempt power’s virility and damage potential,” this Court and the Supreme Court have repeatedly emphasized a number of principles guiding its exercise. *Project B.A.S.I.C.*, 947 F.2d at 16 (collecting cases). Among those principles, the Court must limit its exercise of authority to the “least possible power suitable to achieve the end proposed.” *Id.*; *see also Spallone v. United States*, 493 U.S. 265, 276 (1990) (quoting *Anderson v. Dunn*, 19 U.S. (6 Wheat.) 204, 231 (1821)). When, as here, the question concerns civil rather than criminal contempt, the proper end consists of “coercing compliance with the orders of the court,” *PATCO*, 678 F.2d 1, 4 (1st

Cir. 1982); *see also Hawkins v. Dep't of Health & Human Servs. for New Hampshire, Com'r*, 665 F.3d 25, 32 (1st Cir. 2012) (observing that “[c]ivil contempt is a forward-looking penalty meant to coerce compliance rather than to punish past noncompliance”).

In view of those principles, and the undisputed facts of this case, a finding of civil contempt is not warranted, and the request for a show-cause order should be denied.

Although the violation of any order of the Court is always a serious matter, the evidence shows that the violation here was the inadvertent result of the oversight and error of one Deportation Officer that occurred despite ERO Boston’s protocols and procedures that are designed to ensure compliance with district court orders of the nature issued in this case.

As explained by AFOD Chan, “[a]ccording to ERO Boston’s local habeas processing procedures and practices, when a new habeas petition filed and the District Court of Massachusetts issues a service order, the Department of Justice, United States Attorney’s Office for Massachusetts (DOJ MA) will forward the habeas petition and the service order to ERO Boston’s BOS-Stays inbox.” Exh. B, ¶ 7. “[U]pon receipt of that information, the ERO duty officer covering the inbox during the time period that the habeas information is received will update EARM case comments to reflect that a habeas petition has been filed.” *Id.* ¶ 8. The “ERO duty officer will also include in the case comment the contents of the Court’s service order, including any information involving a “no transfer order” or a stay of removal.” *Id.*

Per procedures and practices, “in addition to adding a case comment, the ERO duty officer will active the “Z-Hold” flag in EARM, which provides notification to any ERO officer reviewing the matter that the alien’s case requires further review. The “Z-hold” flag is located on the case’s landing page and is clearly visible.” *Id.*, ¶ 9. Further, per local policies and procedures, “once EARM is updated, the ERO duty officer will determine if the alien is

scheduled for removal. If they are, the ERO duty officer will alert the appropriate [ERO] inbox with the Court's order and confirm that the alien's removal mission has been canceled." *Id.*, ¶ 10.

In the instant case, the U.S. Attorney's Office promptly conveyed the "No Transfer Order" to the ICE ERO Boston inbox within ten minutes of the Order's issuance. Exh. A, ¶ 10. The email from the U.S. Attorney's Office also contained a copy of the Petition and the district court's order. *Id.*

DO St. Pierre, a member of ERO Boston's Fugitive Operations Team, was monitoring the inbox that received the email from the U.S. Attorney's Office. *Id.*, ¶ 11. DO St. Pierre was serving as the ERO duty officer, "due to staffing and coverage issues", even though serving as the duty officer "is typically a duty handled by the Boston ERO detained Team, and not something that [he] normally perform[s] while serving on the Fugitive Operations Team." *Id.*

Per DO St. Pierre, upon receiving the email from the U.S. Attorney's Office, he "reviewed the Petitioner's case, identified that she had already been transferred to Texas, and entered a comment into EARM reflecting that a Stay of Removal had been filed." *Id.*, ¶ 12. DO St. Pierre explains that he was under the mistaken impression that Petitioner's transfer from Massachusetts obviated the need for him to take further action upon receipt of the email from the U.S. Attorney's Office. *Id.*, ¶ 13. Specifically, DO St. Pierre did not active a "Z-Hold" flag in the EARM database which is used to provide "notification to any ERO officer reviewing the matter that the alien's case requires further review before they can be removed." *Id.* Activating the "Z-Hold" flag in the EARM database is standard procedure "[a]ccording to ERO Boston's local habeas processing procedures and practices" when a court order issuing a stay of removal or a prohibition on transfer is received. *Id.*

DO St. Pierre also explains that he “did not contact anyone at ICE ERO in Port Isabel, Texas informing them that they needed to cancel the removal mission because [he] was similarly under the mistaken impression that since Petitioner was no longer in Massachusetts, the Court’s order did not apply to her.” *Id.*, ¶ 14.

DO St. Pierre has reviewed this case with his chain of command and has received and reviewed Boston ERO’s local habeas processing procedures and practices. *Id.*, ¶ 17. He explains that he understands that if he receives notification of a district court order that an alien is not be transferred or removed from the United States, he “should activate the ‘Z-hold flag’ in EARM to properly communicate with all other ERO officers that the alien is subject to a stay of removal, regardless of where the alien is currently located.” *Id.*

DO St. Pierre “sincerely regrets that [his] mistaken impression “of the applicability of the Court’s order to this case contributed in any way to ICE’s failure to comply with the Court’s order.” *Id.*, ¶ 18. Per DO St. Pierre, it was never his “intent to take any action to lead to a lack of compliance with this Court’s order in this case.” *Id.*

AFOD Chan also explains that in the aftermath of this failure to comply with the Court’s No Transfer Order, he recently “sent an email to all Supervisory Detention and Deportation Officers in the ERO Boston Area of Responsibility (AOR) reminding them of ERO Boston’s local habeas processing procedures and practices.” Exh. B, ¶ 12.

Respondents have acknowledged the violation of the No Transfer Order and its seriousness, and undertaken steps, as detailed herein, to prevent the recurrence of violations of similar orders in the future. Given those facts, an exercise of contempt authority is unwarranted. Through this filing, Respondents have provided the information requested by Petitioner in their Motion for Show Cause. Doc. No. 16 at 16, ¶ 1. Accordingly, the show-cause order motion

should be denied and Petitioner's additional requests for relief denied as well.

CONCLUSION

Because Petitioner was not in Massachusetts when she filed this action, this Court lacks jurisdiction over the Petition. Dismissal, rather than transfer, is appropriate as Petitioner's arrest and detention did not violate statute or the Constitution and Petitioner has been released from ICE custody via the effectuation of her final order of removal to Honduras. The Motion for Order to Show Cause should be denied because while ICE admittedly regrettably failed to comply with the Court's No Transfer Order, such failure to comply was inadvertent and not done in an effort to deprive any Court of jurisdiction over the Petition or for any other malafide reasons.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

Dated: January 2, 2026

Mark Sauter
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210
Tel.: 617-748-3347
Email: mark.sauter@usdoj.gov

CERTIFICATE OF SERVICE

I, Mark Sauter, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: January 2, 2026

By: /s/ Mark Sauter
Mark Sauter
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Any Lucia Lopez Belloza,

Petitioner,

v.

Patricia Hyde, Field Office Director et al..

Respondent.

Civil Action No. 25-cv-13499-RGS

DECLARATION OF DEPORTATION OFFICER RICHARD A. ST. PIERRE

Pursuant to the authority of 28 U.S.C. § 1746, I, Richard A. St. Pierre, for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Burlington, Massachusetts declare as follows:

1. I am a currently serving as a Deportation Officer for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, (“ICE”) Enforcement and Removal Operations (“ERO”). I have held this position since June of 2018.
2. I am currently stationed with the Boston ICE ERO Fugitive Operations Team. In that capacity, included in my typical duties is the responsibility for making at-large arrests of aliens in the field. Once the Fugitive Operations Team arrests an alien, they are transferred into ICE custody and their case management is handled by other Deportation Offices stationed on the Boston ICE ERO Detained Team.

3. I have experience utilizing ICE record systems to obtain information regarding specific aliens. ICE maintains electronic and paper records on aliens. These records are made in the course of regularly conducted business activity at or near the time of relevant events by a person with knowledge of these events. In preparing this declaration, I have examined ICE official records, not limited to, but including the Enforce Alien Removal Module (“EARM”). EARM is an electronic database ordinarily relied upon to ascertain an alien’s immigration history, current case status, and plans for removal, if any.
4. I am providing this declaration in response to the Court’s Order entered on December 22, 2025.
5. In the course of preparing this declaration, I have examined the official records available to me regarding the immigration history and custody status of Any Lucia Lopez Belloza (“Petitioner”). I have also discussed this case internally with my chain of command within the Boston ICE ERO office.
6. Based upon my review of ICE’s official record and my conversations within my chain of command, I declare as follows:
7. On November 20, 2025, United States Customs and Border Patrol (“CBP”) encountered and arrested Petitioner at Logan International Airport. CBP detained Petitioner pursuant to her final order of removal, and transferred her to ICE custody at the ERO Field Office in Burlington, Massachusetts.
8. Thereafter, ICE ERO Boston scheduled Petitioner to be removed from the United States to Honduras on a flight departing Texas on November 22, 2025.
9. On November 21, 2025, ICE ERO Boston transferred Petitioner from Massachusetts to Texas. Petitioner’s flight to Texas departed Massachusetts at 12:27pm EST. Petitioner arrived in Texas at 4:48pm EST, and was booked into the Port Isabel detention facility.

10. On November 21, 2025, at 6:16pm EST, the Department of Justice, United States Attorney's Office for Massachusetts ("DOJ MA") sent an email to an email account ("BOS-STAYS") monitored by ICE ERO Boston, indicating that a habeas petition had been filed and that the Court had issued an order that Petitioner not be removed from the United States or transferred without 72 hours' notice to the Court. The email also contained the habeas petition and the Court's order as attachments.
11. On that date, due to staffing and coverage issues, I was scheduled to monitor the BOS-STAYS inbox. This is typically a duty handled by the Boston ERO Detained Team, and not something that I normally perform while serving on the Fugitive Operations Team. However, on November 21, 2025, I was scheduled to serve as the ERO duty officer.
12. Upon receiving DOJ MA's email, I reviewed the Petitioner's case, identified that she had already been transferred to Texas, and entered a comment into EARM reflecting that a Stay of Removal had been filed.
13. According to ERO Boston's local habeas processing procedures and practices, in addition to adding a case comment, the ERO duty officer is supposed to activate the "Z-Hold" flag in EARM, which provides notification to any ERO officer reviewing the matter that the alien's case requires further review before they can be removed. However, upon processing Petitioner's habeas petition and service order, I did not enter the "Z-hold" flag into EARM because I was under the mistaken impression that I did not need to do so because the Petitioner was no longer in the state of Massachusetts.
14. I also did not contact anyone at ICE ERO in Port Isabel, Texas informing them that they needed to cancel the removal mission because I was similarly under the mistaken impression that since Petitioner was no longer in Massachusetts, the Court's order did not apply to her.

15. On November 21, 2025, at 6:23pm EST, I replied to DOJ MA's email indicating that the notification had been received, that EARM had been updated, and that the Petitioner had been transferred to Harlingen, Texas.
 16. On November 22, 2025, ICE removed Petitioner to Honduras. Her flight left Harlingen, Texas at 10:35am EST, and landed in Honduras at 1:09pm EST.
 17. After further reviewing this matter with my chain of command, and receiving and reviewing updated written policy guidance on Boston ERO's local habeas processing procedures and practices, I now understand that if I receive a notification that an alien is subject to an order that an alien not be transferred outside of the District of confinement or a stay of removal, that I should activate the "Z-hold flag" in EARM to properly communicate with all other ERO officers that the alien is subject to a stay of removal, regardless of where the alien is currently located.
 18. I sincerely regret that my mistaken impression of the applicability of the Court's order to this case contributed in any way to ICE's failure to comply with the Court's order. It was never my intent to take any action to lead to a lack of compliance with this Court's order in this case.
- I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed on the 2nd of January 2026.

RICHARD A ST
PIERRE II

Digitally signed by RICHARD A ST
PIERRE II
Date: 2026.01.02 11:16:34 -05'00'

Richard A. St. Pierre
Deportation Officer
U.S. Department of Homeland Security
United States Immigration and Customs Enforcement
Burlington, Massachusetts

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Any Lucia Lopez Belloza,

Petitioner,

v.

Patricia Hyde, Field Office Director et al..
Respondent.

Civil Action No. 25-cv-13499-RGS

**SUPPLEMENTAL DECLARATION OF ASSISTANT FIELD OFFICE DIRECTOR
KEITH CHAN**

Pursuant to the authority of 28 U.S.C. § 1746, I, Keith Chan, Assistant Field Office Director for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Burlington, Massachusetts declare as follows:

1. I am currently serving the Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), as an Assistant Field Office Director (“AFOD”) in Burlington, Massachusetts. I have served in this position since May 2022 and have been employed by ICE since August 2008.
2. As AFOD, my official duties include overseeing the management, monitoring, scheduling, and execution of removal orders for aliens in ICE custody whose cases involve federal litigation. This entails ensuring compliance with court orders, legal mandates, and applicable policies while coordinating with agency counsel to address litigation-related requirements.
3. I have experience using ICE records systems to obtain information about specific aliens. ICE maintains electronic and paper records created during daily business. These records are created at

or near the time of the relevant events by, or from information provided by, people with knowledge of those events. In preparing this declaration, I reviewed official ICE records, including, but not limited to, the ENFORCE Alien Removal Module (“EARM”), an electronic case-management database that ICE personnel ordinarily rely upon to determine an alien’s immigration history, current case status, and, if applicable, plans for removal.

4. I am providing this supplemental declaration in response to the Court’s Order entered on December 22, 2025.
5. While preparing this declaration, I have examined the official records available to me regarding the immigration history and custody status of Any Lucia Lopez Belloza. (“Petitioner”). I have also discussed this case internally with Deportation Officers, Supervisory Detention and Deportation Offices, and my chain of command within the Boston ICE ERO office.
6. I am providing this declaration to further explain ERO Boston’s internal processing of incoming habeas petitions from the District Court of Massachusetts involving detained aliens subject to stays of removal and “no transfer” orders.
7. According to ERO Boston’s local habeas processing procedures and practices, when a new habeas petition filed and the District Court of Massachusetts issues a service order, the Department of Justice, United States Attorney’s Office for Massachusetts (DOJ MA) will forward the habeas petition and the service order to ERO Boston’s BOS-Stays inbox.
8. According to ERO Boston’s local habeas processing procedures and practices, upon receipt of that information, the ERO duty officer covering the inbox during the time period that the habeas information is received will update EARM case comments to reflect that a habeas petition has been filed. The ERO duty officer will also include in the case comment the contents of the Court’s service order, including any information involving a “no transfer order” or a stay of removal.

9. According to ERO Boston's local habeas processing procedures and practices, in addition to adding a case comment, the ERO duty officer will active the "Z-Hold" flag in EARM, which provides notification to any ERO officer reviewing the matter that the alien's case requires further review. The "Z-hold" flag is located on the case's landing page and is clearly visible.
10. According to ERO Boston's local habeas processing procedures and practices, once EARM is updated, the ERO duty officer will determine if the alien is scheduled for removal. If they are, the ERO duty officer will alert the appropriate inbox with the Court's order and confirm that the alien's removal mission has been canceled.
11. According to ERO Boston's local habeas processing procedures and practices, the ERO duty officer will also confirm with DOJ MA that the habeas and service order has been received, and that EARM has been updated.
12. On December 29, 2025, at 13:49 hours, I sent an email to all Supervisory Detention and Deportation Officers in the ERO Boston Area of Responsibility (AOR) reminding them of ERO Boston's local habeas processing procedures and practices.
13. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed on the 2nd of January 2026.



Digitally signed by KEITH M
CHAN
Reason: I have reviewed this
document
Date: 2026.01.02 12:35:34 -05'00'

Keith Chan
Assistant Field Office Director
U.S. Department of Homeland Security
United States Immigration and Customs Enforcement
Burlington, Massachusetts



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Reyes, Juan, Esq.
Law office of Juan Reyes
6633 Hillcroft Suite 211
Houston, TX 77081

DHS/ICE Office of Chief Counsel - HOU
126 Northpoint Drive, Suite 2020
Houston, TX 77060

Name: BELLOZA, ANA BEATRIZ
Riders: [REDACTED] 999

A [REDACTED]

Date of this notice: 2/8/2017

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Pauley, Roger

Luiseges
Userteam: Docket



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

BELLOZA, ANA BEATRIZ
6255 WEST AIRPORT RD APT 12B
HOUSTON, TX 77035

DHS/ICE Office of Chief Counsel - HOU
126 Northpoint Drive, Suite 2020
Houston, TX 77060

Name: BELLOZA, ANA BEATRIZ
Riders: [REDACTED] 999

A [REDACTED]

Date of this notice: 2/8/2017

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Pauley, Roger

Lulseges
User team: Docket

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

Files: A [REDACTED] - Houston, TX
A [REDACTED] 999

Date: FEB - 8 2017

In re: ANA BEATRIZ BELLOZA
ANY LUCIA LOPEZ-BELLOZA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Juan Reyes, Esquire

ON BEHALF OF DHS: James Edward Manning
Assistant Chief Counsel

CHARGE:

Notice: Sec. 212(a)(6)(A)(i), I&N Act [8 U.S.C. § 1182(a)(6)(A)(i)] -
Present without being admitted or paroled

APPLICATION: Asylum; withholding of removal

The respondents, natives and citizens of Honduras, appeal from the decision of the Immigration Judge, dated March 21, 2016, which denied their application for asylum and withholding of removal. See sections 208(b)(1)(A) and 241(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158(b)(1)(A) and 1231(b)(3)(A).¹ The appeal will be dismissed.

We review for clear error the findings of fact, including the determination of credibility, made by the Immigration Judge. 8 C.F.R. § 1003.1(d)(3)(i). We review de novo all other issues, including whether the parties have met the relevant burden of proof, and issues of discretion. 8 C.F.R. § 1003.1(d)(3)(ii).

We affirm the Immigration Judge's determination that the lead respondent did not meet her burden of proving her eligibility for asylum and withholding of removal (I.J. at 2-8). See sections 208(b)(1)(B)(i), 241(b)(3)(C) of the Act; 8 C.F.R. § 1208.16(c). The Immigration Judge's factual findings are based on the evidence of record and are without clear error. 8 C.F.R. § 1003.1(d)(3)(i); *Matter of J-Y-C-*, 24 I&N Dec. 260, 263 (BIA 2007) (a factual finding is not "clearly erroneous" merely because there are two permissible views of the evidence) (*citing United States v. National Assn. of Real Estate Boards*, 339 U.S. 485, 495 (1950)).

¹ The lead respondent (A [REDACTED]) is the mother of the minor co-respondent (A [REDACTED] 999). The lead respondent filed the application, and the co-respondent has a derivative asylum claim.

A [REDACTED] et al.

This is an extortion case (I.J. at 2). The lead respondent testified that gangs required payments from her husband's business. When he could not pay any more, he was beaten and then fled to the United States (Tr. at 30-31). After her husband left Honduras, the lead respondent moved in with her mother-in-law, and they ran a business. The gangs also required payment from her mother-in-law. When her mother-in-law was unable to pay, the lead respondent was beaten. The gang also threatened to kidnap her daughter (Tr. at 31-34). The lead respondent moved again. Her mother-in-law reported the gang to the police, and the gang beat her for reporting (Tr. at 34-35). At this point, the lead respondent and her daughter fled the United States (Tr. at 36).

We affirm the Immigration Judge's decision that the lead respondent did not demonstrate a nexus between the harm she described and a protected ground for asylum. The burden of proof is on the asylum applicant to establish that his/her race, religion, nationality, or membership in a particular social group was or will be at least one central reason for the persecution. Section 208(b)(1)(B)(i) of the Act; *Shaikh v. Holder*, 588 F.3d 861, 864 (5th Cir. 2009). "[A]lthough a statutorily protected ground need not be the only reason for harm, it cannot be incidental, tangential, superficial, or subordinate to another reason for harm." *Sealed Petitioner v. Sealed Respondent*, 829 F.3d 379, 383 (5th Cir. 2016), citing *Sharma v. Holder*, 729 F.3d 407, 411 (5th Cir. 2013) (alteration in original) (quoting *Shaikh v. Holder*, 588 F.3d 861, 864 (5th Cir. 2009)).

Contrary to the respondent's argument on appeal, the record does not reflect that one central reason for the gang's extortion was the lead respondent's political opinion. (I.J. at 4-5). *Matter of N-M-*, 25 I&N Dec. 526, 532 (BIA 2011) ("a persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed by us for clear error"). The respondent testified that the motivation of the gangs was to obtain money to support their group (Tr. at 29-30, 38). We agree with the Immigration Judge that the record reflects that any violence, extortion, or harassment suffered by lead respondent arose from criminal motives rather than political persecution. Conduct that is driven by criminal, non-political motives does not constitute persecution. See *Thuri v. Ashcroft*, 380 F.3d 788, 792-93 (5th Cir. 2004). The Fifth Circuit does not recognize economic extortion as a form of persecution for purposes of immigration law. *Castillo-Enriquez v. Holder*, 690 F.3d 667, 668 (5th Cir. 2012).

Given the evidence in the record, we find no clear error in the Immigration Judge's finding that the evidence did not demonstrate that the persecutor's motive for the harm (or future fear of harm) had to do with a protected ground (I.J. at 4-5). With respect to the lead respondent's future fear of persecution, we agree with the Immigration Judge that the lead respondent has not met her burden (I.J. at 5-6).

For the reasons given above, we affirm the Immigration Judge's denial of asylum. As the respondents did not meet their burden of proof for asylum, it follows that they also failed to meet the higher standard required for withholding of removal (I.J. at 7). *Matter of H-L-H- & Z-Y-Z-*, 25 I&N Dec. 209, 218 (BIA 2010), *rev'd in part on other grounds Huang v. Holder*, 677 F.3d 130 (2d Cir. 2012); see also *Rui Yang v. Holder*, 664 F.3d 580, 588 (5th Cir. 2011).

A [REDACTED] et al.

Given our resolution of the dispositive issues, we need not reach the other arguments raised by the lead respondent on appeal. Accordingly, the following order will be issued.

ORDER: The appeal is dismissed.



FOR THE BOARD