

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Henry Paul Paza Iza v. Anthony J. Larocco, et al.

No. 2:25-cv-6915 (NJC) · No. No. 2:25-cv-6915 (NJC) · Decided December 22, 2025

SUMMARY

The Eastern District of New York granted a temporary restraining order requiring ICE to immediately release Henry Paul Paza Iza and prohibiting his redetention under 8 U.S.C. § 1225(b)(2). The court concluded that his detention was instead governed by 8 U.S.C. § 1226(a), which required an individualized detention determination and procedural protections. The order found a clear likelihood of success on the Fifth Amendment procedural due process claim, irreparable harm, and that relief was in the public interest.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of New York                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Nusrat J. Choudhury                                                                                                                                                                                                                                                                                                                                                                               |
| JURISDICTION          | United States District Court for the Eastern District of New York                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | December 22, 2025                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | No. 2:25-cv-6915 (NJC)                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Emergency petition for a writ of habeas corpus under 28 U.S.C. § 2241 and motion for a temporary restraining order challenging immigration detention.                                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | For a temporary restraining order, the movant must show irreparable harm absent relief, either a likelihood of success on the merits or serious questions on the merits with the balance of hardships decidedly favoring the movant, and that emergency relief is in the public interest. For a mandatory injunction, the likelihood-of-success and irreparable-harm showings are more demanding. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES               | Henry Paul Paza Iza, by his next friend, Martha C. Iza v. Anthony J. Larocco, in his official capacity as Sheriff of Nassau County, William Joyce, in his official capacity as District Director of New York for U.S. Immigration and Customs Enforcement, Kristi Noem, in her official                                                                                                           |

capacity as Secretary of the Department of Homeland Security, Pamela Bondi, in her official capacity as United States Attorney General

## TOPICS

immigration detention

procedural due process

injunctions

removal proceedings

immigration

## PRACTICE AREAS

immigration detention

constitutional law

civil procedure

civil rights

remedies

## QUESTIONS PRESENTED

1. Whether the emergency petition should be construed to seek a temporary restraining order in addition to habeas relief.
2. Whether Mr. Iza's detention was authorized by 8 U.S.C. § 1225(b)(2).
3. Whether Mr. Iza's detention was instead governed by 8 U.S.C. § 1226(a).
4. Whether detaining Mr. Iza without prior notice, an opportunity to be heard, or an individualized determination of flight risk or dangerousness violated the Fifth Amendment's procedural due process guarantee.
5. Whether the requirements for a temporary restraining order were satisfied.

## HOLDINGS

1. Mr. Iza was not detained under 8 U.S.C. § 1225(b)(2) because, although he was an applicant for admission and was not clearly and beyond a doubt entitled to admission, he was not seeking admission when ICE arrested him after he had lived in the United States for several years.
2. Because § 1225(b)(2) did not authorize the detention, Mr. Iza's detention was governed by § 1226(a), which permits detention or release on bond or conditional parole pending a removal decision.
3. Mr. Iza demonstrated a clear likelihood of success on his claim that detention without notice, an opportunity to be heard, or an individualized determination of flight risk or dangerousness violated procedural due process under the Fifth Amendment.
4. The requirements for emergency injunctive relief were satisfied because petitioner showed a clear likelihood of success, strong irreparable harm from continued detention, and that relief was in the public interest.

## KEY QUOTATIONS

*“The term ‘applicant for admission’ is . . . something of a misnomer. It doesn’t require an application of any sort. All that’s needed is presence without admission—in other words, it applies to the great number of undocumented immigrants who currently live in this country.”* (Section I.a)

*“Sections 1225 and 1226 are “mutually exclusive—a noncitizen cannot be subject to both mandatory detention under § 1225 and discretionary detention under § 1226.””* (Section I.b)

*“there is no question that detention causes irreparable harm: indeed, every minute that someone is unlawfully denied freedom results in an injury that really can never be remedied.”* (Section I.c.iv)

## FACTUAL BACKGROUND

Henry Paul Paza Iza, an Ecuadorian national, entered the United States in December 2022, was processed by Customs and Border Protection, and was released on parole in February 2023. After he filed applications for asylum, withholding of removal, and Convention Against Torture relief, ICE detained him in or near a Home Depot parking lot in Jamaica, New York, on December 14, 2025. ICE served him with a warrant for arrest and a notice to appear, and respondents later asserted that his detention was authorized by 8 U.S.C. § 1225(b)(2).

## PROCEDURAL HISTORY

On December 16, 2025, Martha C. Iza filed the habeas petition as Henry Paul Paza Iza's next friend. The court issued an order to show cause, received respondents' submissions identifying 8 U.S.C. § 1225(b)(2) as the asserted detention authority, and held a teleconference on December 22, 2025. The court construed the emergency petition as also seeking a temporary restraining order, granted that motion, ordered immediate release, and prohibited redetention under § 1225(b)(2) for fourteen days.

## DISPOSITION

other

## CASES CITED

- Diaz v. Kopp, 146 F.4th 301, 305 (2d Cir. 2025)
- Rodriguez-Acurio v. Almodovar, 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025)
- National American Soccer League, LLC v. U.S. Soccer Federation, 883 F.3d 32, 37 (2d Cir. 2018)
- Federal Defenders of New York, Inc. on behalf of Metropolitan Detention Center-Brooklyn v. Federal Bureau of Prisons, 416 F. Supp. 3d 249, 251 (E.D.N.Y. 2019)
- Daileader v. Certain Underwriters at Lloyds London Syndicate 1861, 96 F.4th 351, 365 (2d Cir. 2024)
- New York ex rel. Schneiderman v. Actavis PLC, 787 F.3d 638, 650 (2d Cir. 2015)
- Barco Mercado v. Francis, 2025 WL 3295903, at \*4 (S.D.N.Y. Nov. 26, 2025)
- Huamani v. Francis, No. 25-cv-8110, 2025 WL 3079014, at \*3 (S.D.N.Y. Nov. 4, 2025)
- Sampiao v. Hyde, No. 25-CV-11981, 2025 WL 2607924, at \*8 (D. Mass. Sept. 9, 2025)
- Lopez Benitez v. Francis, 795 F. Supp. 3d 475, 485, 492-96 (S.D.N.Y. 2025)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 107 (2020)
- Velasco Lopez v. Decker, 978 F.3d 842, 850-51 (2d Cir. 2020)
- Munoz Materano v. Artera, No. 25-cv-6137, 2025 WL 2630826, at \*12 (S.D.N.Y. Sept. 12, 2025)
- Alvarez Ortiz v. Freden, 2025 WL 3085032, at \*11 (W.D.N.Y. Nov. 4, 2025)
- Jolly v. Coughlin, 76 F.3d 468, 482 (2d Cir. 1996)
- Connecticut Department of Environmental Protection v. OSHA, 356 F.3d 226, 231 (2d Cir. 2004)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-new-york-united-states-district-court-for-t/2025/henry-paul-paza-iza-v-anthony-j-larocco-et-al-0fiyn228>