

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

JUAN DAVID PESTANA BUENDIA,

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Juan David Pestana Buendia, is a 29-year-old asylum-seeker who lawfully entered the United States on June 29, 2021. He is married to a U.S. citizen who recently graduated from medical school with dreams of becoming a surgeon. Mr. Pestana Buendia has no criminal history and his application for adjustment of status through his wife is currently pending before U.S. Citizenship and Immigration Service (USCIS).

2. Failing to adhere to constitutional protections or its own nationwide policy, U.S. Immigration and Customs Enforcement (ICE) arrested Mr. Pestana Buendia without a warrant and detained him initially at Krome Detention Center, and later at Broward Transitional Center, where he remains today. Since that time, ICE has not properly considered Mr. Pestana Buendia for parole in accordance with its regulations. *See* 8 C.F.R. § 236.1. Nor has ICE afforded Mr. Pestana Buendia a bond hearing before a neutral decision-maker where a determination can be made as to whether his detention is justified.

3. Without an order from this Court, Mr. Pestana Buendia is subject to arbitrary and indefinite detention in violation of his constitutional rights, and he suffers unnecessary separation from his wife—a hardship that continues to exact an emotional toll with each passing day. To remedy Respondents' violations, this Court should grant his Petition for Writ of Habeas Corpus.

JURISDICTION

4. Petitioner is in the physical custody of Respondents and ICE, an agency within the Department of Homeland Security (DHS). He is detained at Broward Transitional Center in Pompano Beach, Florida, which is under the direct control of Respondents and their agents.

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, Cl. 2 of the United States Constitution (the Suspension Clause).

7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the Administrative Procedure Act, 5 U.S.C. § 701, *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

8. Nothing in the Immigration and Nationality Act (INA) deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(a)(5), 1252(b)(9), or 1225(g). District courts have jurisdiction under 28 U.S.C. § 2241 to decide habeas claims by individuals challenging the lawfulness or constitutionality of their civil immigration detention. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839–42 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Here, there is no removal order. Petitioner only seeks to challenge Respondents' repeated violations of the law and his rights, all of which have resulted in his unlawful detention.

VENUE

9. Venue is proper under 8 U.S.C. § 1391 because Respondents, all of whom are officers, employees, or agencies of the United States, have detained Petitioner at the Broward Transitional Center, which is within the jurisdiction of this District. In addition, venue is proper in this District because a substantial part of the events giving rise to Petitioner's claims occurred in this District and no real property is involved in this action.

PARTIES

10. Petitioner Juan David Pestana Buendia has been in ICE custody since May 9, 2025, when ICE arrested him without a warrant as he was leaving his home. Mr. Pestana Buendia was lawfully admitted to the United States on June 29, 2021, at Dallas, Texas. He sought political asylum and has no criminal record. On April 25, 2025, Mr. Pestana Buendia applied for adjustment of status based on his marriage to his U.S. citizen wife.

11. Respondent U.S. Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

12. Respondent Kristi Noem is sued in her official capacity as the Secretary of DHS. Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, which is the agency responsible for Mr. Pestana Buendia's detention. She is the legal custodian of Mr. Pestana Buendia.

13. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of ICE, a component agency of DHS. Respondent Lyons has authority over the operations of ICE and broad authority over the enforcement of immigration laws. He is the legal custodian of Mr. Pestana Buendia.

14. Respondent Garrett Ripa is sued in his official capacity as Assistant Field Officer in Charge of the ICE Miami Field Office. He is the legal custodian of Mr. Pestana Buendia and has the authority to release him.

15. Respondent Warden of Broward Transitional Center is sued in his or her official capacity as the individual who oversees and manages the Broward Transitional Center, which is operated by Geo Group, Inc. through a contract with ICE to detain noncitizens. He or she is the immediate custodian of Mr. Pestana Buendia and has the authority to release him.

FACTUAL ALLEGATIONS

Background

16. Petitioner Juan David Pestana Buendia entered the United States lawfully on June 29, 2021, under the Visa Waiver Program (VWP) as a national of Portugal who was born and raised in Venezuela. Exhibit A, Declaration of Pestana Buendia (Pet. Decl.) ¶¶ 1-2. Due to fear of persecution in Venezuela, Mr. Pestana Buendia timely applied for political asylum with USCIS. *Id.* ¶ 3. He has no criminal history. *Id.*

17. On December 22, 2023, Mr. Pestana Buendia married. *Id.* His wife is a U.S. citizen, born in Wake County, North Carolina. *Id.* ¶ 4. She graduated medical school the same day ICE arrested Mr. Pestana Buendia. *Id.* ¶¶ 4, 9. She recently began a surgical residency program in Jacksonville, Florida. *Id.* ¶ 4.

18. Mr. Pestana Buendia and his wife worked for months to save money for legal costs and filing fees to adjust his status to lawful permanent resident. *Id.* ¶ 5. Wanting to do things correctly, the couple hired and paid a woman claiming to be an attorney to assist them. *Id.* The woman

promised to represent the couple and submit Mr. Pestana Buendia's relative petition and adjustment of status application to USCIS. *See id.* ¶¶ 5, 7. For months throughout 2024, Mr. Pestana Buendia pressed the woman he believed was his attorney about the status of his lawful permanent residency. *Id.* ¶ 7.

19. During this time, DHS referred Mr. Pestana Buendia's asylum application to the Miami Immigration Court, citing USCIS's lack of jurisdiction due to Mr. Pestana Buendia's entry under the VWP. *Id.* ¶ 6; *see* 8 U.S.C. § 1187(b)(2); 8 C.F.R. § 208.2(c)(1)(iv) (Immigration Courts have sole jurisdiction over asylum applications filed by VWP entrants). However, the Notice of Referral did not provide a date or time for Mr. Pestana Buendia to appear at the Miami Immigration Court. Ex. B, Form I-863, Notice of Referral to Immigration Judge.

20. In January 2025, Mr. Pestana Buendia's purported attorney informed him that everything had been filed with USCIS. Ex. A, Pet. Decl. ¶ 7. However, in March 2025, USCIS rejected Mr. Pestana Buendia's application and returned his paperwork. *Id.* Upon reviewing the rejected filing, Mr. Pestana Buendia and his wife discovered that the woman they hired defrauded them and was not an attorney. *Id.* In addition to stealing their money, she forged their signatures and improperly filed Mr. Pestana Buendia's adjustment of status application. *See id.*

21. Mr. Pestana Buendia and his wife resubmitted the relative petition and adjustment of status application to USCIS without legal representation. *Id.* ¶ 8. On April 25, 2025, USCIS accepted the couple's filing and issued receipt notices. Ex. C, USCIS Receipt Notices.

Arrest and Detention

22. On May 9, 2025, Mr. Pestana Buendia left his home in Miami, Florida around 9:00 a.m. Ex. A, Pet. Decl. ¶ 9. A man in a tan police vest approached him and asked if he was Juan. *Id.* When Mr. Pestana Buendia responded yes, two similarly dressed ICE agents surrounded Mr. Pestana Buendia and restrained him. *Id.* Mr. Pestana Buendia explained that he was waiting for his "green card," and asked to see a warrant. *Id.* The ICE agents handcuffed Mr. Pestana Buendia without explanation and refused to show him a warrant. *Id.*

23. ICE detained Mr. Pestana Buendia at Krome Detention Center. *Id.* ¶ 11. On May 26, ICE transferred Mr. Pestana Buendia to Broward Transitional Center where he remains today. *Id.*

24. A hearing on Mr. Pestana Buendia's asylum claim is set for August 13, 2025, at the Miami Immigration Court. Pet. Decl. ¶ 12. Mr. Pestana Buendia is not subject to an order of removal. *See id.*

25. Without deciding the merits, the Immigration Court rejected Mr. Pestana Buendia's motion for bond hearing on jurisdictional grounds. Ex. D, Rejection Notice. Mr. Pestana Buendia is detained under 8 U.S.C. § 1226(a). By law, he is entitled to a bond hearing before an IJ in accordance with 8 C.F.R. § 236.1(c)(8). Courts that have addressed this very issue have concluded that while asylum-only proceedings limit the substantive relief available, bond determinations for VWP entrants are procedural, and therefore within the Immigration Court's jurisdiction. *See, e.g., Sutaj v. Rodriguez*, No. 16-cv-5092 (JMV), 2017 U.S. Dist. LEXIS 1896, at *13-14 (D.N.J. Jan. 5, 2017).

26. Despite his pending adjustment of status of application and lack of criminal history, ICE denied Mr. Pestana Buendia's two requests for release on parole. Ex. F, Interim Parole Decisions. Although substantial evidence was submitted in support of Mr. Pestana Buendia's parole request, ICE's decisions make no determination on Mr. Pestana Buendia's dangerousness or flight risk. *Id.*; Ex. A, Pet. Decl. ¶ 11.

27. Respondents stated publicly that they have no intention of releasing Mr. Pestana Buendia, telling CBS News Miami, "He will remain in ICE custody pending his removal from the country." *See* <https://www.cbsnews.com/miami/news/ice-detains-venezuelan-man-with-pending-green-card-application-wife-speaks-out/>. ICE's categorical declaration reflects their intent to detain Mr. Pestana Buendia indefinitely—in violation of due process—without considering options for his release as required by 8 U.S.C. § 1226(a).

28. Mr. Pestana Buendia remains detained in ICE custody, hundreds of miles away from his wife who had to relocate to Jacksonville for her surgical residency without him. *See* Ex. A, Pet. Decl. ¶¶ 4, 12. He has not received a hearing before a neutral decision-maker to determine whether his detention is justified, and he is at risk of being removed to Venezuela—a country he fears returning to.

LEGAL FRAMEWORK

29. The Due Process Clause of the Fifth Amendment provides important protection against arbitrary detention without procedures to determine if someone is a flight risk or danger. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. All individuals within the United States, including noncitizens, are entitled to due process. *Id.* at

693. Thus, federal courts are empowered to hear claims by noncitizens challenging the constitutionality of their detention. *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

Visa Waiver Program

30. The Visa Waiver Program (VWP) permits noncitizens from certain countries to enter the United States for a period of 90 days without obtaining a visa. *See* 8 U.S.C. § 1187(a)(1).

31. VWP entrants can only contest removal on the basis of asylum. *See* 8 U.S.C. § 1187(b)(2); 8 C.F.R. § 217.4(b)(1).

32. When a VWP entrant seeks asylum, DHS refers their application to an Immigration Court for what are commonly referred to as “asylum-only proceedings,” consistent with the Immigration Court’s sole jurisdiction to decide such claims. *See* 8 C.F.R. §§ 217.4(b)(1), 208.2(c).

33. Substantive relief in asylum-only proceedings is limited to whether the VWP entrant “is eligible for asylum or withholding or deferral of removal, and whether asylum shall be granted in the exercise of discretion.” *Id.* § 208.2(c)(3)(i). Proceedings are conducted under the same procedures that govern full removal proceedings.¹ *Id.* Ultimately, the immigration judge’s (IJ) decision on asylum will determine whether a VWP entrant is to be removed.

34. Immigration Courts retain jurisdiction over bond determinations in asylum-only proceedings. *Sutaj*, 2017 U.S. Dist. LEXIS 1896 at *13-14. While asylum-only proceedings limit the substantive relief available to a VWP entrant, a bond determination is strictly “a procedural, not substantive, function.” *Id.*; *see* 8 C.F.R. § 208.2(c)(3)(i) (limiting only substantive relief in asylum-only proceedings). Most importantly, bond determinations are a fundamental constitutional safeguard against indefinite detention. *See Sopo v. United States AG*, 825 F.3d 1199, 1212-13 (11th Cir. 2016).

Detention Authority

35. There are three statutes that govern civil immigration detention. *See* 8 U.S.C. §§ 1225, 1226, 1231. As a noncriminal, lawful entrant under the VWP without a final order of removal, Mr. Pestana Buendia is subject only to ICE’s discretionary detention authority under 8 U.S.C. § 1226(a).

¹ *See* Executive Office of Immigration Review, Immigration Court Practice Manual, Ch. 7.4 <https://www.justice.gov/eoir/reference-materials/ic/chapter-7/4> (last accessed on Jul. 18, 2025)

36. Congress has not expressly granted ICE the authority to detain VWP entrants who overstay the 90-day admission period, beyond the agency's general detention powers applicable to noncitizens facing removal. *Compare* 8 U.S.C. § 1187 (visa waiver provisions containing no mention of detention) *with id.* § 1226(a) (authorizing discretionary detention "pending a decision on whether the alien is to be removed from the United States.").

37. Pending a decision on removal, ICE has discretionary authority to release noncitizens not subject to mandatory detention—like Mr. Pestana Buendia—on bond or conditional parole pending. 8 U.S.C. § 1226(a)(2). Under the implementing regulations, ICE determines bond or conditional parole based on a showing that "release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." 8 C.F.R. 236.1(c)(8). After ICE's initial custody determination, the noncitizen has the right to seek bond redetermination before an IJ and can appeal the IJ's decision to the Board of Immigration Appeals. *Id.* § 236.1(d)(1), (3).

Warrantless Arrest

38. The Fourth Amendment prohibits unreasonable searches and seizures and requires that arrests generally be supported by a judicial warrant or probable cause. U.S. Const. amend. IV.

39. Although ICE has authority to make warrantless arrests, 8 U.S.C. § 1357(a), that authority "is subject to the principles of the Fourth Amendment." *United States v. Vasquez-Ortiz*, 344 F. App'x 551, 554 (11th Cir. 2009).

40. Section 1357(a) narrowly authorizes ICE to conduct a warrantless arrest only in exigent circumstances—specifically, when a noncitizen is observed "entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens." 8 U.S.C. § 1357(a)(2).

41. Relevant here, warrantless arrests of a noncitizen who is believed to be in the United States unlawfully are strictly conditioned on: (1) a reason to believe the individual is unlawfully present; *and* (2) a demonstrable likelihood of escape before a warrant can be obtained. *Id.*

42. The statute imposes the equivalent of probable cause, "which in turn requires a particularized inquiry." *Nava v. Dep't of Homeland Sec.*, 435 F. Supp. 3d 880, 885 (N.D. Ill. 2020). Numerous courts, consistent with the plain language of the statute, have held that ICE exceeds its statutory authority under 8 U.S.C. § 1357(a) "without a determination that a suspected removable individual is likely to escape before a warrant can be obtained." *Creedle v. Miami-Dade Cty.*, 349 F. Supp. 3d 1276, 1294-95 (S.D. Fla. 2018) (listing cases).

43. In November 2021, ICE issued a statement of policy “applicable to all arrests effected under 8 U.S.C. § 1357(a)(2)” reiterating that consistent with the law, ICE officers must have probable cause for warrantless arrests. *See* https://www.ice.gov/doclib/legalNotice/220527castanonSettlement_attA.pdf. ICE’s policy requires officers considering “likelihood of escape” to consider the totality of circumstances based on a non-exhaustive list of factors, including ties to the community. *Id.* at 2. ICE must document “the facts and circumstances surrounding [the] warrantless arrest” as soon as practicable and, among other things, support its determination with particularized facts. *Id.* “[M]ere presence within the United States in violation of U.S. immigration law is not, by itself, sufficient to conclude that an alien is likely to escape before a warrant for arrest can be *obtained*.” *Id.* at 1–2 (emphasis in original).²

44. Executive agencies are required to follow their own policies and guidance, even when “internal procedures are more rigorous than otherwise would be required.” *Washington v. Comm’r of Soc. Sec.*, 906 F.3d 1353, 1361 (11th Cir. 2018) (internal quotations omitted); *Gonzalez v. Reno*, 212 F.3d 1338, 1349 (11th Cir. 2000). Where a detainee suffers substantial prejudice, an agency’s failure to adhere to policy will constitute a deprivation of liberty without due process. *See O’Steen v. Warden*, No. 5:24-cv-25-WFJ-PRL, 2024 U.S. Dist. LEXIS 105034, at *19 (M.D. Fla. June 13, 2024).

CLAIMS FOR RELIEF

COUNT ONE

FIFTH AMENDMENT DUE PROCESS VIOLATION

45. Petitioner alleges and incorporates by reference the paragraphs above.

46. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V. The Supreme Court has long-established that noncitizens are afforded due process rights. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Kim*, 538 U.S. at 523.

² ICE has not published a statement rescinding its nationwide policy on warrantless arrests. *See Perez v. See Mortg. Bankers Ass’n*, 575 U.S. 92, 106 (2015) (emphasizing that agencies cannot change prior policies without acknowledging the change and providing reasoned explanations, and in many instances substantial justification, for their decisions).

47. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. Mr. Pestana Buendia has lived in the United States continuously since 2021, is married to a U.S. citizen, and has significant ties to this country.

48. Respondents have detained Mr. Pestana Buendia since May 9, 2025, without providing him a meaningful opportunity to challenge the lawfulness of his detention before a neutral decision-maker. Respondents’ actions amount to a deprivation of Mr. Pestana Buendia’s protected liberty interest under the Fifth Amendment.

49. To the extent that Respondents contend that Mr. Pestana Buendia is precluded from challenging his detention as a VWP entrant, that contention is directly contrary to law because the VWP statute does not provide Respondents with detention authority. 8 U.S.C. § 1187; *see Emila N. v. Ahrendt*, No. 19-cv-5060 (SDW), 2019 U.S. Dist. LEXIS 39356, at *5 (D.N.J. Mar. 12, 2019) (rejecting government’s argument that VWP entrant was detained under § 1187 and finding that § 1226(a) governed detention). Nothing in 8 U.S.C. § 1187 precludes Mr. Pestana Buendia from bringing this habeas action to challenge his unlawful detention.

50. Mr. Pestana Buendia entered the United States lawfully, he does not have a final order of removal, nor does he have any criminal history. No other statutory provision beyond 8 U.S.C. § 1226(a) authorizes his detention.

51. Respondents’ determinations on conditional parole are insufficient to afford Mr. Pestana Buendia meaningful due process because Respondents never considered dangerousness or flight risk in their assessment as required by regulation. *See* 8 C.F.R. 236.1(c)(8). Under section 1226(a), Mr. Pestana Buendia is entitled to a bond hearing before an Immigration Judge who must decide whether his continued detention is justified.

52. Respondents’ public statements regarding Mr. Pestana Buendia’s detention suggest an intent to detain him indefinitely without regard to due process. Such a position violates governing regulations, which require individualized assessments of danger and flight risk prior to continued detention. ICE’s refusal to adhere to due process—particularly where Mr. Pestana Buendia has no criminal record, poses no danger, and is pursuing lawful immigration relief—constitutes a grave violation of Mr. Pestana Buendia’s constitutional rights.

53. Mr. Pestana Buendia’s continued detention without a bond hearing causes him significant harm. He has an adjustment of status application pending before USCIS, and he remains

unnecessarily separated from his wife. Respondents' violation of Mr. Pestana Buendia's due process rights results in substantial prejudice to him.

COUNT TWO
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

54. Petitioner alleges and incorporates by reference the paragraphs above.

55. The APA requires courts to hold unlawful and set aside agency action found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" or "fails to observe procedure required by law." 5 U.S.C. § 706(2)(A), (D).

56. Respondents are required to adhere to their own regulations and policies when individual rights are impacted. *See United States Ex Rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Respondents must follow both formal regulations and informal operating procedures, "even where the internal procedures are possibly more rigorous than otherwise would be required." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). An agency's failure to follow its *own regulations* can be challenged under the APA, *Webster v. Doe*, 486 U.S. 592, 602 n.7 (1988) (emphasis in original).

57. A noncitizen detained pursuant to 8 U.S.C. § 1226(a) may be released on conditional parole if Respondents determine that the individual does not pose a threat to persons or property and is likely to appear for future immigration proceedings. 8 C.F.R. 236.1(c)(8).

58. Both conditional parole decisions from ICE make no showing that the agency properly considered dangerousness or flight risk.

59. Respondents' failure to evaluate or consider the criteria for conditional parole—particularly in the absence of individualized findings regarding danger or flight risk—constitutes a violation of the *Accardi* doctrine and the APA.

60. Respondents issued a nationwide policy consistent with the law and Fourth Amendment principles regarding probable cause, which outlines several safeguards ICE officers must follow in performing warrantless arrests. ICE has not published any rescission of its policy. And where there are serious reliance interests, any rescission would need to be supported by substantial justification. *Fed. Commc'ns. Comm'n v. Fox Television*, 556 U.S. 502, 515 (2009).

61. Respondents' warrantless arrest of Mr. Pestana Buendia failed to adhere to the law and ICE's own policy. Respondents have offered no evidence that they considered—based on the totality of the circumstances or the factors delineated in ICE's policy—whether Mr. Pestana Buendia was likely to escape before a warrant could be obtained. Respondents likewise have not

presented evidence of the individualized facts and circumstances surrounding Mr. Pestana Buendia and ICE's warrantless arrest of him.

62. In targeting, arresting, and detaining Mr. Pestana Buendia without a warrant, Respondents failed to consider many relevant factors, including his constitutional rights, his ties to the United States, his pending adjustment of status application, and his lack of criminal record. Respondents' actions constitute abuse of discretion and render Mr. Pestana Buendia's detention unlawful.

63. Respondents' actions ignore due process protections provided by their own regulations and policies and are arbitrary, capricious, and not in accordance with the law. Respondents' failure to comply with the statute, regulations, and stated policies, subjects Mr. Pestana Buendia to unlawful detention without a meaningful opportunity to be heard as to whether his detention is justified.

COUNT THREE VIOLATION OF THE FOURTH AMENDMENT

64. Petitioner alleges and incorporates by reference the paragraphs above.

65. ICE's authority to make warrantless arrests is constrained by the Fourth Amendment. Congress imposed a probable cause requirement on ICE's ability to make warrantless arrests, which mandates that ICE make a *demonstrated* determination whether a noncitizen will escape before a warrant can be obtained. 8 U.S.C. § 1357(a).

66. ICE arrested Mr. Pestana Buendia as he was leaving his home and refused to show him a warrant. Respondents have yet to present Mr. Pestana Buendia or his attorney with a warrant or documentation that his warrantless arrest was in accordance with the law and ICE's stated nationwide policy.

67. Respondents' failed to adhere to the Fourth Amendment, statute, or ICE's stated policy, which amounts to a violation of Mr. Pestana Buendia's constitutional rights and causes him harm.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter.
2. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted.
3. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this District pending the resolution of this case
4. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release from detention.

5. In the alternative, order Petitioner's release within 3 days unless Respondents schedule a hearing before an immigration judge within 7 days of the Court's order, where Respondents must prove by clear and convincing evidence that Petitioner is a flight risk or a danger to the community, and where alternatives to detention and Petitioner's ability to pay bond must be considered.
6. Declare that Petitioner's detention without a bond hearing violates the Due Process Clause of the Fifth Amendment, APA, and 8 U.S.C. § 1226(a).
7. Declare that Respondents' actions in arresting Petitioner violate the Fourth Amendment, 8 U.S.C. § 1357(a), and ICE's nationwide policy on warrantless arrests.
8. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act and on any other basis justified under law.
9. Grant any further relief this Court deems just and proper.

Date: July 24, 2025

Respectfully Submitted,

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