

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MARVIN ALEXANDER RIVAS RAMOS

Petitioner,

v.

JEFF CRAWFORD, *in their official capacity as
Warden of the Farmville Detention Center;*

PAUL CAPICCHIONI, *in their official capacity as
Field Office Director of the
Immigration and Customs Enforcement,
Enforcement and Removal Operations
Washington Field Office;*

KRISTI NOEM, *in their official capacity as
Secretary of the Department Homeland Security,*

Respondents.

**PETITION FOR A
WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. §2241**

Case No.

INTRODUCTION

1. Petitioner, Marvin Alexander Rivas Ramos (Mr. Rivas), respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. §2241.
2. Without legal authority and in violation of the Fourth Amendment of the U.S. Constitution, agents of the Department of Homeland Security, Immigration and Customs Enforcement

(DHS ICE) arrested Mr. Rivas and imprisoned him at the Farmville Detention Center in Farmville, Virginia where he remains today.

JURISDICTION

3. This Court has jurisdiction pursuant to 28 U.S.C. §2241 which authorizes federal district courts to hear cases brought by non-citizens who claim they are in custody in violation of federal law or contrary to the protections of the United States Constitution. 28 U.S.C. §2241(c)(3); *Zadvydas v. Davis*, 533 U.S. 678, (2001); 28 U.S.C. §1331 which gives the district courts original jurisdiction of all civil action arising under the Constitution, laws, or treaties of the United States; and 28 U.S.C. §§2201, 2202 which authorizes federal district court to declare the rights and other legal relations of any interested party seeking such declaration and grant further necessary or proper relief based on the declaratory judgment.

VENUE

4. Venue is proper in this district and division pursuant to 28 U.S.C. §2241(c)(3) and 28 U.S.C. §1391(b)(2) and (e)(1) because Petitioner is being imprisoned at the Farmville Detention Center which is located within this district and because a substantial part of the events or omissions giving rise to this action occurred and continue to occur at the DHS Washington Field Office in Chantilly, Virginia which is located within this division.

PARTIES

Petitioner

5. Mr. Rivas is a twenty six year old resident of Manassas, Virginia. He lives with his partner and their twenty month old daughter. He owns and operates a small construction company. Respondents have imprisoned him at the Farmville Detention Center since July 22, 2025.



Respondents

6. Respondent, Jeff Crawford, is the warden of Farmville Detention Center in Farmville, Virginia and is the immediate custodian of Petitioner. Jeff Crawford is sued in their official capacity.
7. Respondent, Paul Capicchioni, is the Director of the Washington Field Office of the Department of Homeland Security, Immigration and Customs Enforcement and is responsible for arresting Petitioner and transporting him to the Farmville Detention Center. Paul Capicchioni is a legal custodian of Petitioner and is sued in their official capacity.
8. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security and oversees the Immigration and Customs Enforcement. Kristi Noem is responsible for the administration and enforcement of the immigration laws and is ultimately responsible for the arrest and imprisonment of Petitioner. Kristi Noem is a legal custodian of Petitioner and is sued in their official capacity.

STATEMENT OF FACTS

9. Mr. Rivas was a child of sixteen when he fled El Salvador to save his life. The year was 2015 and the violence and lawlessness was at its peak there. The homicide rate was so high that El Salvador was known as the “murder capital” of the world. ¹
10. When he arrived by foot in the United States borderland, DHS border agents detained him, inspected him and determined he was an unaccompanied child. As such, the DHS border agents placed him in the custody of the U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR). On December 20, 2015, ORR then resettled Mr. Rivas with his Uncle in Manassas, Virginia. (Exh.1 — ORR Verification of Release)

¹ <https://www.theguardian.com/world/2015/aug/22/el-salvador-worlds-most-homicidal-place>

11. DHS and ORR did not coordinate to provide Mr. Rivas with a Form I-94 when he was resettled into the United States. Form I-94 “includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format, which is made available to the person about whom the information has been collected, as may be prescribed by DHS.”
8 C.F.R. §1.4.
12. Instead of providing Mr. Rivas with a Form I-94, DHS initiated removal proceedings in Immigration Court against him. DHS did so by filing with the Court a putative Notice to Appear (NTA) dated November 4, 2015 which was almost two months before ORR resettled him as a refugee child. The NTA alleged that Mr. Rivas was removable for being present in the United States without being admitted or paroled. (Exh. 2 — Notice to Appear, 2015)
13. On February 22, 2024, those removal proceedings were dismissed. (Exh. 3 — DOJ EOIR screen shot showing the Immigration Judge ordered dismissal, February 22, 2024).
14. Despite the tragic circumstances that forced him to leave his country of birth or perhaps because of them, Mr. Rivas matured fast and has done well here in the United States.
15. He worked hard in the construction field and in 2023, he took what he learned and began his own construction company. (Exh. 4 — Articles of Organization for MAR Construction Services, LLC) With his company, he provides a valuable service to the community, has created jobs for others and supports himself and his family. He and his partner have a twenty month old baby girl. (Exh. 5- Birth Certificate of  Rivas Arevalo, )
16. On July 22, 2025, Mr. Rivas was at the Prince William County Judicial Center located at 9311 Lee Avenue in the City of Manassas in the Commonwealth of Virginia. He was there as a member of the public not as a defendant. He had driven a friend, Jossue Mozo Zepeda, who was facing charges from an incident that occurred on December 7, 2024. Mr. Mozo had

attended three hearings at the Prince William Judicial Center and the matter was finalized on the day Mr. Rivas was with him (Exh. 6 — Prince William General District Court, Traffic/Criminal Case Details, Jossue Eliseo Mozo Zepeda).

17. In the nine years Mr. Rivas has lived in the United States he has never been charged with a crime or been convicted of a crime.
18. When the hearing was over Mr. Rivas and his friend left the courthouse. Soon after, DHS ICE agents approached Mr. Rivas and his friend and blocked them from moving. Mr. Rivas showed the agents his work authorization card which is valid until 2029. One of the DHS ICE agents told him that his card was not worth much.
19. Mr. Rivas paid DHS a fee of four hundred and ten dollars (\$410) when he filed an application for a work authorization card. He also provided DHS with his biometrics. DHS then approved the application and issued him a work authorization card valid from 03/13/2024 to 03/12/2029. (Exh. 7– I-765, Application for Employment Authorization, Approval Notice)
20. DHS ICE ultimately imprisoned both of the men at the Farmville Detention Center. (Exhs. 8,9– screen shots of locator.ice.gov search results for Jossue Eliseo Mozo Zepeda and Marvin Alexander Rivas Ramos).
21. Counsel has represented Mr. Rivas pro bono for all proceedings in immigration court and for all of his DHS applications since 2018. When counsel was told of the arrest, they made several attempts to get information about the arrest and to get a copy of the charging document. They reached out to the DHS ICE Washington Field Office, the Farmville Detention Center, and the Office of the Principle Legal Advisor for DHS ICE. No representative for DHS ICE ever provided counsel with any information concerning the reason for the arrest. They only verified that Mr. Rivas was imprisoned at the Farmville Detention Center and advised counsel that he

would have a hearing in Immigration Court on August 4. (Exh. 10 —email correspondence between counsel and washington.outreach@ice.dhs.gov, Aamil Brebnor, Deportation Officer, Washington Field Office and Lucas Horacek, Assistant Chief Counsel, Office of the Principle Legal Advisor, Annandale, DHS ICE). (Exh. 11— Notice To Appear, 2025)

22. It was not until about a week later when a clerk at the Department of Justice, Executive Office for Immigration Review, Annandale Immigration Court provided counsel with a copy of the Notice to Appear (NTA) that DHS ICE had issued on the day of the arrest and “uploaded on 7/28/2025.” (*Id.*)
23. The July 22, 2025, Notice to Appear characterizes Mr. Rivas as “an a**** present in the United States who has not been admitted or paroled” and alleges that he “entered the United States at or near unknown place, on or about unknown date.” (*Id.*)
24. The notice also charges him with two contradictory grounds of removability. First, DHS alleges that Mr. Rivas is inadmissible under Sec. 212(a)(6)(A) of the INA; 8 U.S.C. §1182(a)(6)(A), as being present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. Second, DHS alleges that Mr. Rivas is inadmissible under Sec. 212(a)(7)(B)(i)(I) of the INA; 8 U.S.C. §1182(a)(7)(B)(i)(I), as being a nonimmigrant who is not in possession of a passport valid for a minimum of six months from the date of the expiration of the initial period of the a****’s admission or contemplated initial period of stay authorising the a**** to return to the country from which the a**** came or to proceed to and enter some other country during such period. (*Id.*)
25. On August 4, 2025, from Farmville Detention Center, Mr. Rivas attended a Webex hearing at the Annandale Immigration Court.

26. Prior to the hearing, Mr. Rivas moved the Immigration Judge to terminate proceedings on the basis that DHS agents arrested Mr. Rivas on July 22nd without legal authority and in violation of his Fourth Amendment right against unreasonable searches and seizure. He also moved the Court to terminate the proceedings because he had an asylum application pending at the DHS Arlington Asylum Office. The Immigration Judge did not rule on the motion but stated that they would consider releasing him on bond if a bond motion was filed.
27. Mr. Rivas filed a bond motion soon after and a bond hearing was scheduled.
28. On the day of the bond hearing, DHS argued that the Immigration Judge did not have jurisdiction to consider bond for Mr. Rivas because he was arrested under Sec. 235(b)(2)(A) of the INA, 8 U.S.C. §1225(b)(2)(A) and as such, his detention is mandatory and he is not eligible for bond. As support, DHS cited to *Matter of Q.Li*, 29 I&N Dec. 66 (BIA) which was decided three months ago on May 15, 2025. (Exh.12 — *Matter of Q.Li*, 29 I&N Dec. 66 (BIA)) The Immigration Judge denied Mr. Rivas bond on this basis. (Exh. 13).
29. The Immigration Judge then denied Mr. Rivas's motion to terminate the proceedings noting that the Immigration Court is an administrative court and does not have the statutory authority to consider constitutional claims. (Exh. 14)

THE AUTHORITY TO ARREST NON-CITIZENS

30. The authority to arrest a non-citizen is derived from Secs. 236 and 287 of the INA, 8 U.S.C. §§1226 and 1357.
31. On a warrant issued by the Attorney General, a non-citizen may be arrested and detained pending a decision on whether they are to be removed from the United States. Sec. 236(a) of the INA, 8 U.S.C. §1226(a).

32. A DHS agent may arrest a non-citizen without a warrant only under certain circumstances.

First, a DHS agent may arrest a non-citizen who, in their presence or view, “is 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 non-citizens. Second, a DHS agent may arrest any non-citizen in the United States if they have reason to believe that the non-citizen is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for their arrest. Sec. 287(a)(2) of the INA, 8 U.S.C. §1357(a)(2).

33. A DHS agent may also make arrests without a warrant “for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of non-citizens, if he has reason to believe that the person so arrested is guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest...” Sec. 287(a)(4) of the INA, 8 U.S.C. §1357(a)(4).

34. Finally, a DHS agent may also make arrests without a warrant for any offense against the United States, if the offense is committed in their presence or for any felony cognizable under the laws of the United States or if the agent has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Sec. 287(a)(5)(A),(B) of the INA, 8 U.S.C. §1357(a)(5)(A),(B).

35. A DHS agent is not authorized to arrest a non-citizen in the interior of the United States under Sec. 235(b)(2)(A) of the INA, 8 U.S.C. §1225(b)(2)(A). That section does not pertain to arrests. It pertains to detaining people attempting to enter the United States. In other words, when

inspecting an applicant for admission, DHS has the power to stop certain individuals from effectuating an entry in the United States.

36. The individuals subject to being detained under Sec. 235(b)(2)(A) are people attempting to enter the United States. In some instances, DHS agents are uncertain whether someone is entitled to be admitted. In these cases, DHS refers the individual to immigration court and the immigration judge decides if the person is inadmissible. They are “detained” during removal proceedings in that they are stopped from physically entering the country while the immigration judge adjudicates inadmissibility. Detained does not translate to arresting people who have already entered the country and imprisoning them. (“...in the case of an a**** who is an applicant for admission, if the examining officer determines that an a**** seeking admission is not clearly and beyond a doubt entitled to be admitted, the a**** shall be detained for a proceeding under 1229a of this title.”).

FOURTH AMENDMENT PROTECTION

37. The Fourth Amendment provides that the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” U.S. Const. amend. IV.
38. The arrest of a person is quintessentially a seizure. *Payton v. New York*, 445 U.S. 573, 585, 100 S.Ct. 1371, 63 L.Ed. 2d 639 (1980).
39. DHS ICE’s authority to arrest non-citizens who have established connections in the United States is limited by the Fourth Amendment. *United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990).
40. Probable cause to justify an arrest means “facts and circumstances within the officer’s knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in

believing in the circumstances shown, that the suspect has committed or is about to commit an offense.” *Michigan v. DeFillippo*, 443 U.S. 31, 37, 99 S.Ct. 2627, 61 L.Ed.2d 343 (1979) (1979).

41. “The ultimate touchstone of the Fourth Amendment is ‘reasonableness.’” *Kentucky v. King*, 563 U.S. 452, 459 (2011).

ARGUMENT

42. The DHS ICE agents arrested Mr. Rivas on July 22, 2025 outside the Prince William County Judicial Center without legal authority and in violation of his Fourth Amendment right against an unreasonable seizure.

43. DHS ICE agents did not have a warrant to arrest Mr. Rivas under Sec. 236(a) of the INA, 8 U.S.C. §1226(a) and none of the warrantless exceptions under Sec. 287(a)(2) of the INA, 8 U.S.C. §1357(a)(2) apply to the arrest.

44. Mr. Rivas was not entering or attempting to enter the country in violation of law in the presence or view of the DHS ICE agents who arrested him.

45. Furthermore, the DHS ICE agents did not have any reason to believe that Mr. Rivas was committing any felony, offense against the United States or a law or regulation made in pursuance to regulating the admission, exclusion, expulsion or removal of non-citizens and that he was likely to escape before a warrant could be obtained for his arrest.

46. Mr. Rivas was simply outside the courthouse with his friend after leaving to go home. He cooperated with the DHS ICE agents and showed them his valid work permit.

47. The fact that the DHS ICE agent disregarded Mr. Rivas’s valid work permit as not being worth much shows that the agent lacked reasonableness.

48. To provide people with proof that they are legally permitted to work in the United States, DHS requires non-citizens to file applications, pay fees and provide biometrics. DHS does not process work permits in a consistent or efficient manner. People often wait well over a year for DHS to process their application and to issue them a card.
49. Mr. Rivas filed his application, paid \$410. and attended a biometrics appointment. DHS approved his application for a work authorization card almost thirteen months after he submitted his complete application (*See Exh.7*).
50. The fact that DHS was not forthcoming with counsel also demonstrates that they lacked facts and circumstances that were sufficient to warrant a prudent person, or one of reasonable caution, to believe that Mr. Rivas was committing any offense or that he would abscond before they could get an arrest warrant. DHS ICE agents simply arrested him because he was with someone that they had apparently targeted. Because proximity to someone who is being arrested is not a valid reason to arrest a person, DHS was speechless.
51. Allegation 3 on the July 22, 2025 reads “You entered the United States at or near unknown place, on or about unknown date.” This illustrates that DHS did not know how and when Mr. Rivas entered the United States or knew it and chose to misrepresent the facts after the arrest.
52. The contradictory charges also indicates that DHS was shooting in the dark and did not know the circumstances of Mr. Rivas’s presence in the United States or knew but chose to be illusive on the Notice to Appear.
53. Mr. Rivas effectuated an entry in the United States in 2015. He is lawfully present because he was resettled into the United States as a refugee child from El Salvador. If DHS had followed the law Mr. Rivas would have had the opportunity to become a United States citizen by now. Instead, DHS has him locked in a prison.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court declare that Respondents did not have the legal authority to arrest him and that the arrest was a violation of his Fourth Amendment right against an unreasonable seizure. Based on these truths, Petitioner requests that this Court order his immediate release or any other further relief this Court deems just and proper.

Dated: August 20, 2025

Respectfully submitted,

/s/ _____
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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and attached Exhibits 1-14 using the CM/ECF system. I will also mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Jeff Crawford, Warden
Farmville Detention Center
508 Waterworks Road, Farmville, VA 23901

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Dated: August 20, 2025

Respectfully submitted,

/s/ _____
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