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DETAINED-ICE CUSTODY DENVER

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CARLOS A. CALDERON,)
)
r,)
v.)
)
PAM BONDI,)
Attorney General of the)
United States of America, and,)
)
KRISTI NOEM,)
Secretary of the Department of)
Homeland Security, (DHS) and,)
)
TODD LYONS,)
Acting Director,)
United States Immigration and)
Customs Enforcement (ICE), and,)
)
YOLANDA PITTMAN,)
Director,)
Elizabeth Detention Center,)
Respondents.)
)

Civil Action No. 25-14827 (BRM)

HON. BRIAN R. MARTINOTTI

AMENDED VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. The Petitioner, a 46-year-old-male alleged native and citizen of Venezuela who has been detained at the Elizabeth Detention Center since his re-arrest by ICE on August 15, 2025, and is about to be removed out of the jurisdiction today, hereby petitions the U.S. District Court to declare his detention unlawful and stay his

removal outside of the New Jersey jurisdiction. The Petitioner has a final order of removal. In 2016, the Respondents had sought to remove him to Venezuela but were unable to. Petitioner had filed a habeas with Madeline Cox Arleo, No. 17-362 and was ultimately released by ICE. Petitioner has been re-arrested and detained even though there is no proof that he can be removed to Venezuela. Petitioner petitions this Court for an order declaring his detention unlawful.

JURISDICTION

2. This action arises under Customary International Law, the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et. seq., and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at the Delaney Hall Detention Center (Essex County Jail), New Jersey under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

3. Venue lies in this Court because Petitioner is detained at the Elizabeth Detention Center in Elizabeth, New Jersey.

PARTIES

4. Petitioner is a 46 year-old-male, alleged native and citizen of Venezuela and has been detained at the Elizabeth Detention Facility since August 15, 2025. He seeks issuance of a writ of habeas corpus.
5. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity she is responsible for administering and

enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

6. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in New Jersey and is the Petitioner's legal custodian.
7. Respondent Todd Lyons is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity he is responsible for administering and enforcing the immigration laws in New Jersey and is Petitioner's legal custodian.
8. Respondent Yolanda Pittman is sued in her official capacity as the Director of the Elizabeth Detention Facility and in this capacity she is the Petitioner's actual physical custodian.

FACTS

9. Petitioner, Carlos Andrea Calderon is a 46-year-old male, alleged native and citizen of Venezuela who entered the United States who has a final order of removal.
10. In 2016, the Respondents sought to remove the Petitioner based on this order of removal.
11. In 2016, the Petitioner filed a pro se habeas corpus petition challenging his detention and was ultimately released because Respondents were unable to remove him.

12. Now, on August 15, 2025, the Respondents have again detained the Petitioner and detained him at the Elizabeth Detention Center.
13. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will suffer irreparable injury by being deprived of his physical liberty. He seeks the only avenue of judicial review available to him, habeas review.

COUNT I

14. The allegations contained in paragraphs 1 through 13 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process clause of the United States Constitution.

COUNT II

15. The allegations contained in paragraphs 1 through 13 are repeated and realleged as though fully set forth herein. Petitioner's detention is not authorized by the Immigration and Nationality Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediate release the Petitioner from custody absent a showing that he can be removed to Venezuela in the reasonably foreseeable future or that circumstances have materially changed in his case;
2. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

3. Grant any other and further relief that this Court may deem necessary and proper.

s/ Regis Fernandez
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Dated: September 5, 2025

VERIFICATION BY COUNSEL

I, Regis Fernandez, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of this case.
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on September 5, 2025

s/ Regis Fernandez
REGIS FERNANDEZ, ESQ.