

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

ALFREDO NUNES RIBEIRO)
Petitioner,) Case No. _____
v.)
Garrett J. Ripa, Field Office Director)
PATRICIA HYDE, Field Office Director,)
TODD LYONS, Acting Director of ICE, and)
KRISTI NOEM, U.S. Secretary)
of Homeland Security,)
Respondents.)

)

EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS

FILED BY MCO D.C.
SEP 22 2025
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

INTRODUCTION

I, Petitioner Alfredo Ribeiro, a Massachusetts resident and liver transplant recipient, respectfully bring this emergency petition for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge the unconstitutional conditions of my confinement following my recent transfer to the Krome North Service Processing Center ("Krome") in Miami, Florida. Since my transfer on or about September 9, 2025, I have been denied access to my seven daily immunosuppressant medications essential to prevent organ rejection, placing my life in immediate danger. I am housed in inhumane conditions, including tents without access to medical care, exacerbating my vulnerability. This denial constitutes deliberate indifference to my serious medical needs, violating the Fifth and Eighth Amendments to the U.S. Constitution, as well as federal statutes and ICE standards.

The transfer itself was abusive and arbitrary, originating from decisions by ICE officials in Boston, Massachusetts, and designed to frustrate my access to counsel, evidence, and family in Massachusetts. I seek immediate release on humanitarian parole under 8 U.S.C. § 1182(d)(5)(A), or alternatively, transfer back to FCI Berlin, New Hampshire, or another facility near Massachusetts where I can access adequate medical care, legal counsel, and family support. I also move for a temporary restraining order (TRO) and preliminary injunction under Fed. R. Civ. P. 65 to compel Respondents to provide my prescribed medications and medical oversight without delay and to enjoin any further interference with my rights.

PARTIES

1. I, Petitioner Alfredo Ribeiro (A# [REDACTED] DOB [REDACTED]), resided at [REDACTED]
[REDACTED] and am domiciled in Massachusetts with minor children there. Exhibit 1. Exhibit 2. I am a Brazilian national currently detained at Krome North SPC, 18201 SW 12th Street, Miami, FL 33194. Exhibit 5.
2. Respondent Garrett J. Ripa is the current Field Office Director for the ICE Enforcement and Removal Operations (ERO) Miami Field Office, involved in decisions affecting my detention and transfer.
3. Respondent Patricia Hyde is the ICE Boston Field Office Director overseeing operations and decisions originating in Massachusetts that led to my transfer and ongoing detention conditions.
4. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE).
5. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
6. All Respondents are named in their official capacities.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) to review the legality and conditions of my detention, as well as under 28 U.S.C. § 1331 (federal question) for claims arising under the U.S. Constitution and federal laws, including the Immigration and Nationality Act. (INA) and Rehabilitation Act of 1973. Supplemental jurisdiction exists under 28 U.S.C. § 1367. This Court also has authority under 28 U.S.C. § 1361 (mandamus) to compel Respondents to perform non-discretionary duties, such as providing medical care and reviewing transfer requests.

2. I previously resided at a fixed address in Massachusetts (4 Lincoln Place, Somerville, MA 02145), where I lived with my family and maintained my community ties. I am now detained in Florida at Krome North Service Processing Center, 18201 S.W. 12th Street, Miami, FL 33194. The transfer was abusive and intended to evade review, frustrate access to counsel and evidence in Massachusetts, and interfere with Mr. Ribeiro's ongoing immigration proceedings (including his § 240A(b) application requiring local evidence). Under the immediate custodian rule (*Rumsfeld v. Padilla*, 542 U.S. 426 (2004)), jurisdiction is typically in the district of confinement, but courts recognize exceptions for abusive transfers designed to moot habeas relief or violate due process (see, e.g., *Pon v. United States*, 71 Stan. L. Rev. 747 (2019), discussing limits on transfers that impose extreme inconvenience and potential Fifth Amendment violations).

3. This Court has jurisdiction as the challenge is to the Boston ICE office's arbitrary transfer decision, which originated here, and the ongoing violations (medical denial) flow from that action. Transfers cannot strip jurisdiction where they are retaliatory or burdensome, as this would allow the government to evade habeas review (see *ESAB Group, Inc. v. Centricut, Inc.*, 126 F.3d 617 (4th Cir. 1997), recognizing extreme inconvenience may outweigh policy and implicate Fifth Amendment

due process; *DeJames v. Magnificence Carriers, Inc.*, 654 F.2d 280 (3d Cir. 1981), leaving open fairness inquiries for forum). Venue is proper in the District of Massachusetts under 28 U.S.C. § 1331(e) for actions against federal officials, as a substantial part of the events (transfer decision, counsel/family ties) occurred here, and Petitioner resided in Massachusetts prior to detention.

FACTS

4. I entered the United States lawfully and have resided in Massachusetts. I have an ongoing application for cancellation of removal under INA § 240A(b) (42B), which requires evidence and witnesses from Massachusetts. Exhibits 1, 2, & 4.

5. I underwent a liver transplant in March 2013 at Lahey Clinic in Burlington, Massachusetts, due to hepatitis B-related cirrhosis. Exhibit 3. Post-transplant, I require lifelong immunosuppressant medications to prevent rejection, including:

- Entecavir (Baraclude) 0.5 mg daily
- Tacrolimus (Prograf) 1 mg capsule by mouth twice daily
- Tacrolimus (Prograf) 1 mg capsule by mouth (additional dosing as per records)

6. Without these medications, I face acute rejection, infection, organ failure, and death within days. Medical records from Cambridge Health Alliance confirm this regimen and my stable condition when compliant (Exhibits: CHA Records dated 2014-2021; Lipid Panel and Hemoglobin A1C results showing ongoing monitoring).

7. Prior to September 9, 2025, I was detained at FCI Berlin, New Hampshire, where I had access to medical care and proximity to my family and counsel in Massachusetts.

8. On or about September 9, 2025, ICE transferred me to Krome without notice or justification, severing my access to counsel, evidence for my 42B case, and family. My minor sons, Arthur Delavi Ribeiro (born November 17, 2005) and André Delavi Ribeiro (born August 31,

2011), reside in Massachusetts and are distressed by my absence and health risks.

9. At Krome, I have received no medications since arrival, despite notifying staff of my transplant. I am housed in tents amid overcrowding, with no meaningful access to doctors or medical services. Krome's conditions are notoriously inhumane: 2025 reports document surging medical emergencies (e.g., 911 calls up from January–July 2025), abuse, insufficient food, and medical neglect, including for vulnerable detainees. Human Rights Watch and ACLU have sued over similar violations at Krome in 2025.

10. On September 15, 2025, my former counsel emailed ICE Boston (including Boston.Outletreach@ice.dhs.gov and seely.ronald@ice.gov) requesting immediate transfer back to FCI Berlin or a Massachusetts-area facility, citing medical, legal, and humanitarian grounds. No response was received (Exhibit 6: Email Request).

11. On September 15, 2025, my former counsel also filed a CRCL complaint (WP-005152) detailing the violations. No response has been received (Exhibit: CRCL Confirmation). Exhibit 7.

12. Without intervention, I face irreparable harm, including transplant rejection and death.

LEGAL ARGUMENTS

13. According to 28 U.S.C. § 2241, a federal prisoner may benefit from a writ of habeas corpus if he is in custody which is in violation of the Constitution, laws, or treaties of the United States.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth and Eighth Amendments

(Deliberate Indifference to Serious Medical Needs)

14. Respondents' denial of my medications and medical care constitutes deliberate

indifference, violating my due process rights under the Fifth Amendment and prohibiting cruel punishment under the Eighth Amendment. See *Estelle v. Gamble*, 429 U.S. 97 (1976); *Bell v. Wolfish*, 441 U.S. 520 (1979). ICE's PBNDS 4.3 requires timely provision of medications for chronic conditions, and Krome's failure breaches this duty. Precedents mandate release or relief for medically vulnerable detainees, such as in *Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. 2020).

COUNT TWO

Violation of Rehabilitation Act § 504 (29 U.S.C. § 794)

15. My liver transplant qualifies as a disability under the Rehabilitation Act. Respondents have failed to accommodate me by denying access to my prescribed medications and necessary medical care, thereby discriminating against me on the basis of my disability.

COUNT THREE

Abuse of Discretion in Transfer and Detention (APA, 5 U.S.C. § 706)

16. My transfer to Florida was arbitrary and abusive, violating ICE's own policies on medical continuity and family unity.

PRAYER FOR RELIEF

Wherefore, I respectfully requests this Court to grant the following::

1. Issue a TRO/preliminary injunction ordering Respondents to provide my medications and medical care immediately, and enjoin enforcement of the transfer.
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
3. Grant habeas writ ordering release on parole or transfer to FCI Berlin/MA-area facility.

4. Declare detention conditions and transfer unconstitutional.
5. Award fees/costs; other just relief.
6. Issue a Writ in my favor under 28 U.S.C. § 1651 as this Court deems just and proper.
7. Issue a Writ of Habeas Corpus under 28 U.S.C. § 2241 ordering Respondents to release me immediately.
8. Grant any further relief this Court deems just and proper.

Dated: September 19, 2025

Respectfully submitted,


/s/ Alfredo Nunes Ribeiro
Pro Se Petitioner
Krome North Service Processing Center
18201 SW 12th Street
Miami, FL 33194



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