

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

PIOTR SIEKIERKO

Petitioner,

v.

GARRETT RIPA, in his official capacity as
Field Office Director, Florida Region;

CHARLES PARRA, in his official capacity as Assistant
Field Office Director, Krome Detention Center;

TODD LYONS, in his official capacity as
Acting Director, Immigration and Customs Enforcement;

KRISTI NOEM, in her official capacity as
U.S. Secretary of Homeland Security;

Respondents.

Case No.:

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner, **PIOTR SIEKIERKO** (A# XXXXXXXXXX), is a native and citizen of Poland who is presently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Krome Detention Center (Krome) in Miami, Florida. On April 22, 2025, an Immigration Judge (IJ) granted Petitioner bond in the amount of \$5,000, and Petitioner was released after posting bond. He fully complied with the terms of his release, and his next hearing is scheduled for January 8, 2027, on the non-detained docket at the Miami Immigration Court in Miami, Florida. On September 18, 2025, ICE re-arrested Petitioner at ICE-ERO Center in Miramar, Florida. and has since transferred him to Krome. ICE claimed its actions were based on alleged criminal

proceedings in Poland. Co-counsel, Ilaria Alk provided ICE with certified documents from the Polish courts confirming that no warrant exists and that Petitioner's criminal record is clear. ICE refused to release him despite this proof. Petitioner's present detention is unlawful. The Petitioner asserts his arrest and continued detention is violative of the Fifth Amendment Due Process Clause to the U.S. Constitution, violates the IJ bond order, exceeds ICE's statutory and constitutional authority, and seeks his immediate release from custody.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
2. This Court has subject matter 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 (Suspension Clause).
3. 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.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Venue is proper because Petitioner is presently detained at Krome Detention Center which is located at 18201 SW 12th St, Miami, FL 33194. A substantial part of the events or omissions giving rise to his claims occurred in this Honorable Court's District.

PARTIES

5. The Petitioner, **Piotr Siekierko**, is a native and citizen of Poland who entered the United States on March 28, 2024. He has remained in the United States and resides in Miami, Florida.

6. Respondent, **Garret Ripa**, is the Field Office Director for ICE Enforcement and Removal Operations (ERO) in Miami, Florida. The Miami Office oversees immigration enforcement activities across Southern Florida, including facilities such as Krome.

7. Respondent, **Charles Parra**, is the Assistant Field Office Director over Krome, and is the present custodian of Petitioner.

8. Respondent, **Todd Lyons**, is the Acting Director for U.S. Immigration and Customs Enforcement.

9. Respondent, **Kristi Noem**, is the U.S. Secretary of Homeland Security.

10. All respondents are named in their official capacities.

PROCEDURAL HISTORY

11. This matter originates out of an ongoing case before the Miami Immigration Court on the non-detained docket in Miami, Florida.

12. Petitioner, a native and citizen of Poland, entered the United States on a valid B-1 visa on March 28, 2024. See *Petitioner Passport* attached hereto as Exhibit "A."

13. Through prior counsel, Petitioner filed extensions of stay that were mishandled; although an approval notice was eventually issued for the period of September 28, 2024, through December 27, 2024, the notice was not granted until February 28, 2025.

14. During this time, Petitioner relied on erroneous advice from an assistant at prior counsel's office that he remained "in status," even as unlawful presence accrued.

15. On January 11, 2025, Petitioner married his United States citizen spouse. See *Marriage Certificate* attached hereto as Exhibit "B."

16. Shortly thereafter, on March 26, 2025, Petitioner was arrested by ICE on the ground of overstaying his visa, pursuant to INA § 237(a)(1)(B).¹

17. Petitioner was initially detained at Krome and later transferred to Broward Transitional Center in Deerfield Beach, Florida, and then to the IAH Detention Center in Livingston, Texas.

18. On March 30, 2025, Petitioner's U.S. citizen spouse filed a Form I-130 Petition for Alien Relative on his behalf. See *I-130* attached hereto as Exhibit "C."

19. Petitioner sought a bond hearing before the Immigration Court pursuant to 8 C.F.R. §§ 1003.19 and 1236.1(d). On April 22, 2025, the Immigration Court held a bond hearing. Pursuant to regulations, the Immigration Court had sole jurisdiction at this point to conduct a release determination. *Id.* The IJ granted Petitioner bond in the amount of \$5,000. 20. Petitioner posted bond and was released from custody. See *Bond Order* attached hereto as Exhibit "D."

21. At the bond hearing, Petitioner provided the Immigration Court with a police clearance letter showing no criminal history. His removal case was placed on the non-detained docket, with his next hearing scheduled for January 8, 2027. See *EOIR Case Information* attached hereto as Exhibit "E."

21. ICE counsel did not file an appeal to the Board of Immigration Appeals over the IJ's bond determination.

20. On September 17, 2025, ICE without legal authority or jurisdiction to do so, re-arrested and detained Petitioner at the Miramar ICE facility based on the asserted existence of a criminal warrant in Poland. The purported warrant related to allegations involving gambling and the use of slot machines in Poland. ²

¹ Codified as 8 U.S.C. § 1227(a)(1)(B).

21. Understanding that this Petition raises unlawful detention based on a violation of regulation and statute, it is noteworthy that ICE detained Petitioner even though he presented documentation that the Polish warrant was quashed and he has no convictions in Poland. ICE refused to release Petitioner, and transferred him to the Krome Detention Center, where he remains in custody as of this filing.

22. At no time has Petitioner violated the conditions of bond set by the IJ on March 16, 2017. ICE has not filed a motion reopen bond proceedings to the IJ as required by regulations. ICE did not appeal the bond determination, yet remains detained at Krome. See *ICE Locator* attached hereto as Exhibit "F."

FACTS AND ARGUMENT

23. Petitioner was released from immigration custody on April 22, 2025, pursuant to an IJ bond order. The IJ found that Petitioner was neither a danger to the community nor a flight risk and set bond at \$5,000, which Petitioner promptly posted. From that date until September 17, 2025, Petitioner fully complied with the conditions of his release, and his next hearing remained scheduled for January 8, 2027, on the non-detained docket.

24. Despite this order, ICE unilaterally re-arrested Petitioner on September 17, 2025, claiming that a criminal warrant existed in Poland. In fact, the Polish courts had already withdrawn the warrant on July 31, 2025, and certified documentation confirms that no warrant is currently outstanding. See *Order from District Court of Warsaw-Praga* attached hereto as Exhibit "G."

25. ICE officials were presented with these documents but nevertheless refused to release Petitioner, transferring him instead to the Krome Detention Center.

26. ICE's actions amount to an arbitrary deprivation of liberty in violation of the IJ's bond order and the Immigration Court's jurisdiction. 8 U.S.C.S. Part 236; 8 CFR § 1003.19 *et. seq.*

27. Part 236 of Title 8 relates to the custody of noncitizens in removal proceedings. Last amended legislatively in 1996, the statute references "Attorney General." Prior to March 1, 2003, the Immigration and Naturalization Service fell under the Department of Justice, hence the "Attorney General."

28. However, on March 1, 2003, the authority of the Immigration and Naturalization Service (former "INS") was transferred to the newly created Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135, 2178. The Immigration Courts, under the Executive Office for Immigration Review, remain in the Department of Justice and fall under the auspices of the Attorney General.

29. In regards to jurisdiction over custody and the overall detention-and-release scheme, the Attorney General's Office has ruled: The Attorney General's authority to detain, or authorize bond for aliens under section 236(a) of the INA is one of the authorities he retains pursuant to this provision, although this authority is shared with the Secretary of Homeland Security because officials of that department make the initial determination whether an alien will remain in custody during removal proceedings. *Matter of D-J-*, 23 I&N Dec. 572, n. 3 (BIA 2003); 8 U.S.C. § 1103 *et. seq.* 1103(g), *as amended*; 8 C.F.R. §§ 236.1(c), (d), 287.3(d) (2002).

30. By statute, regulations and case law, we have a scheme that invests initial custody determinations with the Department of Homeland Security (Respondents). However, custody redeterminations give sole jurisdiction and authority to the IJ. 8 CFR § 1236.1(d)(1); ICE is not empowered to unilaterally disregard a bond order; the proper procedure is to return to the IJ with a motion to reopen alleging new facts or circumstances, on the evidentiary record.

31. The BIA has long held that once an individual has been released on bond, a "substantial liberty interest" attaches that cannot be withdrawn arbitrarily. *Matter of Sugay*, 17 I. & N. Dec.

637, 640 (BIA 1981). In *Sugay*, the Board emphasized that revocation of release is permissible only upon a showing of new evidence or changed circumstances, and that any such decision must be subject to neutral adjudication. *Id.* at 639–40.

32. Here, ICE wholly bypassed the procedures for motions and appeals based on evidence. Without filing a motion before the Immigration Court, ICE agents re-arrested Petitioner, disregarded the standing \$5,000 bond order, and continued detention even after being presented with documentary proof that the supposed basis for custody — a Polish warrant — had been withdrawn.

33. Illustrating the audacity of Respondent's violation of law is the record from the National Criminal Register of Poland, confirming that Petitioner, has no entries in the criminal record databased and is not listed in the Register of Persons Deprived of Liberty or Wanted on Arrest Warrants. The certificate was issued by the Ministry of Justice of Poland and translated into English by a certified translator. See *National Criminal Register of Poland* attached hereto as Exhibit “H.”³

34. Additionally, an official certificate issued by the Ministry of Justice of Poland, National Criminal Registry, dated September 19, 2025, confirms that Petitioner has no record of being deprived of liberty and no active arrest warrants in Poland. The certificate bears the official seal of the Ministry of Justice, was apostilled by the Ministry of Foreign Affairs on September 24, 2025, and has been translated into English by a certified translator. See *Polish Criminal Registry Certificate (with Apostille)* attached hereto as Exhibit “I.”

35. ICE's conduct therefore exceeds its statutory and regulatory authority and deprives Petitioner of liberty without the process that is due.

³ A certified English translation is also provided.

36. Further, This Honorable District Court has recently recognized that ICE may not unilaterally revoke a grant of liberty without following the governing regulations. *See Grigorian v. Bondi*, No. 25-CV-22914-RAR (S.D. Fla. Sept. 9, 2025) (granting habeas and ordering immediate release where ICE re-detained a long-compliant supervisee without complying with 8 C.F.R. § 241.4). If ICE cannot revoke its own supervision orders without due process, it certainly cannot override a bond order entered by an IJ without seeking judicial redetermination.

37. Even if ICE's detention were predicated on the underlying allegations in Poland as "material changes in circumstances", those allegations do not render Petitioner removable under U.S. law.⁴

38. The allegations reflect regulatory offenses in Poland, which—even if prosecuted to conviction—would not trigger removability or mandatory detention in the United States.⁵ Thus, ICE's reliance on these allegations cannot justify overriding an IJ's bond order.

⁴ The conduct at issue—gambling and use of slot machines—does not fall within any ground of deportability under INA § 237, 8 U.S.C. § 1227. It is neither a crime involving moral turpitude (CIMT) nor an aggravated felony. See *Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (BIA 2016) (defining CIMTs as inherently base or fraudulent conduct); INA § 101(a)(43), 8 U.S.C. § 1101(a)(43) (enumerating aggravated felonies).

⁵ Gambling in Poland is governed by the Act of 19 November 2009 on Gambling Games (*Ustawa z dnia 19 listopada 2009 r. o grach hazardowych*), which regulates the licensing and operation of games of chance, betting, card games, and slot-machine games. See *Act of 19 November 2009 on Gambling Games (Polish Gambling Act)*, *Journal of Laws 2009 No. 201, Item 1540, Chapter 10, Arts. 89–90, pp. 45–47*. (Article 89 provides that violations of the Act — including unauthorized slot machine operations — are punishable by financial penalties (up to PLN 250,000 or 100% of winnings). Article 90 specifies that such fines are imposed by the head of the customs and tax office. These are fiscal penalties, not criminal convictions. See *English Version of Polish Gambling Law* attached hereto as Exhibit "J."

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

39. Petitioner's re-detention by ICE constitutes a violation of his right to due process under the Fifth Amendment. An IJ found that Petitioner was neither a flight risk nor a danger to the community and ordered his release on bond. Petitioner complied with that order and remained on the non-detained docket until ICE unilaterally re-arrested him on September 17, 2025.

40. Federal regulations provide that ICE may only seek to revoke or modify a bond order by returning to the Immigration Court and demonstrating materially changed circumstances. 8 C.F.R. § 1003.19(e). By ignoring the IJ's binding order and re-detaining Petitioner without seeking judicial redetermination, ICE acted outside its lawful authority. See *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981).

41. The government's asserted basis for detention — an alleged Polish warrant — was demonstrably false. Exhibits G and H show that the Polish courts have withdrawn the warrant and confirm that Petitioner has no criminal record or pending arrest warrant. ICE's continued reliance on allegations already rebutted by official documentary proof renders his detention arbitrary and capricious.

42. Even if the Polish allegations had proceeded to conviction, the underlying conduct — gambling and slot-machine activity — does not constitute a crime involving moral turpitude or an aggravated felony under U.S. immigration law. See INA § 101(a)(43), 8 U.S.C. § 1101(a)(43); *Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (BIA 2016). Thus, ICE's reliance on these allegations cannot justify depriving Petitioner of his liberty.

43. The arbitrary disregard of the IJ's bond order and of exculpatory foreign court records violates Petitioner's right to procedural and substantive due process. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

COUNT TWO
Violation of Statutory and Regulatory Authority

44. ICE's actions exceed its statutory and regulatory authority. The Immigration and Nationality Act and implementing regulations vest IJ with the authority to determine custody and bond. 8 C.F.R. §§ 1003.19(e), 1236.1(d). ICE may not unilaterally re-detain an individual released on bond absent a bond revocation order by the Immigration Court.

45. By re-arresting Petitioner without following the procedures required under 8 C.F.R. § 1003.19(e), ICE acted ultra vires. This Court has habeas jurisdiction to review and remedy such unlawful detention under 28 U.S.C. § 2241.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- c. Declare that the Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
- d. Declare that Defendant's actions violated their statutory and regulatory authority pursuant to 8 C.F.R. §§ 1003.19(e), 1236.1(d);
- e. An order directing Defendants to honor the Immigration Judge's April 22, 2025 bond order and restore Petitioner to the non-detained docket consistent with that order;

- f. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- g. Award Petitioner reasonable costs and attorney's fees in this action as provided by the Equal Access to Justice Act, 28 U.S.C. § 2412, or other statute; and
- h. Grant any further relief this Court deems just and proper.

Respectfully submitted on this day 26th of September, 2025.

PIOTR SIEKIERKO

By his attorneys,

/s/ Jose W. Alvarez

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