UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 25-24442-CIV-WILLIAMS

PIOTR SIEKIERKO,

Petitioner,

v.

GARRETT RIPA, in his official capacity, Assistant Field Officer in Charge, ICE Miami Field Office; CHARLES PARRA, in his official capacity as Field Officer Director, Krome Detention Center; TODD M. LYONS, in his official capacity, Acting Director, Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity, Secretary, U.S. Department of Homeland Security; et al.,

Respondents,

_____/

RESPONSE TO PETITIONER'S REQUEST FOR TEMPORARY RESTRATINING ORDER

Respondents, by and through the undersigned Assistant United States Attorney, file this Response as required by the Court's Order Requiring Response to Petitioner, Piotr Siekierko's Amended Request for Temporary Restraining Order (D.E. 6) (the "Request"), and maintain the Request should be denied because Petitioner cannot meet his burden that the grant of the extraordinary remedy of a temporary restraining order is warranted. Chiefly, he cannot prove a substantial likelihood of success on the merits of his claims because Respondents properly revoked Petitioner's bond when it was discovered he did not disclose the pending investigation into his criminal activities in Poland and because the immigration court, and not this Court, has jurisdiction to review whether Petitioner should be released under the administrative court's authority over

custody redeterminations under Section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a).

I. BACKGROUND

Petitioner, Piotr Siekierko is a native and citizen of Poland. *See* Ex. A, Record of Deportable/Inadmissible Alien (I-213), March 26, 2025; *see also* Ex. B, Declaration of Officer Jason J. Clarke, ¶ 6. Petitioner first entered the United States on or about March 28, 2024, as a nonimmigrant with authorization to remain in the United States for a temporary period not to exceed September 27, 2024. *See* Ex. A, I-213, March 26, 2025; *see also* Ex. B, Declaration, ¶ 7. Petitioner filed a Form I-539, Application to extend Nonimmigrant Status with United States Citizenship and Immigration Services ("USCIS"), which was approved for a temporary period not to exceed December 27, 2024. *See* Ex. A, I-213, March 26, 2025; *see also* Ex. B, Declaration, ¶ 8. Petitioner failed to depart the United States as required. See Ex. A, I-213, March 26, 2025; *see also* Ex. B, Declaration, ¶ 9.

On March 26, 2025, Petitioner was detained by U.S. Immigration and Customs Enforcement ("ICE") and taken into ICE custody at the Krome Service Processing Center ("Krome"). *See* Ex. A, I-213, March 26, 2025; *see also* Ex. B, Declaration, ¶ 10. On March 28, 2025, ICE served Petitioner with a Notice to Appear ("NTA") charging him with removability pursuant to Section 237(a)(1)(B) of the Immigration and Nationality Act ("INA"), in that after admission as a nonimmigrant, Petitioner remained in the United States for a time longer than permitted. *See* Ex. C, NTA; *see also* Ex. B, Declaration, ¶ 11. On March 30, 2025, Petitioner's United States citizen wife filed a Petition for Alien Relative, Form I-130, with USCIS on his behalf, which remains pending. *See* Ex. H, I-213, Sept. 18, 2025; *see also* Ex. B, Declaration, ¶ 24.

On April 1, 2025, Petitioner requested a custody redetermination before the Executive Office for Immigration Review. *See* Ex. D, Motion for Bond Redetermination, April 1, 2025; *see also* Ex. B, Declaration, ¶ 12. Petitioner's motion for bond redetermination stated that he "does not have a criminal or violent history." *See* Ex. D, Motion for Bond Redetermination, April 1, 2025; *see also* Ex. B, Declaration, ¶ 13. Petitioner's motion did not disclose that he was wanted by the Polish authorities as of April 22, 2024, pursuant to a criminal investigation for leading an organized criminal group in September 2020 or for any other reason. *See id.; see also* Ex. E, Arrest Warrant and Translation; *see also* Ex. B, Declaration, ¶ 14. On April 3, 2025, ICE transferred Petitioner to an ICE facility in Livingston, Texas. *See* Ex. B, Declaration, 15. On April 9, 2025, Petitioner filed another Motion for Bond Redetermination. *See* Ex. F, Motion for Bond Redetermination, April 9, 2025; *see also* Ex. B, Declaration, ¶ 16. Notably, Petitioner's motion also did not disclose that he was wanted by the Polish authorities as of April 22, 2024, pursuant to a criminal investigation for leading an organized criminal group in September 2020 or for any other reason. *See id.*; *see also* Ex. E, Arrest Warrant and Translation; *see also* Ex. B, Declaration, ¶ 17. On April 22, 2025, an immigration judge granted bond in the amount of $5,000. *See* Ex. B, Declaration, ¶ 18; *see also* Ex. G, Bond Order. On the same day, ICE released Petitioner after he posted the bond. *See* Ex. B, Declaration, ¶ 19.

On or about May 8, 2025, ICE received a notification regarding an active warrant for Petitioner's arrest from Poland for leading an organized criminal group with the intent to commit crimes against life, wellbeing, and property, under Article 258, paragraph 3 of the Polish Penal Code. *See* Ex. E, Arrest Warrant and Translation; *See* Ex. H, I-213, Sept. 18, 2025; *see also* Ex. B, Declaration, ¶ 20. On September 18, 2025, Petitioner reported to the ICE office in Miramar, Florida with his counsel. *See* Ex. H, I-213, Sept. 18, 2025; *see also* Ex. B, Declaration, ¶ 21. During

the encounter with ICE, Petitioner and his counsel stated that there is an on-going investigation in Poland regarding Petitioner's criminal activity. *See* Ex. H, I-213, Sept. 18, 2025; *see also* Ex. B, Declaration, ¶ 22. Consequently, ICE revoked Petitioner's bond pursuant to INA Section 236(b). *See* Ex. H, I-213, Sept. 18, 2025; *see* Ex. I, Form I-286, Notice of Custody Determination; see also Ex. B, Declaration, ¶ 23. Petitioner remains detained pursuant to INA Section 236(a). *See* Ex. B, Declaration, ¶ 25.

II. ARGUMENT

To obtain the extraordinary relief of a temporary restraining order, the movant must demonstrate "(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest." *Schiavo ex. Rel Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005). Since it is "an extraordinary and drastic remedy," it should not be granted unless the plaintiff "clearly carries the burden of persuasion as to the four prerequisites." *Zardui-Quintana v. Richard*, 768 F.2d 1213, 1216 (11thCir. 1985) (citation and internal quotations marks omitted).

a. Petitioner does not have a substantial likelihood of success on the merits of his habeas petition.

Petitioner is unlikely to succeed on the merits of his underlying claim that Respondents improperly revoked his bond. The habeas petition should be denied because Petitioner's detention is lawful. Petitioner is subject to removal for the overstay of his B-1 Visitor visa, and this can be a sole basis for removability. While Petitioner may have obtained a release on bond in April 2025, at that time, Petitioner did not disclose to the Immigration Judge that he was the subject of an outstanding warrant issued in Poland, or the subject of an ongoing criminal investigation, for leading an organized criminal group with the intent to commit crimes against life, wellbeing, and

property in September 2020. Thus, this new information caused ICE ERO to revoke Petitioner's bond and place him in detention. Petitioner must request any bond or custody redetermination through the Immigration Court, not through habeas relief before this Court.

Petitioner is detained pursuant to Section 236(a) of the INA. Section 236 of the INA, codified at 8 U.S.C. § 1226, provides, in pertinent part:

> **(a) Arrest, Detention and Release**
> On a warrant issued by the Attorney General,1 an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General---
> (1) may continue to detain the arrested alien; and
> (2) may release the alien on---
> (A) bond of at least $1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or
> (B) conditional parole; but
> (3) may not provide the alien with work authorization (including an "employment authorized" endorsement or other appropriate work permit), unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.
>
> **(b)Revocation of bond or parole**
> The Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.

See 8 U.S.C. § 1226(a)-(b) (emphasis added).[2] If a detained alien requests a custody redetermination, at the resulting individualized bond hearing, the immigration judge must

---

1 Although the statute and regulations refer to the "Attorney General," these references should, in light of the Homeland Security Act of 2002, be read as references to the Secretary of Homeland Security. *See* Homeland Security Act § 471, 6 U.S.C. § 291 (abolishing the former Immigration and Naturalization Service); *id.* § 441, 6 U.S.C. § 251 (transferring immigration enforcement functions from the Department of Justice to the Department of Homeland Security); 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens ….").

2 Because the Petitioner is held pursuant to Section 236 of the INA pending removal proceedings, and not under Section 241, 8 U.S.C. § 1231(a), the detention provision for aliens with final orders

determine whether the petitioner's release would endanger other persons or property and whether he is likely to appear for future proceedings. A petitioner bears the burden to establish that he does not present a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight. *See Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999). An alien who presents a danger to persons or property should not be released during the pendency of removal proceedings. *See Matter of Drysdale*, 20 I&N Dec. 815 (BIA 1994). To determine if a petitioner poses a danger to the community or a flight risk, an immigration judge may consider the petitioner's "stable employment history, the length of residence in the community, the existence of family ties," *Matter of Andrade,* 19 I. & N. Dec. 488, 489 (B.I.A.1987), and any "criminal record, including ... the recency of such activity." *In re Guerra,* 24 I. & N. Dec. 37, 40 (B.I.A.2006). *See generally Matter of Urena,* 25 I. & N. Dec. 140 (B.I.A.2009). A petitioner may appeal the immigration judge's determination to the Board of Immigration Appeals, the appellate administrative body with jurisdiction over the matter. *See* 8 C.F.R. § 1236.1(d)(3)(i); *see also* 8 C.F.R. § 1003.38.

ICE has authority to revoke an alien's bond when additional facts weighing against a release on bond come to light, as they did here. 8 U.S.C. § 236(b). The reasoning of *Matter of Sugay*, 17 I. & N. Dec. 637 (B.I.A. 1981) shows that, contrary to Petitioner's claim, ICE does not need to return to Immigration Court to revoke his bond. In *Sugay*, information elicited at a deportation hearing which took place subsequent to an immigration judge's reduction of bond hearing revealed concerning information justifying revocation of bond. The Board of Immigration Appeals in *Sugay* found meritless the argument that the district director was without

---

of removal, the Supreme Court decision of *Zadvydas v. Davis,* 121 S. Ct. 2491 (2001) (which Petitioner cited in paragraph 43 of his Petition) is not applicable.

authority to revoke bond after a bond redetermination hearing. *Id.* at 639. The court concluded that the alien still had recourse to "other administrative authority for release from custody" under then controlling provision. *Id.* The court found persuasive that the "newly developed evidence brought out at the deportation hearing" (which included fleeing a murder conviction in his origin country, criminal activity in the United States, and weak ties) represented a "considerable change in circumstances" justifying the director's decision. *Id.* As in *Sugay*, there was a material change here between the time Petitioner was released on bond in April 2025, and then upon discovery of Petitioner's criminal activity from Poland.

Indeed, the language of Section 1003.19 also confirms that it is the Immigration Judge who should properly consider these factors, not this Court. Section 1003.19(c) specifies that requests for bond redetermination should be made to the following offices, in the specified order:

> (1) If the respondent is detained, to the Immigration Court having jurisdiction over the place of detention;
> (2) To the Immigration Court having administrative control over the case; or
> (3) To the Office of the Chief Immigration Judge for designation of an appropriate Immigration Court.

Thus, Petitioner's arguments that ICE needed to take numerous additional steps involving the Immigration Court in order to revoke Petitioner's bond is baseless. Nothing precludes Petitioner from requesting a review of his current detention status from the immigration judge pursuant to 8 C.F.R. § 1003.19, which he has already done, as reflected by the I-286 Form dated September 18, 2025, where he requested review by an immigration judge. *See* Ex. *I* (in response to the question "You may request a review of this custody determination by an immigration judge", Petitioner selected "**I do** request an immigration judge review this custody determination."). Thus, an immigration judge, not the Court here, will evaluate the request and consider any relevant factors, such as whether Petitioner is a flight risk, danger to the community, and any prior false

statements. However, Petitioner still has to request the custody hearing expressly since his refusal to sign (*see* Ex. *I*) did not trigger a hearing being scheduled.

As Petitioner has not exhausted his administrative remedies as it relates to his bond revocation and detention, any review by this Court would be improper. As of the date of this Response, Petitioner has not been before an Immigration Judge to challenge the revocation of his bond. Petitioner admits throughout his Petition that issues relating to his detention should have been brought before the Immigration Judge. *See generally,* Pet. However, Petitioner has ignored Section 236(e) of the Immigration and Nationality Act, codified at 8 U.S.C. 1226(e), which governs judicial review of detention matters.

There is no final order of removal, and Petitioner has a master calendar hearing scheduled for October 14, 2025 regarding his planned removal. A true and correct copy of the Notice of Hearing in Removal Proceedings is attached hereto as **Exhibit A**.

b. Petitioner will not suffer irreparable injury.

Second, Petitioner cannot establish an irreparable injury because Respondents have complied with statutory regulations governing bond, and he is not subject to a final order of removal as of the filing of this Response. Petitioner is detained pursuant to Section 236 of the INA (i.e. applicable to pre-final order of removal detentions), which permits revocation of bond or parole authorized under subsection (a). *See* 8 U.S.C. § 1226(a)-(b). ICE has authority to revoke an alien's bond when additional facts weighing against a release on bond come to light, as they did here. 8 U.S.C. § 236(b).

Nothing precludes Petitioner from requesting a review of his current detention status from the immigration judge pursuant to 8 C.F.R. § 1003.19. Petitioner is also within his rights to file

an expedited motion with EOIR, as he did back in April 2025 for a custody determination, but he has not done so as of the date of this Response.

Even if Petitioner became subject to a final order of removal while his habeas petition remains pending, the Court lacks jurisdiction to enjoin removal under Section 242(g) as the Court lacks jurisdiction to hear a cause or claim arising from a decision to execute a removal order. Similarly, the Court does not have jurisdiction under § 1252(g) to stay a transfer to another detention center when the transfer is undertaken to facilitate a removal. § 1252(g) explicitly states that "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." § 1252(g). *See Camarena v. Director, I.C.E.*, 988 F.3d 1268, 1274 (11th Cir. 2021) ("the statute's words make that clear. One word in particular stands out: 'any.' Section 1252(g) bars review over 'any' challenge to the execution of a removal order— and makes no exception for those claiming to challenge the government's 'authority' to execute their removal orders.").

c. Petitioner's threatened injury does not outweigh Respondents' interest.

Third, the threatened injury to Petitioner does not outweigh the damage the injunction will Cause Respondents. An injunction precluding Respondents from detaining, transferring, or removing Petitioner would deprive Respondents of their statutory discretionary ability to transfer Petitioner and statutory ability to detain him. The government's interests in maintaining the existing procedures are legitimate and significant. As a general matter, the Supreme Court has stressed that the government "need[s] . . . flexibility in policy choices rather than the rigidity often characteristic of constitutional adjudication" when it comes to immigration regulation. *Mathews v. Diaz*, 426 U.S. 67, 81 (1976).

d. If issued, the injunction would be adverse to the public interest.

Lastly, an issuance of an injunction preventing Respondents from executing their statutory authority would be averse to the public interest because enforcing federal immigration law furthers the public's interest. *See Garcia v. Martin*, 18-62724-CIV-ALTONAGA, 379 F. Supp. 3d 1301, 1308 (S.D. Fla. Nov. 18, 2018) (denying a preliminary injunction requesting a stay of removal because an execution of a removal order "is commensurate with the public's interest in enforcing federal law."). The Government has a vital interest in protecting public safety. Here, ICE discovered that Petitioner is the subject of a criminal investigation in Poland that was not previously disclosed by Petitioner at his bond hearing in April 2025. Going back even further in time shows that Petitioner entered the United States after he was arrested and subject to the warrant in Poland. While Plaintiff may claim the warrant is no longer active, according to ICE's investigation, Plaintiff remains the subject of a criminal investigation in Poland. Therefore, Petitioner will need to establish at a new custody hearing that he is not "a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight." *See Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999).

III. CONCLUSION

Based on the foregoing, Respondents respectfully request that the Court deny Petitioner's Petition for Habeas Corpus (D.E. 1), deny Petitioner's Amended Request for Temporary Restraining Order (D.E. 6), and dismiss this case in its entirety.

Dated: October 2, 2025

Respectfully submitted,

JASON A. READING QUIÑONES
UNITED STATES ATTORNEY

By: **Monica L. Haddad**
Monica L. Haddad
Assistant U.S. Attorney
Florida Bar No. 99426
Email: Monica.Haddad@usdoj.gov
U.S. Attorney's Office
Southern District of Florida
500 S. Australian Avenue, Suite 400
West Palm Beach, Florida 33401
Tel.: (561) 209-1004
Fax: (561) 820-8777

Attorney for Respondents