

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
JURIEL FRANCISCO GARCIA-ALVARADO (A [REDACTED])
(b) County of Residence of First Listed Plaintiff Essex
(c) Attorneys (Firm Name, Address, and Telephone Number)
Pagan Lopez Law Office PLLC 28-07 Jackson Ave, Tower 3, 5FL Long Island City, NY 11101; 347-434-3040

DEFENDANTS WARDEN, Delaney Hall Detention Facility; JOHN TSOUKARIS, Newark Field Office Director, U.S. Immigration and Customs Enforcement; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS
County of Residence of First Listed Defendant Essex
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice; PERSONAL INJURY: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability; PERSONAL PROPERTY: 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability; PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, 530 General, 535 Death Penalty; Other: 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee - Conditions of Confinement
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 835 Patent - Abbreviated New Drug Application, 840 Trademark
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS-Third Party 26 USC 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 485 Telephone Consumer Protection Act, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
8 C.F.R. § 212.5(e)
Brief description of cause:
DHS/ICE re-detained Petitioner without first issuing prior written termination of parole with reasons

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 09/29/2025 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

URIEL FRANCISCO GARCÍA-ALVARADO

()

Petitioner,

v.

WARDEN, Delaney Hall Detention Facility; JOHN TSOUKARIS, Newark Field Office Director, U.S. Immigration and Customs Enforcement; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
Respondents.

Civil Action No. _____

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241; APPLICATION FOR TEMPORARY RESTRAINING ORDER; ORDER TO SHOW CAUSE; AND REQUEST FOR NO-TRANSFER ORDER

EMERGENCY RELIEF REQUESTED

Counsel for Petitioner:

Roberto L. Pagán-López, Esq. (Pro Hac Vice forthcoming)

[Primary Bar No. 4978391; New York State; 28-07 Jackson Ave, Tower 3 floor 5]

Local Counsel: Christina J. Falcone, Esq. (DNJ Bar No. 028432013)

[27-08 Jackson Ave, Tower 3, 5FL, Long Island City, NY 11101; 347-434-3040; info@paganlopezlaw.com]

INTRODUCTION

This emergency petition challenges DHS/ICE's warrantless workplace sweep and re-detention of a previously **paroled** noncitizen without: (1) prior **written termination of parole** as required by DHS regulations; (2) an **administrative warrant** or individualized custody determination; or (3) contemporaneous reasons. Petitioner asks this Court to (A) grant the writ and order immediate release under the least restrictive conditions; or (B) in the alternative, order a prompt, lawful custody redetermination under **8 U.S.C. § 1226(a)** within 48–72 hours with the government bearing the burden and issuing written reasons, and to enter an **anti-transfer (no-transfer) order** to preserve jurisdiction and access to counsel.

JURISDICTION AND VENUE


The Court has jurisdiction under **28 U.S.C. § 2241** to review the legality of Petitioner's civil immigration detention, including constitutional and statutory claims.

Petitioner does not challenge a final order of removal; he challenges **present custody** and unlawful arrest/recapture.

Venue is proper in the District of New Jersey because Petitioner is detained at **Delaney Hall Detention Facility (Newark, NJ)** and this Court can make the writ effective.

The Court has authority to issue interim relief, including a temporary restraining order and an order to show cause, under **Fed. R. Civ. P. 65** and its inherent habeas powers, and to enter a **no-transfer order** to preserve jurisdiction over the custodian and the availability of meaningful judicial review.

PARTIES AND CUSTODY

Petitioner: Uriel Francisco García-Alvarado , citizen of Colombia.

Immediate Custodian: Warden, Delaney Hall Detention Facility, Newark, New Jersey.

Supervisory Respondent(s): John Tsoukaris, Newark Field Office Director, ICE; U.S. Immigration and Customs Enforcement; and U.S. Department of Homeland Security.

FACTS

Petitioner entered the United States and was **granted parole** by DHS/CBP on **December 4, 2022**, with reporting conditions (see Ex. A, CBP parole paperwork).

Petitioner remained in the community in compliance; DHS never served him with a **written termination of parole** or individualized revocation decision.

On **September 25, 2025, at approximately 3:11 p.m.**, outside **82-11 Northern Blvd., Queens, NY (in front of “70 Copas”)**, agents wearing vests marked **“FBI”** stopped Petitioner as he was entering work, questioned him briefly, placed him in handcuffs, and transported him in a white van.

Agents **did not display identification, an administrative warrant (Form I-200/I-205), or any paperwork** authorizing the arrest. No reasons were provided. Petitioner was allowed to call family only about four hours later.

There are **witnesses** (personnel at the adjacent florist) and potential **video evidence** from 70 Copas and neighboring businesses reflecting the seizure.

Petitioner is currently in ICE custody at **Delaney Hall Detention Facility**, as confirmed by the ICE Online Detainee Locator (A-number and facility; Ex. B).

To date, neither Petitioner nor counsel has been provided **any written notice terminating parole**, nor any individualized custody determination under **8 U.S.C. § 1226(a)**.

ARGUMENT

DHS may grant parole case-by-case under **8 U.S.C. § 1182(d)(5)(A)** and has promulgated binding regulations governing parole and its termination, including **8 C.F.R. § 212.5(e)**.

DHS must follow its own regulations and procedures. See **Accardi** principles.

Civil immigration arrests are governed by **8 U.S.C. § 1357(a)(2)** and **8 C.F.R. § 287.8**; absent exigency (likelihood of escape), ICE ordinarily effects arrests via **administrative warrants**.

Post-release custody in these circumstances falls under **8 U.S.C. § 1226(a)**, which requires an **individualized** custody assessment and permits release on bond or conditions; blanket or automatic detention is unlawful.

The **Fifth Amendment** prohibits arbitrary detention and requires notice and an opportunity to be heard before revoking a previously granted liberty interest such as parole into the United States.

CLAIMS FOR RELIEF

Claim One — Administrative Procedure Act & Accardi (Agency Must Follow Its Own Rules)

DHS/ICE re-detained Petitioner without first issuing **prior written termination of parole** with reasons as contemplated by **8 C.F.R. § 212.5(e)**.

Revoking liberty without following binding regulations violates the **Accardi** doctrine and is **arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law** under **5 U.S.C. § 706(2)**.

Relief: Immediate release; or, in the alternative, a lawful § 1226(a) custody redetermination within 48–72 hours, with the government bearing the burden and issuing written reasons; and production of any termination decision.

Claim Two — INA § 1357(a)(2) & 8 C.F.R. § 287.8 (Warrantless Seizure)

The workplace seizure occurred **without an administrative warrant** and with no showing of exigency.

The arrest was **ultra vires** under the governing statute and regulations, rendering the present detention unlawful.

Relief: Immediate release or remand for a lawful individualized custody determination.

Claim Three — Fifth Amendment Due Process (Procedural and Substantive)

Having granted parole and released Petitioner to the community, the government may not **abruptly revoke** that liberty without **notice, reasons, and an opportunity to respond**, nor may it rely on blanket sweep rationales untethered to individualized findings.

The multi-hour delay in access to family/counsel and failure to provide any contemporaneous explanation further shows arbitrariness.

Relief: Immediate release or expedited § 1226(a) hearing with the government's burden (clear and convincing) and issuance of **written, reviewable reasons; no-transfer order** to preserve jurisdiction and access to counsel.

Claim Four — Misclassification of Custody Authority (INA § 1226(a))

On these facts—prior parole and no written termination—Petitioner's custody is governed by **§ 1226(a)**, which requires individualized determination and allows release on conditions; any contrary blanket detention is unlawful.

Relief: As above.

REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

- A. **Grant the writ** and order **immediate release** on recognizance or the least restrictive conditions; or
- B. Alternatively, issue an **Order to Show Cause** directing Respondents to provide, within **48 hours**, (i) all documents relied upon to detain Petitioner, including any **parole termination** and **administrative warrant(s)**, and (ii) to conduct a **§ 1226(a) custody redetermination within 48–72 hours** with the government bearing the burden and issuing written reasons;
- C. Enter a **NO-TRANSFER ORDER** enjoining Respondents from transferring Petitioner outside the District of New Jersey (or from Delaney Hall) without prior leave of Court;
- D. Require Respondents to provide **access to counsel** and reasonable attorney-client calls/visits; and
- E. Grant such other and further relief as the Court deems just and proper.

Dated: September 29, 2025

Respectfully submitted,

/s/Roberto L. Pagán-López, Esq.

(Pro Hac Vice forthcoming)

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/s/Christina J. Falcone, Esq.

(Local Counsel, DNJ)

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

URIEL FRANCISCO GARCÍA-ALVARADO

(A )

Petitioner,

v.

WARDEN, Delaney Hall Detention Facility; JOHN TSOUKARIS, Newark Field Office Director, U.S. Immigration and Customs Enforcement; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
Respondents.

Civil Action No. _____

PROPOSED ORDER — TEMPORARY RESTRAINING ORDER, ORDER TO SHOW CAUSE, AND NO-TRANSFER ORDER

Upon the Emergency Petition of Petitioner Uriel Francisco García-Alvarado, and the supporting exhibits, it is **ORDERED** that:

No-Transfer: Respondents are **ENJOINED** from transferring Petitioner from **Delaney Hall Detention Facility** or outside the District of New Jersey without prior leave of this Court.

Production: Within **48 hours**, Respondents shall file and serve: (a) all documents related to Petitioner's arrest and detention, including any **administrative warrant(s)** (I-200/I-205), any **parole termination** or revocation, and custody classification records; and (b) a declaration explaining the legal authority for Petitioner's detention.

Show Cause: Respondents shall **SHOW CAUSE** on _____, 2025, at: __.m., why the writ should not issue and why Petitioner should not be released or afforded a prompt, lawful **§ 1226(a)** custody hearing with the **government bearing the burden** and issuing **written reasons**.

Interim Relief: Pending further order, Respondents shall ensure Petitioner has reasonable **access to counsel** (including confidential legal calls/visits).

The Clerk shall serve this Order pursuant to Fed. R. Civ. P. 4(i) and local practice.

SO ORDERED this ___ day of _____, 2025.

United States District Judge

EXHIBIT LIST

Exhibit A: CBP Parole paperwork (Dec. 4, 2022).


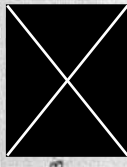
Exhibit B: ICE Detainee Locator screenshot ( Delaney Hall).

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement



DOB



File Number

Date: 12/04/2022

PD G-56

Name: URIEL FRANCISCO GARCIA-ALVARADO

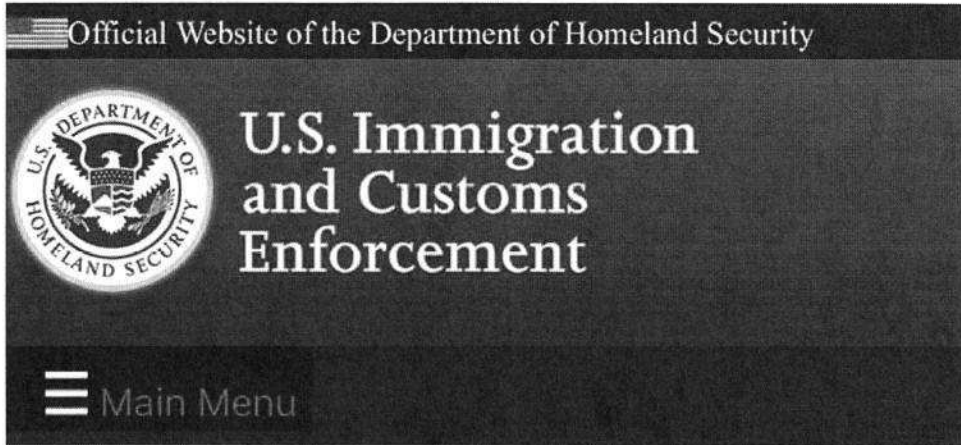
Home Address [Redacted]

Please present this notice to your local ICE office upon request

OFFICE LOCATION	ICE Field Offices are listed on the attached document entitled "ICE Field Offices." Please call 1-888-351-4024 if you need assistance in locating or reporting to your local ICE office.
DEADLINE	You must report your local ICE office within 60 days of release.
REQUEST	ICE Deportation Officer for continued processing and consideration for enrollment in ATD.
REASON FOR APPOINTMENT	You have been released in the discretion of U.S. Customs and Border Protection in the United States and are now required to contact your local ICE Field Office to complete processing. Contacting ICE will ensure that DHS has your address and contact information up to date. Once you contact ICE for the first time, ICE will evaluate how you can meet the continuing filing requirements which may include in-person reporting. Failure to contact the local ICE office may lead to you being taken into custody or placed on additional forms of supervision or monitoring.
BRING WITH YOU	Identification document (birth certificate, government-issued identity documents such as a driver's license or cédula) and all immigration documents.

FAILURE TO CONTACT THE LOCAL ICE OFFICE AS INSTRUCTED MAY RESULT IN YOUR ARREST AND/OR A LOSS OF THE RIGHT TO ANY POSSIBLE RELIEF. THANK YOU FOR YOUR COOPERATION.

EXHIBIT B



Resultados de Búsqueda: 1

URIEL FRANCISCO GARCIA-ALVARADO

Pais de Nacimiento : Colombia

Número A: 

Estatus : Bajo custodia del ICE

Estado: NJ

Centro de Detención Actual: DELANEY HALL
DETENTION FACILITY

**Haga clic en el nombre del Centro de Detención para obtener información de contacto.*

VOLVER A LA BÚSQUEDA >

Información Relacionada

Información Útil

Estados de

Acercá del Localizador de Detenidos

