

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

URIEL FRANCISCO GARCÍA-ALVARADO

(A )

Petitioner,

v.

**WARDEN, Adams County Correctional
Center; Mellissa Harper, Mississippi 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. 5:25-cv-107-DCB-BWR

**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

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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 Southern District of Mississippi because Petitioner is detained at **Adams County Correctional Center (Natchez, MS)** 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 (A ) , citizen of Colombia.

Immediate Custodian: Warden, Adams County Correctional Center (Natchez, MS) .

Supervisory Respondent(s): JMellissa Harper, Mississippi Field Office Director, 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, continuation page bearing official signature).

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 [REDACTED], 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 [REDACTED] 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.

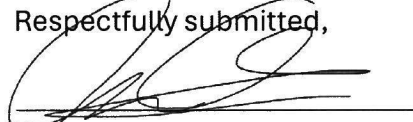
REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

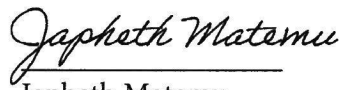
- A. **Grant the writ** and order **immediate release** on recognizance or the least restrictive conditions; or
- B. Alternatively, issue an **Order to Show Cause** directing Respondents to provide, within **48 hours**, (i) all documents relied upon to detain Petitioner, including any **parole termination** 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 Southern District of Mississippi 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: October 8th, 2025

Respectfully submitted,



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