


Jason Scott Camilo, Esq.
Law Offices of Jason Scott Camilo, LLC
409 Joyce Kilmer Avenue, Suite 211
New Brunswick, NJ 08901
T: 732.640.0606; F: 732.640.0607
jcamiloesq@gmail.com
Attorney for Petitioner

DETAINED
DELANEY HALL

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DANIEL ERNESTO AYALA AMAYA,)
A )
Petitioner,)

v.)

PAMELA BONDI,)
Attorney General of the United States, and)

KRISTI NOEM,)
Secretary of the Department of)
Homeland Security, (DHS) and,)

TODD LYONS,)
Acting Director of Immigration &)
Customs Enforcement, (ICE), and)

LUIS SOTO,)
Director of Delaney Hall Detention Facility,)

Respondents.)

Civil Action No.
2:25-cv-16428

Hon.

ORAL ARGUMENT
REQUESTED

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. The Petitioner is a 45 year old male, native and citizen of El Salvador who has been detained at the Delaney Hall Detention Facility since 08/17/2025. He hereby petitions the U.S. District Court to declare his detention unlawful and stay his removal outside of the New Jersey jurisdiction.
2. Respondents have unlawfully detained him and seek to unlawfully remove her from the U.S. Thus, Petitioner petitions this Court for an order declaring his detention unlawful.
3. Petitioner's removal proceedings remain pending before the immigration court ("EOIR") in Elizabeth, NJ and his final hearing is scheduled for 11/13/2025. He is not subject to an order of removal, and is applying for cancellation of removal and other protection relief. His bond request with EOIR was denied for lack of jurisdiction. The BIA recently issued a precedential decision precluding Petitioner from succeeding on his appeal. Petitioner has also sought humanitarian parole from Immigration & Customs Enforcement ("ICE") to no avail.
4. Absent an order from this Court, Petitioner will continue to remain in detention unlawfully for the foreseeable future.
5. Petitioner asks the Court to find that Defendants have unlawfully detained him, and order his immediate release from custody. His family desperately awaits his return.

CUSTODY

6. Petitioner is in the physical custody of Respondents and the Department of Homeland Security, U.S. Immigration & Customs Enforcement. Petitioner is currently at Delaney Hall Detention Facility in Newark, NJ. ICE has contracted with the GEO Group to detain individuals in the immigration custody of ICE such as Petitioner. The Petitioner is under the direct control of the Respondents and their agents, and the immediate custodian is the Director of Delaney Hall, Luis Soto, who is a named party in this action.

JURISDICTION

7. This action arises under the Constitution of the United States, and the Immigration & Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. §701 et seq.

8. This Court has jurisdiction under 28 U.S.C. §2241; Art. I §9, cl. 2 of the United States Constitution (“Suspension Clause”); 28 U.S.C. §1331, as the Petitioner is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States, and the Fifth Amendment of the United States Constitution.

9. This Court may grant relief pursuant to 28 U.S.C. §2241, 5 U.S.C. §702, and the All Writs Act, 28 U.S.C. §1651. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act) to grant injunctive and declaratory relief.

VENUE

10. Venue is proper and lies in this United States District Court for the District of New Jersey because a substantial part of the events or omissions giving rise to the claim arose in this judicial district. *See* 28 U.S.C. §1391(e), and 28 U.S.C. §2241, et seq. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of New Jersey which is the judicial district in which Petitioner resides and is currently in immigration custody. The Petitioner is in immigration custody at Delaney Hall Detention Center in Newark, NJ.

PARTIES

11. Petitioner is a 45 year old male, native and citizen of El Salvador who is detained at Delaney Hall Detention Hall in Newark, NJ. He seeks a writ of habeas corpus due to his unlawful detention.

12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity she is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

13. Respondent Kristi Noem is sued in her official capacity as Secretary of DHS, the agency in charge of administering and enforcing the immigration laws in New Jersey and is the Petitioner's legal custodian.

14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE, the department within DHS and in this capacity he is responsible for administering and enforcing the immigration laws in New Jersey and is the Petitioner's legal custodian.

15. Respondent Luis Soto is sued in his official capacity as Director of Delaney Hall Detention Center in Newark, New Jersey, and in this capacity he is the Petitioner's actual physical custodian.

FACTS

16. The Petitioner is a 45 year old male, native and citizen of El Salvador who has lived in United States for almost 23 years, since 11/2002. He entered the United States without inspection or parole on 11/02/2002. Petitioner has resided in New Jersey since his entry to United States.

17. The Petitioner has three USC children with his wife and live together in Plainfield, New Jersey.

18. A Notice to Appear (“NTA”) in Removal Proceedings was issued on 08/17/2025. Ex. 4. The NTA was issued approximately 23 years after entry. *Id.*

19. The Petitioner was detained in 08/2025. Ex. 3. He is currently detained at the Delaney Hall Detention Center in Newark, New Jersey.

20. On 09/25/2025, Petitioner filed an EOIR-42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents with the Elizabeth Immigration Court (“EOIR”) in Elizabeth, New Jersey.

21. Petitioner’s removal proceedings remain pending before the immigration court (“EOIR”) in Elizabeth, New Jersey, and his next hearing is 11/13/2025. Ex. 5. He is not subject to an order of removal, and will remain detained for the foreseeable future.

22. Petitioner filed a Motion for Bond Redetermination with EOIR on 09/09/2025. Ex. 1. His bond request with EOIR was denied by order dated

09/15/2025. Ex. 2. Petitioner has not appealed that order due to a recent Board of Immigration Appeals (“BIA”) precedential decision that precludes him from succeeding on appeal. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Immigration specifically cited this decision in the denial of Petitioner’s bond request. Ex. 2.

23. Petitioner also sought humanitarian parole with ICE. To date, ICE has not issued a decision regarding humanitarian parole.

24. Petitioner has exhausted all his administrative remedies. He has not appealed the denial of his bond request because it is precluded by new BIA precedent. ICE has refused to release him despite requests for humanitarian parole.

25. Petitioner has no open warrants or criminal history that would change circumstances to warrant his arrest and removal outside of the District Court of New Jersey. He has one prior arrest for Driving Under the Influence from 2010. Ex. 3. ICE alleges an arrest in El Salvador in 10/2006, several years after Petitioner was already living in New Jersey and filing his taxes.

26. Petitioner’s removal from United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner is being illegally detained by ICE. He seeks the only avenue of judicial review available to him, habeas review.

EXHAUSTION OF REMEDIES

27. Petitioner has exhausted all practicable administrative remedies. Petitioner has sought to challenge his detention before EOIR and requested humanitarian parole from ICE. EOIR denied his bond, and ICE has refused requests for humanitarian parole. His bond appeal is precluded by the BIA.

28. Petitioner is precluded from prevailing on any EOIR bond appeal following the BIA's recent precedential decision in *Matter of Yajure Hurtado*. That decision precludes Petitioner from obtaining bond before EOIR, improperly finding Immigration Judges lack jurisdiction to issue bonds because Petitioner entered United States without being inspected and admitted or paroled.

29. Petitioner through Counsel requested humanitarian parole from ICE via email several times in 09/2025, to no avail.

30. To this date, ICE has not meaningfully responded to the humanitarian parole requests nor granted him humanitarian parole.

**COUNT I:
VIOLATION OF FIFTH AMENDMENT
RIGHT TO SUBSTANTIVE DUE PROCESS**

31. The allegations contained in paragraphs 1 through 30 above are repeated and realleged as though fully set forth herein.

32. Petitioner's detention violates the Due Process clause of the Fifth Amendment of the United States Constitution. Petitioner's substantive due process rights have been violated because his detention is arbitrary and unreasonable.

33. The Fifth Amendment of the Constitution guarantees civil detainees like Petitioner may not be subject to detention that infringes on his fundamental right to freedom and liberty.

**COUNT II:
VIOLATION OF FIFTH AMENDMENT
RIGHT TO PROCEDURAL DUE PROCESS**

34. The allegations contained in paragraphs 1 through 30 are repeated and realleged as though fully set forth herein.

35. Petitioner’s detention by Defendants violates his procedural due process rights under the Due Process Clause of the Fifth Amendment of the United States Constitution. The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal citations omitted). Procedural due process “imposes constraints on government decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Id.* at 332.

36. Defendants have unlawfully applied provisions of the INA to Petitioner by failing to grant Petitioner a meaningful bond hearing and refusing or ignoring his requests for humanitarian parole..

**COUNT III:
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

37. The allegations contained in paragraphs 1 through 30 are repeated and realleged as though fully set forth herein.

38. Petitioner's detention by Defendants violates the APA because agency actions by EOIR and ICE are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Where a court finds agency action to violate the APA, the court shall "hold unlawful and set aside" the agency action. *Id.* Where the government has promulgated "[r]egulations with the force and effect of law," those regulations "supplement the bare bones" of federal statutes, such that the agencies are bound to follow their own "existing valid regulations." *United States ex rel. Accardi Shaughnessy*, 347 U.S. 260, 266, 268 (1954).

39. EOIR has unlawfully applied their regulatory authority to deny Petitioner a bond hearing. ICE has failed to apply its regulations regarding humanitarian parole.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release Petitioner from custody;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
4. Grant any other and further relief this Honorable Court deems just and proper;
5. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Respectfully Submitted,

/s/ Jason Scott Camilo, Esq.
JASON SCOTT CAMILO, ESQ.
Law Offices of Jason Scott Camilo, LLC
409 Joyce Kilmer Avenue, Suite 211
New Brunswick, NJ 08901
T: 732.640.0606; F: 732.640.0607
jcamiloesq@gmail.com
Attorney for Petitioner

Dated: 10/09/2025

VERIFICATION

I, Daniel Ernesto Ayala Amaya, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the plaintiff-petitioner in this matter and am personally familiar with the facts of my case;
2. I was read the allegations contained in the foregoing Complaint in Spanish, the language I speak and understand the best.
3. To the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

Executed on 10/09/2025

/s/ Daniel Ernesto Ayala Amaya
DANIEL ERNESTO AYALA AMAYA
Petitioner

VERIFICATION BY COUNSEL

I, Jason Scott Camilo, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of this case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on 10/09/2025

/s/ Jason Scott Camilo, Esq.
JASON SCOTT CAMILO, ESQ.
Attorney for Petitioner

LIST OF EXHIBITS IN SUPPORT OF HABEAS PETITION

Ex. Document

Immigration Court Bond Proceedings

- 1 Petitioner's Bond Redetermination Request, filed 09/09/2025
- 2 Order of Immigration Judge, "Order-Bond Order", filed 09/16/2025

Immigration Court Removal Proceedings

- 3 DHS, "I-213 Record of Deportable/Inadmissible Alien", filed 09/12/2025
- 4 DHS, I-862 Notice to Appear, filed 08/18/2025
- 5 Order of the Immigration Judge, "Case Notice", showing final hearing on 11/13/2025