

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RONALD ALEXANDER MEJIA SEGOVIA,

Petitioner,

v.

WILLIAM P. JOYCE in his official capacity as
Acting Field Office Director of New York,
Immigration and Customs Enforcement;
TODD LYONS, in his official capacity as
Acting Director, U.S. Immigration and
Customs Enforcement; and KRISTI NOEM, in
her official capacity as U.S. Secretary of
Homeland Security, U.S. Immigration and
Customs Enforcement

Respondents.

Case No. 1:25-cv-9551

**PETITION FOR
WRIT OF HABEAS CORPUS AND
COMPLAINT**

INTRODUCTION

1. This case concerns the illegal arrest, and the illegal subsequent detention of petitioner, Ronald Alexander Mejia Segovia, a political asylum applicant and citizen of El Salvador. Since his entry into the United States, he has followed the process the United States has established for people to seek political asylum within the United States. Upon his entry without inspection on or about February 23, 2016, Mr. Mejia Segovia was

detained, pursuant to 8 U.S.C. 1226(a), by US Customs and Border Patrol. At his Credible Fear Interview, Mr. Mejia Segovia was found to have a credible fear of persecution in his home country of El Salvador and was released from custody with a \$12,000 bond. After being reunited with his family, he timely filed his application for political asylum on February 21, 2017, and applied for and was granted permission to work. Critically, in the nearly nine years since removal proceedings were initiated, Mr. Mejia Segovia has diligently complied with all obligations, including attending each of his immigration hearings. He has lived in the United States with his permanent resident mother, permanent resident siblings, and US citizen stepfather. His mother has filed an alien relative petition. When this is approved and becomes current he will be able to pursue permanent residence through a process of an unlawful presence provisional waiver and processing at the US Consulate. The regulations for this were duly promulgated and enacted to alleviate the hardship that arises from significant separation.

2. Mr. Mejia Segovia was arrested two times and both cases were ultimately dismissed. On neither occasion, was he taken into custody by the Department of Homeland Security. On November 14, 2025, around 1:00 PM, and a mere seven days before the petitioner is scheduled for his final hearing on the merits of his meritorious claim for political asylum, Mr. Mejia Segovia was arrested and detained by ICE while walking his sister's dogs in the Bronx, NY. Mr. Mejia Segovia is scheduled for his Individual Hearing on November 21, 2025 at 10AM before Immigration Judge Johnson-Papillo. Upon information and belief, Mr. Mejia Segovia is currently being held by ICE at 26 Federal Plaza, New York City and will be transferred imminently to Orange County

Correctional Facility, 110 Wells Farm Road, Goshen, NY 10924. We expect him to be transferred again to a detention facility far from New York over the weekend.

3. Mr. Mejia Segovia's arrest and detention are wholly unjustified and unrelated to any individualized consideration of Mr. Mejia Segovia's circumstances. In the time he has lived in the United States, Mr. Mejia Segovia has done all he can to integrate into his community, he has learned English, has lawfully worked, and has dedicated himself to supporting his family. Upon information and belief, the Department of Homeland Security has alleged no change in circumstances that would warrant Mr. Mejia Segovia's arrest. He has not been convicted of any crime that would warrant detention, particularly so close to his case having final adjudication. There has been no allegation that he is dangerous or a flight risk.
4. Mr. Mejia Segovia's arrest and detention lack any perceivable justification other than to stymie his ability to obtain the relief of political asylum, and to deprive him of freedom and community support immediately before his final hearing. Through no fault of his own, Mr. Mejia Segovia has waited nearly nine years for a final hearing and the opportunity to have the merits of his case heard. Mr. Mejia Segovia's arrest and detention, and likely transfer to a detention facility far from his counsel, witnesses, and his support system is a means used as a deterrent to a foreign national seeking available relief in immigration court. In addition, the government is engaged in a practice of detaining non-citizens to pressure them to depart the United States without pursuing their legal rights and to satisfy an arrest quota that ignores any individualized criteria. Indeed, DHS has already determined that Mr. Mejia Segovia was not a danger to society

or a flight risk when they released him on bond. Over the last many years, Mr. Mejia Segovia has demonstrated the validity of that assessment. He is plainly not a flight risk as shown by his diligent appearances at all of his immigration court hearings, his commitment to pursuing his claim for political asylum, and his strong family ties in the United States.

5. The government's interests in facilitating a speedy decision in Mr. Mejia Segovia's case is not served by this unlawful arrest. He is scheduled for a final hearing on the merits of his case a mere week from the date of his arrest. The government's interests are decidedly outweighed by the ongoing harm to Petitioner at the expense of his health and liberty. Petitioner respectfully asks this Court to hold that his detention is unlawful, to order Mr. Mejia Segovia not be removed from the jurisdiction, and to hold that his continued detention is unlawful, and to order his immediate release from custody.
6. Everyday Mr. Mejia Segovia spends in detention subjects him to further irreparable harm. Immediate relief is necessary to ensure that Mr. Mejia Segovia is no longer subjected to continued violations of his substantive and procedural rights. under the Fifth Amendment of the United States Constitution, the Administrative Procedure Act, and the Immigration and Nationality Act. Mr. Mejia Segovia should be released.

PARTIES

7. Petitioner, Mr. Mejia Segovia is an applicant for asylum in the United States based on his credible fear of persecution from the El Salvadoran government.

8. Respondent William P. Joyce is named in his official capacity as the Acting Field Office Director of the New York Field Office for ICE within the U.S. Department of Homeland Security. Respondent is a legal custodian of Ronald Alexander Mejia Segovia.
9. Respondent Todd Lyons is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Ronald Alexander Mejia Segovia.
10. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security. As the head of DHS, the agency responsible for enforcing immigration law, Secretary Noem is Ronald Alexander Mejia Segovia's ultimate legal custodian.

JURISDICTION

11. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241 (habeas corpus); Art. 1, § 9, cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 2201 (declaratory judgment).
12. Venue is proper because petitioner was being held in the Southern District of New York at the time the original habeas corpus petition was filed. The petitioner lives in New York and was detained in New York by Immigration and Customs Enforcement (ICE) in the Bronx, New York and under the custody and control of ICE officials in New York City. A substantial part of the events giving rise to the claims and relevant facts occurred within this district.
13. Administrative exhaustion is unnecessary because it would be futile.

LEGAL STANDARD

14. Petitioner brings a petition for a writ of habeas corpus under 28 U.S.C. § 2241, which “authorizes a district court to court to grant a writ of habeas corpus whenever a petitioner is ‘in custody in violation of the Constitution or law or treaties of the United States.’” *Wang v. Ashcroft*, 320 F. 3d 130, 140 (2d Cir. 2003)(quoting 28 U.S.C. § 2241(c)).

DISCUSSION

15. Section 240 removal proceedings provide non-citizens with an opportunity to be heard in full immigration court hearings before an Immigration Judge. 8 U.S.C. § 1229a outlines the procedures and rights afforded to non-citizen in removal proceedings including: "the privilege of being represented... by counsel of the alien's choosing who is authorized to practice in such proceedings" 8 U.S.C. § 1229a(4)(A) and "a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witness presented by the Government" 8 U.S.C. § 1229a(4)(B).
16. Decisions made by "Immigration Judges may be appealed to the Board of Immigration Appeals." 8 C.F.R. § 1003.38(a). Final orders of removal may be appealed to the Federal Court of Appeals for the judicial circuit in which the respective Section 240 proceedings sit. 8 U.S.C. § 1252
17. Mr. Mejia Segovia remains in Section 240 removal proceedings despite his arrest. By arresting him and depriving him of his liberty rights, the government is attempting to pressure him to forego his protected rights and coerce him to agree to return to a country

where he fears severe harm if he were to return. Mr. Mejia Segovia's arrest is part of a pattern and practice by the government to thwart non-citizen's access to available relief.

18. The arrest was made without any individualized consideration of Mr. Mejia Segovia's circumstances including his flight risk, danger to society, and any consideration of the status of his removal proceedings, and whether the restraint on his liberty would serve any legitimate government interest, or indeed whether the government is unilaterally revoking Mr. Mejia Segovia's bond based on a valid consideration

19. Mr. Mejia was walking down the street, minding his own business, walking dogs. There was no legitimate basis to detain him, deprive him of his liberty and the ability to pursue his asylum hearing in the upcoming week.

20. Petitioner, Mr. Ronald Mejia Segovia's current detention is governed by 8 U.S.C. § 1226(a), in that he has been present in the United States for nearly nine years. Detention pending adjudication of removal under Section 1226 is discretionary and affords noncitizens detained thereunder the right to an initial determination as to the eligibility for release and the opportunity for a bond hearing upon detention. 8 C.F.R. § 1236.1(d)(1). Petitioner is not "seeking admission" as he is "already in the country pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018). Under Section 1226, "an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Detention is discretionary and the noncitizen may be released upon application on either bond or "conditional parole." *Id.* § 1226(a)(2)(B); *Johnson v. Guzman Chavez*, 594 U.S.

523, 527 (2021).

CAUSES OF ACTION FIRST CLAIM

FIRST CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the United States

Constitution (Substantive Due Process); 5 U.S.C. §§ 702, 706

1. Mr. Mejia Segovia repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
2. Mr. Mejia Segovia is not a flight risk nor is he a danger to the community. Respondents' detention of Kamel is therefore unjustified and unlawful. Accordingly, Mr. Mejia Segovia is being detained in violation of his Constitutional right to Due Process under the Fifth Amendment.

SECOND CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the United States

Constitution (Procedural Due Process); 5 U.S.C. §§ 702, 706

3. Mr. Mejia Segovia repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
4. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law."
5. The government permitted Mr. Mejia Segovia to pursue his asylum claim in the United

States with his liberty, following a determination that he was not a danger or a flight risk upon his entry into the United States. The Due Process Clause entitles Mr. Mejia Segovia meaningful process assessing whether her detention is justified. The arrest and detention of Mr. Mejia Segovia without an opportunity to contest his detention in front of a neutral decisionmaker after he had been living and working in the United States for over two years provide insufficient process and violates the Due Process Clause of the Fifth Amendment of the Constitution.

THIRD CLAIM

Violation of the Fourth Amendment to the U.S. Constitution (unlawful arrest); 5 U.S.C. §§ 702, 706

6. Mr. Mejia Segovia I repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
7. At the time of Mr. Mejia Segovia's arrest, the government lacked reliable information of changed or exigent circumstances that would justify his arrest while he pursued his claims for immigration relief at liberty. His arrest, despite being scheduled for a hearing on the merits of his case in one week, is based on the fact that he is subject to removal proceedings, is unreasonable and violates the Fourth Amendment.

PRAYER FOR RELIEF

WHEREFORE, the petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;

- 2) Order the respondents to either release petitioner from detention or enjoin his transfer out of the jurisdiction of this District pending these proceedings;
- 3) Declare that the petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, and the Immigration and Nationality Act;
- 4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release the petitioner from custody;
- 5) Award the petitioner reasonable attorneys' fees and costs for this action under the Equal Access to Justice Act, 28 U.S.C. § 2414; and
- 6) Grant the petitioner any other relief this Court deems just and proper.

Dated: November 14, 2025
New York, New York

Respectfully submitted,

A handwritten signature in cursive script that reads "Rafael Gilbert".

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