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DETAINED-DELANY HALL

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Jose O. VENTURA PINEDA,)
A [REDACTED])
Petitioner,)
v.)
PAM BONDI,)
Attorney General of the)
United States of America, and,)
KRISTI NOEM,)
Secretary of the Department of)
Homeland Security, (DHS) and,)
TODD LYONS,)
Acting Director,)
United States Immigration and)
Customs Enforcement (ICE), and,)
JOHN TSOURAKIS,)
Warden,)
Delaney Hall Detention Center,)
Respondents.)

Civil Action No.

Hon.

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. The Petitioner is male, native and citizen of El Salvador, who has been detained at the Delaney Detention Center since his arrest by ICE on or about November 17, 2025 and is scheduled for a master removal hearing on May 6, 2026 before the hereby petitions the U.S. District Court to declare his arrest and or detention

- without bond unlawful, stay his removal to outside of the New Jersey jurisdiction, and either order his release so he may pursue his application for cancellation of removal or order the Immigration Judge to set a reasonable bond so he can pursue cancellation of any other relief he may be eligible for including cancellation of removal.
2. Respondents have detained the Petitioner under INA Section 235 under mandatory detention. Petitioner petitions this Court for an order declaring his detention without an individualized bail unlawful, his arrest improper without probable cause and the procedures used to arrest him improper.
 3. ICE has detained the Petitioner unlawfully pursuant to Section 235 of the INA whereas he is an alien who entered without inspection in 2007 and should be subject to INA 236(a) a discretionary detention statute. He is therefore entitled to a determination under §236, of a reasonable bond, release on recognizance set forth in the statute, and an order that this detention under INA 235 is unlawful.

JURISDICTION

4. This action arises under Customary International Law, the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et. seq., and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at the Elizabeth Detention Center in Elizabeth, New Jersey under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

5. Venue lies in this Court because Petitioner is detained at the Delaney Hall Detention Center in Newark, New Jersey.

PARTIES

6. Petitioner is a 36-year-old married male, native and citizen of El Salvador who has been detained at the Delaney Hall Detention Center since on or about November 17th 2025. He seeks issuance of a writ of habeas corpus.
7. Respondent Pam 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.
8. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in New Jersey and is the Petitioner's legal custodian.
9. Respondent Todd Lyons is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity, he is responsible for administering and enforcing the immigration laws in New Jersey and is Petitioner's legal custodian.
10. Respondent John Tsourakis is sued in his official capacity as the Warden of the Delany Hall Detention Center in Newark, New Jersey, in this capacity, he is the Petitioner's actual physical custodian.

FACTS

11. Petitioner, a 36-year old married male, native and citizen of El Salvador, having entered the U.S in 2008, has resided continuously since then in the United States.
12. A Notice to Appear in Removal Proceedings has been issued to the Petitioner for a master hearing on or about May 6, 2026 930am at Varick Street Immigration Court.
13. In Removal Proceedings, the Petitioner will be eligible to file for cancellation of Removal proceedings based on exceptional extremely unusual hardship to his two U.S. citizen children ages 7 and 4.
14. In Removal Proceedings, Petitioner will be seeking cancellation of removal for non-lawful permanent residents, Form EOIR-42B. The Petitioner is also a derivate applicant for a U visa under his wife's case.
15. On or about November 17, 2025, the ICE arrested the Petitioner and placed him in removal proceedings and has applied INA Section 235, a mandatory detention statute, to his case. ICE has continued to detain the Petitioner and now seeks to remove him from this jurisdiction and potentially from the U.S.
16. The Petitioner does not have a final order of removal
17. The Petitioner's removal proceedings are pending before the Elizabeth Immigration Court.
18. Petitioner has exhausted all administrative remedies with regards to custody. The Immigration Court is bound by a BIA decision in Matter of Yahure Hurtado, 29 I&N Dec. 216 (BIA 2025)(Upholding mandatory detention to all aliens who entered without inspection).

COUNT I

19. The allegations contained in paragraphs 1 through 18 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process clause of the United States Constitution.

COUNT II

20. The allegations contained in paragraphs 1 through 18 are repeated and realleged as though fully set forth herein. Petitioner's detention under INA Section 235 is not authorized by the Immigration and Nationality Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately released the Petitioner or to provide him with an individualized bond hearing under INA Section 236(a).
2. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
3. Grant any other and further relief that this Court may deem necessary.

s/ Regis Fernandez
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Attorney for Petitioner

Dated: November 24, 2025

VERIFICATION

I, Jose O. Ventura Pineda, 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 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.

Executed on November 24, 2025

s/ Jose O. Ventura Pineda
JOSE O. VENTURA PINEDA

VERIFICATION BY COUNSEL

I, Regis Fernandez, 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 his 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 November 24, 2025

s/ Regis Fernandez
REGIS FERNANDEZ, ESQ.