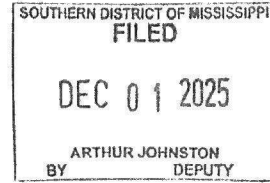


HABEAS CORPUS PETITION

**IN THE UNITED STATES DISTRICT COURT
FOR THE Southern District of Mississippi**



UNITED STATES DISTRICT COURT

Thad Cochran United States Courthouse
Attn: Clerk's Office
501 East Court Street, Suite 2.500
Jackson, MS 39201

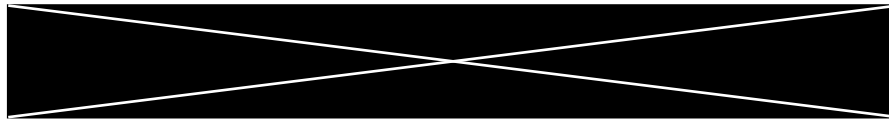
5:25-CV-144-DCB-BWR

RE: Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

Petitioner: José Miguel Rosillo Troya

Alien Number:

Address: 193 Delaware Ave, Albany, NY 12209



PETITION FOR A WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241 AND THE UNITED STATES CONSTITUTION


Comes now the Petitioner, **José Miguel Rosillo Troya**, and respectfully petitions this Honorable Court to issue a **Writ of Habeas Corpus** ordering his **immediate release** from unconstitutional immigration detention by U.S. Immigration and Customs Enforcement ("ICE"), and states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241**, as Petitioner is in custody under the authority of the United States and challenges the legality of that custody.

2. Venue is proper in the **Southern District of Mississippi**, as Petitioner is detained within this district at the **Adams County Correctional Center** in Natchez, Mississippi.
3. Article I, section 9, clause 2 of the U.S. Constitution guarantees the protection of Habeas Corpus against unlawful detention.

II. PARTIES

- **Petitioner:** José Miguel Rosillo Troya, A# 
Lawful resident in Albany, New York prior to detention.
- **Respondents:**
 - The Director of ICE
 - The Warden of Adams County Correctional Center
 - The Secretary of the Department of Homeland Security
 - The Attorney General of the United States

All Respondents are responsible for Petitioner's custody.

III. STATEMENT OF FACTS

1. On **October 23, 2025**, at approximately **5:30 PM**, Petitioner was leaving his residence to use his vehicle when he was **intercepted by two trucks** operated by individuals dressed in **green uniforms**, claiming to be ICE agents.
2. Without showing any identification or lawful authority, the agents ordered Petitioner to "get in the vehicle because an agent wanted to speak with him."
3. Petitioner **requested to see a judge-signed warrant**, as is his constitutional right under:
 - **U.S. Constitution, Fourth Amendment**
 - **Immigration and Nationality Act (INA) § 287(a)**
 - **8 C.F.R. § 287.8(c)(2)(iii)** (requiring ICE officers to show warrant upon request)

4. The officer falsely stated he “had an order to take him,” but **never produced a warrant signed by a judge.**
5. Petitioner was taken into custody **without probable cause, without a judicial warrant, without explanation, and without being informed of his rights.**
6. Once detained, Petitioner was forced to sign several documents **in English**, which he did not understand. ICE officers pressured him by saying that signing would make his release “faster.”
7. Petitioner was transferred from the state of New York to Mississippi, far from his residence and legal process venue.
8. Petitioner has an **upcoming immigration hearing on December 1, 2025, at 8:30 AM**, before Judge **Dorothy A. Harbeck**, at the **Immigration Court at 4250 Federal Drive Room F108**, which does not justify continued detention in a different state, hundreds of miles away.
9. ICE has **not justified continued detention, has not provided a custody redetermination, and has not complied with constitutional requirements** for an immigration arrest.

IV. LEGAL ARGUMENTS

A. The Arrest Was Unconstitutional (Fourth Amendment Violation)

ICE agents must possess either:

1. **A judicial warrant, or**
2. **Probable cause supported by law.**

Petitioner asked to see a warrant but **none was produced**, in violation of:

- **U.S. Constitution, Fourth Amendment**
- **INS v. Delgado**, 466 U.S. 210 (1984) – Immigration detentions must be supported by reasonable suspicion or probable cause.

- **United States v. Olivares-Rangel**, 458 F.3d 1104 (10th Cir. 2006) – Evidence obtained following unlawful immigration arrest must be suppressed.

Because the arrest was unconstitutional, the ongoing detention is unlawful.

B. ICE Violated Due Process (Fifth Amendment)

The Fifth Amendment guarantees due process to all persons, regardless of immigration status.

Violations include:

1. **Failure to advise rights**
2. **Failure to provide documents in a language the Petitioner understands**
3. **Coercion into signing documents without comprehension**
 - See **Orantes-Hernandez v. Thornburgh**, 919 F.2d 549 (9th Cir. 1990).

These violations render the detention illegal and require release.

C. Prolonged Detention Without Justification Violates *Zadvydas v. Davis*

Under U.S. Supreme Court precedent ***Zadvydas v. Davis***, 533 U.S. 678 (2001):

- Immigration detention must be **reasonable** and **not indefinite**.
- Detention becomes unconstitutional once it is **arbitrary** and **without process**.

Petitioner's detention is arbitrary, across state lines, and without judicial review.

D. Cross-State Transfer Without Authority Is Unconstitutional

Moving Petitioner from New York to Mississippi:

- Reduces access to legal counsel

- Prevents meaningful participation in his immigration case
- Violates due process

See:

- **Jennings v. Rodriguez**, 138 S. Ct. 830 (2018) – Detention must have procedural safeguards.

E. Habeas Corpus Prevents Unlawful Immigration Detention

Multiple cases show that unlawful ICE arrests justify immediate release:

- **Morales v. Chadbourne**, 996 F. Supp. 2d 19 (D.R.I. 2014)** – Unlawful ICE detention violates the Constitution.
- **Padilla v. ICE**, 953 F.3d 1134 (9th Cir. 2020)** – Procedural violations require relief.
- **M.S.P.C. v. U.S. Customs and Border Protection**, 60 F. Supp. 3d 1156 (D.N.M. 2014)** – ICE must follow due process requirements.

V. REQUEST FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

1. **Grant a Writ of Habeas Corpus** ordering Petitioner's immediate release from ICE custody.
2. Declare that Petitioner's arrest on October 23, 2025, was **unconstitutional** because ICE:
 - Did not have a judicial warrant
 - Did not show probable cause
 - Violated the Fourth and Fifth Amendments
 - Coerced signatures on documents in a foreign language
3. Order ICE to cancel further detention as Petitioner already has a scheduled immigration hearing before Judge Harbeck in New York on **December 1, 2025**, and detention in Mississippi has **no legal basis**.

4. Order any additional relief the Court deems just and proper.

VI. DOCUMENTS TO ATTACH

You should attach:

1. **Any documents you were forced to sign**
2. **Copy of immigration court hearing notice for Dec. 1, 2025**
3. **Proof of lack of warrant (request sent to ICE)**
4. **Any prior motions filed with the immigration court**

VII. DECLARATION

I, **José Miguel Rosillo Troya**, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


José Miguel Rosillo Troya

November 20, 2025