

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

YARIMA GONZALEZ CRESPO
IN REPRESENTATION OF
ALBETO PIERRE

Petitioner,

v.

No. 3:25-cv-01696

**REBECCA GONZÁLEZ RAMOS, Special Agent in
Charge of Homeland Security Investigations in San
Juan; et als.**

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Respondents.

**RENEW MOTION FOR A
TEMPORARY RESTRAINING ORDER (TRO)**

I. INTRODUCTION

The original *Habeas Corpus* petition was filed on December 29, 2025 (Dkt. 1). Defendants' summons service started on December 30, 2025 after the Court issued all summons (Dkt. 4). Following the *Habeas Petition*, an *ex-parte* Emergency Motion for a Temporary Restraining Order (TRO) was filed and denied by this Court. (Dkt. 5)

On December 30, 2025 *El Nuevo Día* and *Metro*, Puerto Rican news reported about the *habeas* petition. The same day the Court denied our emergency request for a TRO, and the Defendants transferred Mr. Pierre to "Alligator Alcatraz", an improvised detention center known for its inhuman and unconstitutional conditions of detention.

Petitioners hereby implore the intervention of this Court without further delay. There is no time to wait for compliance with the Court order at Dkt. 5, and certify the summons service process to take urgent action and halt the irreparable harm that Mr. Pierre is enduring without adequate food, no access to physical hygiene and deplorable conditions of confinement.

Mr. Pierre was not transferred to Krone Detention Facility as informed by ICE in the NTA but to Alligator Alcatraz in Florida. The *Habeas Corpus* was also amended to include officers, if any (John Doe 1 and 2) in charge of the federal center operated by General Services Administration (GSA) nicknamed “la neverita” (the icebox), in Guaynabo, PR, where we believe the Petitioner was detained and the person in charge of Alligator Alcatraz or any other ICE administered detention center in the United States currently housing the Petitioner.

Petitioners seek an Order to return Mr. Pierre to the jurisdiction of Puerto Rico and to ensure his immediate release from ICE custody, pending the final Habeas Corpus hearing due to the irreparable harm that this is having on the Petitioner. For the reasons stated herein, the Court should grant the Motion for a Temporary Restraining Order ex-parte.

I. APPLICABLE LAW

Petitioner alleges and incorporates by reference all paragraphs and allegations included in the Amended Petition for Writ of *Habeas Corpus*.

The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction. A plaintiff seeking such relief must establish that he is likely to succeed on the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, and that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

Where a petitioner raises “serious questions going to the merits” and the balance of hardships “tips sharply” in their favor, a TRO may be issued, provided the other two *Winter* factors are also met. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011).

II. DISCUSSION

A. Petitioners Have Shown a Strong Likelihood of Success on the Merits.

Petitioner has raised serious, substantial, and compelling questions regarding the legality of his

detention.

1. Administrative Procedure Act (APA) Claim: Petitioner is likely to succeed in showing that his arrest and detention are the result of an arbitrary and capricious agency action. Respondents' decision to detain Petitioner is an agency action based on racial profiling that is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation of the APA, 5 U.S.C. § 706(2). The decision to detain is arbitrary because it fails to consider crucial factors, including Petitioners' pending applications, his lack of a criminal record, his strong ties to the community, the profound and irreparable harm of separating him from his U.S. citizen children, and the availability of less restrictive alternatives to detention. The decision appears based on impermissible punitive motives rather than a reasonable application of statutory criteria. This demonstrates a strong likelihood of success on the APA claim.

2. Fifth Amendment Due Process Claim: Petitioner have demonstrated a strong likelihood of prevailing on his claim that his detention violates his Fifth Amendment rights.

- **Liberty Interest:** The detention appears arbitrary and punitive, serving no legitimate non-punitive purpose, as Petitioner is not a flight risk or danger.
- **Access to Counsel:** The right to counsel in immigration proceedings is rooted in the Fifth Amendment's Due Process Clause. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990). Respondents have a policy, pattern, and practice at the detention facility in Puerto Rico of impeding detainees' access to legal counsel. These impediments include, but are not limited to, turning away attorneys, failing to provide a means for confidential legal consultations by phone, creating other unreasonable barriers to communication and even failing to provide proper documentation, like the Notice to Appear (NTA) in a timely manner. The same and worst unconstitutional measures are implemented at "Alligator Alcatraz".
- **Conditions of Confinement:** Civil detainees' conditions of confinement are unconstitutional if they "amount to punishment." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

There are multiple findings of inhumane conditions of detention at immigration detention centers further strengthening Petitioner's due process claims.

B. Petitioner Has Established He Will Continue to Suffer Irreparable Harm.

Absent a TRO, Petitioner will continue to suffer multiple forms of immediate and irreparable harms.

First, the deprivation of a constitutional right, such as the right to due process and freedom from unlawful seizure, unquestionably constitutes irreparable injury. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Every day of unlawful detention is a harm that cannot be remedied later.

Second, the transfer of Petitioner outside of this judicial district, in an attempt to divest this Court of jurisdiction over his habeas petition, could leave him with no meaningful remedy if this Court do not issue an ex-parte TRO ordering the immediate transfer of Mr. Pierre to Puerto Rico. The same day the Court denied our emergency request for a TRO (December 30, 2025) the Defendants transferred Mr. Pierre to "Alligator Alcatraz", an improvised detention center known for its inhuman and unconstitutional conditions of detention. This Court retains venue and jurisdiction to try this habeas petition. See *Ozturk v. Trump*, Case No. 25-cv-10695-DJC; (2nd Cir. 25-1019) (A federal court of appeals ordered the Trump administration to comply with a lower court order that requires it to transfer Tufts Ph.D. student Rumeysa Ozturk from a detention facility in Louisiana to Vermont. The Court also ruled on the venue issue concluding that the proper venue is in the Vermont Court where Rumeysa was originally detained).

Third, the continued detention of Petitioner results in the traumatic and ongoing separation of a family, inflicting profound and irreparable psychological harm upon Petitioner and his minor child (a US citizen) and his consensual partner who is six months pregnant. This is a substantial injury that monetary reparations cannot compensate.

Fouth, the physical and emotional safety of the Petitioner is at stake absent an order of this Court to return him without any further delay to Puerto Rico. Across facilities in multiple states, detainees have reported *chronic hunger, food shortages, and being served spoiled or inedible food, leading to sickness and*

weight loss.¹ These conditions are compounded by a *lack of basic hygiene, with some detained going a week or more without access to showers*.² These are the conditions of detention the Mr. Pierre is enduring while we draft this amended *habeas* petition.

There is a well-documented history of inadequate health standards and insufficient medical care within ICE facilities.³ Detainees with chronic conditions like diabetes and high blood pressure are often denied their necessary medications.⁴ In other cases, individuals with fevers and serious infections have been refused treatment.⁵ The psychological toll of this neglect, combined with family separation and indefinite confinement, has fueled a mental health crisis, leading to a surge in suicidal ideation and deaths in ICE custody.⁶ According to NPR news, “Immigration and Customs Enforcement has recorded its deadliest year since the early 2000s as agency officials push to increase the number of people in its custody.”⁷ Data shows that by October, 2025, at least 20 people had died under ICE custody.

In addition, immigration rights organizations have denounced a pattern by ICE of disappearing detainees from the online detainee locator system once they have been transferred to a different jurisdiction. (*Mr. Pierre case has been no exception to this after his removal from Puerto Rico*) This situation not only affects the emotional wellbeing of the detainee and their loved ones but impedes the possibility of continuing adequate legal representation.

C. The Balance of Hardships and the Public Interest Favor a Writ of Habeas Corpus.

The balance of equities tips sharply in Petitioner’s favor. The harm they face—loss of their

¹ Didi Martinez et al., *Immigrants in overcapacity ICE detention say they’re hungry, raise food quality concerns*, NBC News (July 14, 2025), <https://www.nbcnews.com/news/us-news/immigrants-overcapacity-ice-detention-say-hungry-raise-food-quality-co-rcna214193>.

² *Id.* Note 2

³ Akash Pillai et al., *Health Issues for Immigrants in Detention Centers*, KFF (September 30, 2025), <https://www.kff.org/racial-equity-and-health-policy/health-issues-for-immigrants-in-detention-centers/>.

⁴ *Id.* Note 2.

⁵ Jasmine Garsd, *In recorded calls, reports of overcrowding and lack of food at ICE detention centers*, NPR (June 6, 2025), <https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving>.

⁶ Patricia Caro, *Conditions at ICE detention centers are fueling a surge in suicide attempts*, El País (September 22, 2025), <https://english.elpais.com/usa/2025-09-22/conditions-at-ice-detention-centers-are-fueling-a-surge-in-suicide-attempts.html>.

⁷ Ximena Bustillo, “It’s the deadliest year for people in ICE custody in decades; next year could be worse”, NPR news (October 23, 2025), available at: <https://www.npr.org/2025/10/23/nx-s1-5538090/ice-detention-custody-immigration-arrest-enforcement-dhs-trump>

constitutional rights, separation from their children, and denial of access to the courts—is catastrophic. In contrast, the harm to Respondents is minimal. The requested TRO merely requires them to maintain the status quo by returning Petitioner to this district, where his lawyer Yarima González is located, and allowing him to speak with his lawyers. The government is not harmed “in any legally cognizable sense by being enjoined from constitutional violations.” *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983).

Finally, the public interest is overwhelmingly served by issuing the TRO. The public has a profound interest in upholding the Constitution, ensuring the executive branch acts within the limits of the APA, maintaining the integrity of the judicial process, and protecting the sanctity of the family unit. Not ordering the Petitioner’s return could even result in an expedite unjust deportation putting the life and integrity of Mr. Pierre in danger. See Dissenting Opinion of Justice Sonia Sotomayor in *Department of Homeland Security v. D.V.D.*, 606 U.S. ____ (2025) (Case No. 24A1153) (“Noncitizens facing removal of any sort are entitled under international and domestic law to raise a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100–20, 1465 U. N. T. S. 113. Article 3 of the Convention prohibits returning any person “to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The United States is a party to the Convention, and in 1998 Congress passed the Foreign Affairs Reform and Restructuring Act to implement its commands.”) These are allegations that must be managed by the legal counsel of the Petitioner who resides in Puerto Rico. Therefore, it is paramount that this Court orders the return of the Petitioner to the jurisdiction of Puerto Rico as soon as possible. (“In matters of life and death, it is best to proceed with caution”, Justice Sotomayor)

WHEREFORE, considering that Defendant Rebecca González has been served⁸ with the summons

⁸ On December 31, 2025 Mr. Porfirio Padilla, the server, visited the offices of Homeland Security in 800 Ponce de León Ave., San Juan, Puerto Rico. He was informed that nobody could receive the summons in this case on behalf of Rebecca González or Homeland Security. At 11:00 am Mr. Hernández, from the Homeland Security Office, informed that he was alone with no employees or anyone that could go to the lobby to receive the documents on behalf of the agency or Rebecca González. Mr. Padilla was not authorized to go up to the 12th floor. Mr. Padilla handled the summons to Mr. Cortés, a security guard at the lobby of the building. Hernández was informed that the summons and documents were left with the security guard at the lobby. Summons and documents were send also by certified mail to all codefendants in the captioned case, including Rebecca

and copies of the Habeas Petition (Dkt. 1), the Emergency Motion for a TRO (Dkt. 2) and the Order from this Court (Dkt. 5), and that the service process for the other codefendants is in its way, the Petitioner requests from this Court:

1. Order Respondents to return Mr. Pierre to the jurisdiction of Puerto Rico immediately.
2. Order Respondents **TO SHOW CAUSE**, why a TRO should not be issued ordering the relief requested herein pending the final disposition of this action.
3. To **SET** an expedited preliminary hearing on the TRO request and the writ of Habeas Corpus petition.
4. Grant Petitioners' Emergency Motion for a Temporary Restraining Order.
5. **ENJOINED** Respondents—including their officers, agents, employees, attorneys, and all persons acting in concert with them—from transferring, relocating, or removing Petitioner from the District of Puerto Rico without further order of this Court.
6. Respondents shall provide Petitioners with meaningful access to their legal representatives. This includes, but is not limited to, permitting legal visitation, and providing access to confidential, unmonitored telephone calls with their attorneys and legal assistants at no cost to the Petitioners.
7. After finding a strong likelihood of success on the merits and that the balance of equities overwhelmingly favors Petitioners, **ORDERS** that no security shall be required under Federal Rule of Civil Procedure 65(c).
8. To issue the Temporary Restraining Order, that shall remain in effect until the habeas corpus hearing.

Respectfully submitted,

s/ Fermín L. Arraiza-Navas
#215705 (US District Court Puerto Rico)

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Dated: January 3, 2026

CERTIFICATE OF SERVICE: I hereby certify that, on January 3, 2026, I electronically filed the foregoing document with the United States District Court of Puerto Rico by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

VERIFICATION OF COUNSEL

I, Fermín L. Arraiza Navas, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

Dated this 3rd day of January, 2026.

s/Fermín L. Arraiza Navas
Attorney Name