United States District Court
For the Eastern District of New York

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Dari Mauricio Mayorga Lopez,

Petitioner,

v. Dkt No:

Kristi Noem,
And Officer Montgomery,

Initials:

Respondents.

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Verified Petition for a Writ of Habeas Corpus

Submitted by:

Bruno J Bembi
Attorney for Petitioner

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BB 8381

Verified Petition for a Writ of Habeas Corpus

1. Petitioner, Dari Mauricio Mayorga Lopez, is currently in ICE custody, upon information and belief, at the Nassau County Jail at 100 Carmen Ave, East Meadow NY. His immigration A-number is: [redacted].
2. Mr. Mayorga brings this petition for a writ of habeas corpus seeking his immediate relief under 28 U.S.C. 2241. His home address is: [redacted].

Respondents

3. Respondent. Kristi Noem, is Secretary of the United States Department of Homeland Security with an address at 245 Murray Lane SW, Washington DC 20528.
4. Respondent, Officer Montgomery, is an ICE Officer with an address at 201 Varick St Rm 1219 New York, NY 10014.

Facts

5. Mr. Mayorga is a native and citizen of Guatemala who first came to the United States in February 2024. He is 20 years old.
6. Mr. Mayorga currently has no applications pending with the United States Citizenship and Immigration Services [USCIS] but is eligible to pursue an application for special immigrant juvenile [SIJ] status under 8 U.S.C. 1101(a)(27)(J).
7. On February 28, 2026, Mr. Mayorga was on his way to work in a van when he was stopped by ICE agents and eventually detained at the the ICE facility at 100 Carmen Ave.
8. At no time did the arresting officers consider whether Mr. Mayorga was a flight risk before detaining him.
9. Mr. Mayorga now respectfully submits this petition seeking his immediate release from ICE custody.

First Claim

10. Petitioner repeats and realleges all facts in paragraphs 1 through 10.
11. Mr. Mayorga's arrest was unlawful because it was made without probable cause to believe he is an alien and without probable cause to believe he is a flight risk, as required by 8 U.S.C. 1357(a)(2) and 8 C.F.R. 287.8(c)(2)(ii). See, Refugio Ramirez Orlando v Noem, 2025 U.S. Dist LEXIS 234204 (Dist CO, J. Brook Jackson, Nov 25, 2025).

Second Claim

12. Petitioner repeats and realleges all facts in paragraphs 1 through 10.

13. Mr. Mayorga's detention is unlawful because he is not subject to detention under 8 U.S.C. section 1225.

Third Claim

14. Petitioner repeats and realleges all facts in paragraphs 1 through 10.

15. Mr. Mayorga's detention is unlawful because his detention is contrary to due process of law.

WHEREFORE, it is respectfully requested that Mr. Mayorga's transfer outside the Eastern District of New York be stayed; that his removal be stayed; and that he be ordered released from custody on his own recognizance.

Attorney Verification

I, Bruno J Bembi, attorney at law, affirm that the above statements are true, except for those made upon information and belief, and as to those, I have a reasonable, good faith basis to believe they are true.

Respectfully submitted,

Dated: 3/2/26

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