UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LUIS ARNOLDO CONTRERAS ALVAREZ

Petitioner,

-against-

KRISTI NOEM, Secretary of the Department of Homeland Security, TODD LYONS, Field Office Director for U.S. Immigration and Customs Enforcement, ANTHONY J. LAROCCO, Sheriff of the Nassau County Correctional Center,

Respondents.

Docket No. 26-cv-1224

PETITION FOR WRIT OF HABEAS CORPUS

This is a Petition for a writ of habeas corpus filed on behalf of Petitioner, Luis Arnoldo Contreras Alvarez seeking relief to remedy his unlawful detention. In or about October 2002, Mr. Contreras Alvarez entered without inspection into the United States from El Salvador, and has resided continuously in the United States since that time.

In or about 2013, Mr. Contreras Alvarez filed Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA") with U.S. Citizenship and Immigration Services ("USCIS"), which was ultimately referred to an Immigration Judge for a decision on his NACARA application and a Notice to Appear in Immigration Court was issued. Mr. Contreras Alvarez appeared and participated in his removal proceedings before the Immigration Court and during that time was not held in DHS in custody.

On June 23, 2023, Mr. Contreras Alvarez's removal proceedings were dismissed by the Immigration Court, terminating the removal proceedings and voiding the Notice To Appear.

In about March 2025, Mr. Contreras Alvarez once again filed Form I-881, Application for

Suspension of Deportation or Special Rule Cancellation of Removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA") with U.S. Citizenship and Immigration Services ("USCIS").

Almost a year after filing his Form I-881 Application with USCIS (which is still pending) without USCIS even so much as scheduling an interview for such application, and without a Notice to Appear being issued (because his application is still pending before USCIS and earlier one was dismissed), Immigration and Customs Enforcement (ICE) unlawfully stopped/detained Mr. Contreras Alvarez without probable cause, a valid arrest warrant, or individualized custody determination, and continues to detain him without legal basis.

Mr. Contreras Alvarez is clearly not a flight risk or a danger to the community and has been residing in the community since October 2002. His improper detention is in violation of the U.S. Constitution and the Immigration and Nationality Act (INA).

Accordingly, Mr. Contreras Alvarez petitions this Court for a writ of habeas corpus for his immediate release from ICE custody, or in the alternative for bail to be set for his release.

CUSTODY

1. Mr. Contreras Alvarez is in the physical custody of Respondents and Immigration and Customs Enforcement, an agency within the Department of Homeland Security.

2. At the time of the filing of this petition, Mr. Contreras Alvarez is being detained at the ICE Enforcement and Removal Operations (ERO) located in Central Islip, New York with transfer to the Nassau County Correctional Center located at 100 Carman Avenue East Meadow, NY 11554 ("NCCC"). Upon information and belief, NCCC contracts with the DHS to detain perceived aliens such as Petitioner.

3. Upon information and belief, NCCC contracts with the DHS to detain perceived

aliens such as Petitioner.

JURISDICTION & VENUE

4. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

5. Venue lies in the United States District Court for the Eastern District of New York, the judicial district in which Respondents reside or maintain offices, where Petitioner is detained and because a substantial part of the events or omissions occurred here. 28 U.S.C. § 1391(e).

PARTIES

6. Petitioner, Luis Manuel Contreras Alvarez is a national and citizen of El Salvador who has a pending I-881 application for NACARA with USCIS, is a resident of Suffolk County, NY, and is currently detained in ICE Custody at a facility located at the ICE Enforcement and Removal Operations (ERO) in the Central Islip, New York.

7. Respondent, Kristi Noem, is the Secretary of State of the United States Department of Homeland Security with an address at U.S. Department of Homeland Security, Washington, DC 20528.

8. Respondent, Todd Lyons, is the acting Director of U.S. Immigration and Customs Enforcement with an address at 500 12th St. SW, Washington, D.C. 20536.

9. Respondent Anthony J. LaRocco is the Sheriff of the Nassau County Correctional Center located at 100 Carman Avenue East Meadow, NY 11554, who is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Eastern District of New York.

STATEMENT OF FACTS

10. Petitioner, Luis Contreras Alvarez is a national and citizen of El Salvador.

11. Mr. Contreras Alvarez has a [redacted] U.S. Citizen son, [redacted]. Contreras Vasquez, born on [redacted]. *See* Exhibit 1, USC Son's Birth Certificate.

12. Mr. Contreras Alvarez is also the son of a Legal Permanent Resident, Arcila Alvarez, who has been a resident since 2003. *See* Exhibit 2, LPR Mother's Letter in Support and Legal Permanent Card.

13. In or about October 2002, Luis Contreras Alvarez entered the United States from El Salvador.

14. In or about 2013, Mr. Contreras Alvarez filed Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA") with U.S. Citizenship and Immigration Services ("USCIS"). In or about June 2014, after an initial interview with USCIS, Mr. Contreras Alvarez's case was referred to an Immigration Judge for a decision on his NACARA application and a Notice to Appear in Immigration Court was issued. See Ex.3, Notice to Appear dated June 19, 2014.

15. Mr. Contreras Alvarez appeared and participated in his removal proceedings before the Immigration Court and was not held in DHS in custody at any time during his removal proceedings.

16. In or about 2017, Mr. Contreras Alvarez was convicted of a driving under influence of alcohol related offense and sentenced to three (3) years' probation, which he completed without incident.

17. Mr. Contreras Alvarez was never detained by ICE while his criminal case was pending or even when his case concluded and he completed his probation.

18. On June 23, 2023, Mr. Contreras Alvarez's removal proceedings were dismissed by the Immigration Court, terminating the removal proceedings and voiding the June 19, 2014 Notice To Appear. See Ex. 4, Order from the Immigration Court.

19. On March 18, 2025, Petitioner filed Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal under section 203 of the Nicaraguan Adjustment and Central American Relief Act ("NACARA") with U.S. Citizenship and Immigration Services ("USCIS"). *See* Exhibit 5, Cover letter to USCIS, 1st Page of Form I-881 Application, Cancelled Check to USCIS, and Mailing Receipt.

20. To date, Petitioner's Form I-881 is still currently "pending with USCIS," and he is waiting for an interview to be scheduled.

21. Upon information and belief, on March 2, 2026 at approximately 8:00 a.m. Mr. Contreras Alvarez was walking home from a deli on Depot Road in Huntington Station, New York when two vehicles pulled up and encircled him. Without probable cause, Mr. Contreras Alvarez was taken off the street and immediately handcuffed, detained and transported to the ICE Enforcement and Removal Operations (ERO) in Central Islip for ICE processing/detention, and is transported to the East Meadow Correctional Center. *See* Exhibit 6, ICE detainee locator.

22. Mr. Contreras Alvarez's detention is in violation of the law as made without probable cause and without a valid Notice to Appear or an individualized custody determination.

23. Mr. Contreras Alvarez is not a danger to the community nor a flight risk.

24. Prior to his detention, Mr. Contreras Alvarez was working, paying his taxes, and providing for his family.

CLAIMS FOR RELIEF

COUNT ONE

25. Petitioner re-alleges the allegations contained in paragraph "1" through paragraph "24" as if fully set forth herein.

26. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO

27. Petitioner re-allege the allegations contained in paragraph "1" through paragraph "26" as if fully set forth herein.

28. Petitioner's arrest was unlawful as made without probable cause to believe that he is an alien and without probable cause to believe that he is a flight risk, as required by 8 U.S.C. 1357(a)(2) and C.F,R, 287.8(c)(2)(ii); *Ramirez Ovando, et al. v. Noem, et al.*, No. 1:25-cv-03183-RBJ, 2025 U.S. Dist LEXIS 234204 (Judge R. Brooke Jackson, D. Colo. Nov. 25, 2025).

COUNT THREE

29. Petitioner re-allege the allegations contained in paragraph "1" through paragraph "28" as if fully set forth herein.

30. Petitioner's detention is unlawful because he is not subject to detention pursuant to 8 U.S.C. § 1225.

COUNT FOUR

31. Petitioner re-allege the allegations contained in paragraph "1" through paragraph "30" as if fully set forth herein.

32. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

33. Petitioner has a pending NACARA application with USICS which (if approved) would give him status, and has been pending since March 2025. Without even scheduling an interview on such application with USCIS, and without a Notice to Appear being issued or an individualized custody determination being made, Petitioner was unlawfully arrested and detained in violation of law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. Contreras Alvarez on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Dated: March 3, 2026

MONTEIRO & FISHMAN LLP

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Attorneys for Petitioner

VERIFICATION OF COUNSEL

I, Michael Fishman, Esq., an attorney at law hereby certify that I am familiar with the case of the named petitioner based upon review of the file documents and discussions with the Petitioner's family/friends and that the facts as stated above are true and correct to the best of my knowledge and belief, except those made upon information and belief, and as to those, I have a good-faith basis to believe they are true.

/s/ Michael Fishman, Esq.