United States District Court
For the Eastern District of New York

----------]

Rigoberto Madrid Gonzalez,

Petitioner,

v. Dkt No:

Kristi Noem,
And Officer Montgomery,

Initials:

Respondents.

----------]

Verified Petition for a Writ of Habeas Corpus

Submitted by:

Bruno J Bembi
Attorney for Petitioner

PO Box 5248
Hempstead, NY 11551

(516) 483 -7372
Brunobembi4@gmail.com

BB 8381

Verified Petition for a Writ of Habeas Corpus

1. Petitioner, Rigoberto Madrid Gonzalez, is currently in ICE custody, upon information and belief, at the Nassau County Correctional Facility in East Meadow, New York.. His immigration A-number is: [redacted].
2. Mr. Madrid 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. Madrid is a native and citizen of El Salvador who first came to the United States in 1996 He was born in 1977.
6. Mr. Madrid was detained by Home Depot in Hempstead, NY by ICE on March 4, 2026.
7. At no time did the arresting officers consider whether Mr. Madrid was a flight risk before detaining him.
8. Mr. Madrid applied for Temporary Protected Status [TPS] under 8 U.S.C. 1244 and received TPS plus work authorization cards under that program.
9. According to Mr. Madrid's brother, Abel, Mr. Madrid may have been arrested a few years ago and as a result spent a night in jail, but, according to Mr. Madrid's brother, Mr. Madrid was a victim and was not requiered to continue to appear in court.
10. Mr. Madrid now respectfully submits this petition seeking his immediate release from ICE custody.

First Claim

11. Petitioner repeats and realleges all facts in paragraphs 1 through 10.
12. Mr Madrid'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

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

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

Third Claim

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

16. Mr. Madrid's detention is unlawful because his detention is contrary to due process of law.

WHEREFORE, it is respectfully requested that Mr. Madrid'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: 3/5/26

Bruno J Bembi
Attorney at Law
P.O. Box 5248
Hempstead, NY 11551
BB 8381

(516) 483 -7372