

Law Offices of Michael Z. Goldman
Michael Z. Goldman
100 Church Street, Suite 800
New York, NY 10007
212 901-3799
michael@mzglaw.com

Attorney for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Jamil Ahmed,

Petitioner,

v.

Case No. 26-cv-1555

**Raul Maldonado,
in his official capacity as Warden,
Brooklyn Metropolitan Detention Center;**

**Judith Almodovar,
in her official capacity as Acting New York
Field Office Director, U.S. Immigration &
Customs Enforcement;**

**Todd M. Lyons,
in his official capacity as Acting Director of
Immigration & Customs Enforcement; and**

**Pamela Bondi,
in her official capacity as Attorney General,
U.S. Department of Justice,**

Respondents.

**VERIFIED PETITION
FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241**

Petitioner (“Petitioner” or “Mr. Ahmed”) petitions for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of his detention by Immigration and Customs Enforcement (“ICE”). On December 8, 2025, ICE re-detained Petitioner after an

Immigration Judge had only weeks before ordered Petitioner released contingent on payment of a bond. Petitioner remains detained in violation of the Due Process Clause, and therefore seeks immediate release from custody.

STATEMENT OF FACTS

1. Mr. Ahmed entered the United States legally with a CR1¹ visa on May 25, 2013.
Petitioner is married to a U.S. citizen and has three U.S. citizen children.
2. On January 8, 2020, Petitioner was ordered removed *in absentia* after failing to renew the conditions attached to his conditional green card status. After becoming aware of the removal order, Petitioner successfully reopened his case on September 22, 2025.
He presently does not possess an order of removal.
3. Petitioner was taken into detention by Respondents on September 16, 2025.
4. On November 13, 2025, an Immigration Judge ordered Petitioner released contingent on payment of a \$5,000 bond, and on November 15, 2025, Petitioner was released from custody.
5. On December 3, 2025, Respondents filed a bond appeal, and an emergency motion for stay, with the Board of Immigration Appeals (BIA).
6. On December 4, 2025, the BIA granted Respondents' motion to stay.
7. On December 8, 2025, Petitioner was re-detained by Respondents.
8. On March 11, 2026, an Immigration Judge granted Petitioner relief from removal in the form of a grant of adjustment of status. Upon information and belief, Respondents have filed an appeal.

¹ A CR1 visa (Conditional Resident visa) is a U.S. immigrant visa for foreign spouses of U.S. citizens married for less than two years. It grants conditional permanent residency valid for two years, allowing immediate work and travel.

9. As of the date of this habeas corpus filing, Mr. Ahmed is detained at the Brooklyn Metropolitan Detention Center, 80 29th St., Brooklyn, NY 11232.

PARTIES

10. Petitioner Mr. Ahmed is presently detained at the Brooklyn Metropolitan Detention Center, 80 29th St., Brooklyn, NY 11232.
11. Respondent Raul Maldonado is the Warden of the Brooklyn Metropolitan Detention Center, and is a legal custodian of Mr. Ahmed. He is sued in his official capacity.
12. Respondent Judith Almodovar is the ICE New York Acting Field Office Director. She is responsible for carrying out ICE's immigration detention operations in New York City. Respondent Almodovar is a legal custodian of Mr. Ahmed. She is sued in her official capacity.
13. Respondent Todd M. Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Ahmed.
14. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the District of New Jersey, and is legally responsible for administering Mr. Ahmed's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Ahmed. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION AND VENUE

15. Respondents incarcerated Mr. Ahmed on December 8, 2025, and he is under the direct control of Respondents and their agents.
16. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”).
17. Federal courts have subject matter jurisdiction under 28 U.S.C. § 2241(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).
18. Jurisdiction is also proper pursuant to 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (waiver of sovereign immunity); 28 U.S.C. § 1346 (original jurisdiction); Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and 28 U.S.C. §§ 2201-2202 (Declaratory Judgement Act).
19. Further, the Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, 1651, 2241, and the All Writs Act, 28 U.S.C. § 1651. Mr. Ahmed’s detention constitutes a “severe restraint[] on his individual liberty” interest such that Mr. Ahmed is “subject to restraints not shared by the public generally” and “in custody in violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).
20. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

21. Venue properly lies in the Eastern District of New York. 28 U.S.C. §§ 1391(b)(2), (e).
This petition is filed while Mr. Ahmed is physically present within the district, as he is incarcerated in Brooklyn, NY.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (“Where Congress specifically mandates, exhaustion is required... But where Congress has not clearly required exhaustion, sound judicial discretion governs.”) (citation omitted).
23. Further, exhaustion of remedies is unnecessary if futile. *See Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.) (as amended) (judicial exhaustion may be excused when “available remedies provide no genuine opportunity for adequate relief” or exhaustion “would be futile”). Here, exhaustion would be futile because the Board of Immigration Appeals, in the precedential decision of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (“*Hurtado*”), held that individuals deemed inadmissible for being present in the United States without having been admitted or paroled (e.g., those who crossed the border without inspection) are subject to mandatory detention without the opportunity for a bond hearing.
24. Finally, even if meaningful administrative remedies were promptly available, Mr. Ahmed, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010).

ARGUMENT

COUNT ONE

FIFTH AMENDMENT – DUE PROCESS

DENIAL OF OPPORTUNITY TO CHALLENGE CONTINUED DETENTION

1. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
2. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.
3. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment.
4. Mr. Ahmed is indisputably entitled to the protections of the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”). Mr. Ahmed has lived in the United States continuously since March 2023.
5. Respondents have deprived Mr. Ahmed of his liberty interest protected by the Fifth Amendment by illegally detaining him since December 8, 2025.
6. To the extent that Respondents claim that Mr. Ahmed is precluded from challenging his detention because of 8 CFR § 1003.19(i)(1)², DHS’s interpretation of the law is

² 8 CFR § 1003.19(i):

(i) *Stay of custody order pending appeal by the government* —

(1) *General discretionary stay authority*. The Board of Immigration Appeals (Board) has the

incorrect, as the regulation has been deemed unconstitutional by numerous judges across the country. *See, e.g., J.M.P. v. Areta*, 807 F. Supp. 3d 265, 288 (S.D.N.Y. 2025) (“To the Court’s knowledge, since DHS began regularly invoking the automatic stay provision earlier this year, no district court has held that it comports with due process. . . . In holding the automatic stay provision unconstitutional, many courts have observed that it ‘permits an agency official who is also a participant in the adversarial process to unilaterally override the immigration judge’s decisions,’ a procedure that is ‘anomalous in our legal system.’”) (*quoting Gunaydin v. Trump*, 784 F. Supp. 3d 1175, 1188 (D. Minn. 2025)).

COUNT TWO
FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS

7. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
8. Petitioners’ continued detention of Mr. Ahmed violates his right to substantive due process protected by the Fifth Amendment.
9. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690. Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a “sufficiently strong special justification” to outweigh the significant deprivation

authority to stay the order of an immigration judge redetermining the conditions of custody of an alien when the Department of Homeland Security appeals the custody decision or on its own motion. DHS is entitled to seek a discretionary stay (whether or not on an emergency basis) from the Board in connection with such an appeal at any time.

of liberty. *Id.*

10. Respondents cannot show any valid justification—let alone a “sufficiently strong special justification”—for depriving Mr. Ahmed of his fundamental rights.
11. For all of the foregoing reasons, Mr. Ahmed’s continued detention is in violation of his substantive due process rights.

COUNT THREE ADMINISTRATIVE PROCEDURE ACT

12. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
13. The Administrative Procedure Act (“APA”) provides a right to sue when an individual has been “aggrieved” by a “final agency action for which there is no other adequate remedy in court.” 5 U.S.C. § 704.
14. Respondents’ actions in detaining Mr. Ahmed were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A)-(D).

PRAYER FOR RELIEF

WHEREFORE, Mr. Ahmed prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring Mr. Ahmed outside of the jurisdiction of the Eastern District of New York pending the resolution of this case;

- 3) Issue a writ of habeas corpus directing Respondents to provide Mr. Ahmed's immediate release from custody.
- 4) Award Mr. Ahmed attorney's fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

Dated: March 16, 2026

Respectfully submitted,

/s/ Michael Z. Goldman
100 Church Street, Suite 800
New York, NY 10007
212 901-3799
michael@mzglaw.com

Attorney for Petitioner

VERIFICATION

I, /s/ Michael Z. Goldman, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Dated: March 16, 2026

CERTIFICATE OF SERVICE

I, Michael Z. Goldman, certify that on March 16, 2026, I electronically filed the attached the foregoing Petition for Habeas Corpus with the Clerk of the Court for the United States District Court for the Eastern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

/s/ Michael Goldman

The Law Offices of Michael Z. Goldman
100 Church St., Suite 800
New York, NY 10007
212 901-3799
michael@mzglaw.com

Attorney for the Petitioner