UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHAUN RICARDO RAMBARRAT,

Petitioner,

vs.

TODD LYONS, ACTING DIRECTOR, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, AND FREDERICK AKSHAR, SHERIFF, BROOME COUNTY JAIL

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. §2241) AND ADDITIONAL RELIEF

Judge Assigned:

9:26-cv-448 (ECC)

Petitioner, through his attorneys Levene Gouldin & Thompson, LLP, respectfully petitions this Court for a writ of habeas corpus and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to **28 U.S.C. §2241**, which authorizes federal courts to grant habeas relief to persons held in custody in violation of the Constitution or laws of the United States.
2. Petitioner is currently detained at the Broome County Jail.
3. Todd Lyons, Acting Director of United States Immigration and Customs Enforcement, is the federal official responsible for Petitioner's detention.
4. Frederick Akshar, Sheriff of the Broome County Jail, is the immediate custodian of Petitioner.
5. Venue is proper in the Northern District of New York because Petitioner is detained within this district and Respondents exercise custody over him within this district.

6. This petition challenges the legality of Petitioner's continued immigration detention following an immigration judge's denial of bond in violation of the Fourteenth Amendment Right to Marry, the Fourth Amendment right to be free of unreasonable seizures and the Fifth Amendment's Due Process Clause

BACKGROUND

7. **Petitioner Shaun Ricardo Rambarret,** is a citizen of Guyana who lawfully obtained an R-B1/B2 Visa valid from March 20, 2015 – March 18, 2025. See Exhibit "A". He lawfully entered and left the United States approximately 5 times during that period. His last entry into the United States, also lawful, was on or about January 23, 2024. At JFK Airport he was granted a Visa to expire on February 10, 2024. See Exhibit "B".
8. Petitioner failed to apply to extend his Visa and remained in the United States beyond its expiration because of exigent circumstances of his son's health. As will be explained in more detail below, he had previously left the United States as required by a Visa restriction while his fiancée, Sarai Garcia, was pregnant, and returned to the United States as soon as he was able to afford passage to see and care for his [redacted]son. He overstayed the Visa out of concern for his son's health.
9. Petitioner has **never been convicted of any crime.**
10. Petitioner met Sarai Garcia approximately five years ago. Sarai is a United States citizen. See Exhibit "C". The two have been in a relationship for three years and have lived together in the United States since.his return in 2024. The two have a

son together, [redacted]. See the Declaration and Affidavit of Sarai Garcia and Exhibit "D".

11. Sarai has two other young children, and Petitioner has acted as a father for both increasingly since 2021. See the Declaration of Sarai Garcia, the family photos showing Petitioner with the children and the school emergency contact form listing Petitioner as stepfather attached as Exhibit "E".

12. [redacted]s a special needs child. [redacted] See the medical records attached as Exhibit "F".

13. Suffice to say that caring for [redacted] during the medical visits and at home is challenging. Petitioner was intimately involved in the care of [redacted] and attended most of the visits to physicians. He also was supporting the efforts to schedule appointments with multiple providers and securing insurance coverage for those visits. See the Declaration of Sarai Garcia, the photo of Petitioner in the hospital with [redacted] attached as Exhibit "G" and the record of treatment stating that [redacted] was present with his "parents".

14. Sarai works full-time to support her family, and the burden on her without Petitioner has been extraordinary.

15. Petitioner proposed marriage to Sarai on Christmas Day 2025. See the Declaration of Mary Gordon and photo of the proposal, attached as Exhibit "H". An engagement ring was purchased. See Exhibit "I". The two had planned to get married within a few months. See the Affidavit and Declaration of Sarai Garcia.

16. Petitioner moved with his fiancée and children to New York in May 2025 for better health care for [redacted] and to [redacted] The new apartment Petitioner found was within two blocks of the older children's elementary school, nearby park, and the residences of his cousin and mother. Petitioner prepared the apartment for the children by painting rooms their favorite colors. The two lived together in the apartment with the three children up until his detention as evidenced by the agreement with the Landlord. See the Exhibit "J".

17. Petitioner obtained a New York State Driver's License, purchased a car, and was listed on the insurance policy for the car. See Exhibit "K".

18. Petitioner and Sarai planned to have Sarai file an I-130 application and to change Petitioner's status. See the Declaration of Sarai Garcia, Exhibit "L".

19. It is respectfully submitted that there is absolutely no basis to suspect that Petitioner is attempting a "sham" marriage.

20. Petitioner worked as a contractor/technician for Peloton, servicing machines in the Metropolitan area and beyond. It was a flexible work arrangement allowing for family considerations.

21. It should be noted that Petitioner's admission of unauthorized work was volunteered to the IJ so that a complete and truthful picture of the circumstances was presented.

THE ARREST

22. On January 5, 2026, 11 days after he was engaged to be married, Petitioner was to complete a job in Massena, New York.

23. At approximately 3:00 a.m., Petitioner was asleep in his car at a car park in Massena, avoiding motel expense before starting work. Petitioner was violating no laws. No reasonable suspicion existed for any inquiry of Petitioner or request for identification. *Brown v. Texas,* 443 U.S. 47 (1979). This stop can be characterized as a roving patrol and did not occur as part of a checkpoint. *Almeida-Sanchez,* 413 U.S. 266 (1973). Lacking any basis to believe that Petitioner was an illegal alien, the seizure and request for identification cannot be justified even pursuant to Justice Kavanaugh's concurring opinion on application for stay in *Noem v. Perdomo,* 146 S.Ct.1 (2025). Nevertheless, a Border Patrol officer approached Petitioner's vehicle, and must have observed that he is black. A request for his license disclosed no outstanding issues. However, it was determined on the spot that Petitioner had overstayed his Visa. Though he had given the officer his New York State Driver's License that displayed his address, and he had committed no crime, he was nevertheless arrested without a

warrant, without a showing of exigency and detained in various places before landing in the Broome County Jail.

24. It is respectfully submitted that Petitioner's stop, questioning, arrest and continued detention, constitute a violation of Petitioner's Fourth Amendment right to be free of unlawful seizures.

25. Once at the jail, Petitioner filed a request to marry Sarai.

PROCEEDINGS SINCE DETENTION

26. Petitioner's initial hearing in Immigration Court was conducted on February 9, 2026. He admitted removability. The IJ was informed of Petitioner's and Sarai's desire to get married, the pending request at the Broome County Jail and the intent to file an I-130.

27. The IJ ruled that Petitioner was removable and gave Petitioner 30 days to move to administratively close or terminate the proceedings.

28. Despite all the evidence demonstrating Petitioner's family ties, participation in his young child's crucial medical treatment, efforts to financially support the family, complete lack of any criminal record anywhere in the world, voluntary and truthful representations to the court and prior compliance with immigration rules before his son was in the midst of treatment, he was denied bond purportedly because he constituted a "flight risk". See Exhibit "M".

29. In the meantime, Petitioner has taken all steps within his control to get married while in the Broome County Jail. Once the marriage occurs, Sarai will file the I-130, and Petitioner will move to reopen his immigration case.

30. The procedure Lieutenant Daniel Snyder is employed by the Broome County Sheriff's Department and is in charge of programs within the Corrections Division. His authority extends to detainees in the Broome County Jail. Lt. Snyder informed Petitioner's attorney that the first step is for the detainee to make a specific request to him for permission to marry while incarcerated. Once that request is received, the Lieutenant asks the Broome County Sheriff's Department to conduct an investigation into the proposed marriage to address security concerns. He then asks ICE officials at the Buffalo Detention Center in Batavia, N.Y. if there is any objection to the request. If the proposed marriage does not pose security concerns and ICE does not object, the chaplain at the Broome County Jail is notified. The chaplain will then be in charge of facilitating the marriage, including ascertaining the officiant. See Exhibit "N".

31. Petitioner made a written request to marry Sarai Garcia within days of his detention. Lt. Snyder advised that the Broome County Sheriff conducted its investigation and found no security concerns. He asked ICE whether it had any objections, and he has not heard back.

32. However, on March 10, 2026, Petitioner was shaving a fellow detainee at the Broome County Jail. The method used violated a rule that Petitioner was unaware of. No criminal charges were filed. The "punishment" was that Petitioner was taken out of his unit for three days and then returned. However, the Broome County Jail has now required him to re-submit his application by approximately the end of March.

33. Arrangements had been made for Petitioner and Sarai to obtain a license and procure and officiant. See the affidavit of Binghamton City Clerk attached as Exhibit "O".

34. Petitioner's right to marry is guaranteed by the Fourteenth Amendment. *Turner v. Safley*, 482 U.S. 78 (1987).

35. ICE regulations pertaining to requests of detainees to marry is attached hereto as Exhibit "P". It is respectfully submitted that there is no legitimate basis, much less a compelling reason, for ICE to deny the request to marry in violation of his and Sarai's Constitutional right to marry. *Turner v. Safley, supra.*

36. On March 2, 2026 a second appearance before the IJ occurred.

37. The IJ was informed that the request to marry was still pending.

38. It is respectfully submitted that there was no basis for ICE or Broome County delay in approving the marriage, and such apparently intentional delay is a violation of Petitioner's and Sarai's Fourteenth Amendment fundamental right to marry.

39. Petitioner's motion to terminate or administratively close the proceeding was denied.

40. Petitioner's request to adjourn the proceedings to provide time for him to marry Sarai was denied. This also deprived Petitioner and Sarai of their right to marry.

41. Petitioner's request for reconsideration of bond which would have facilitated the marriage was also denied. See Exhibit "Q".

42. The IJ denials of all relief requested foiled Petitioner's efforts to apply for a change in status and constituted a violation of his Fifth Amendment substantive rights to due process because of, what amounts to, arbitrary confinement. *Mathews v. Diaz,* 426 U.S. 67 (1976).

43. Petitioner timely filed a Notice of Appeal with respect to both the order of removal and the denial of bond. See Exhibit "R".

44. Petitioner's ongoing detention causes ongoing and irreparable harm, not only to him but to his special needs son.

45. It is respectfully submitted that this Court exercise its authority to enjoin Respondents from transferring Petitioner away from the Broome County Jail without prior leave of the Court in order to preserve jurisdiction over this matter.

46. John L. Perticone, Esq. is representing Petitioner *pro bono*.

REQUEST FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus directing Respondents to produce Petitioner before this Court:
2. Issue a temporary order enjoining Respondents from transferring Petitioner from Broome County without prior leave of the Court;
3. Declare Petitioner's continued detention unlawful;
4. Order Petitioner's immediate release
5. Grant such other and further relief that the Court may deem just and proper.

VERIFICATION

I, Shaun Ricardo Rambarrat, declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Dated: Broome County Jail
March 23, 2026

Shaun Ricardo Rambarrat

Dated: Vestal, New York
March 23, 2026

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