

Magdaleno Alvarado Rodríguez

PRO SE

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

**MAGDALENO ALVARADO
RODRIGUEZ**

and

Jennifer Flores Alvarado, as Next Friend
Petitioners/Plaintiffs,

v.

RAUL MALDONADO JR., in
their official capacity as Warden
of MDC Brooklyn;

WILLIAM JOYCE, in their
official capacity as Acting New
York Field Office Director for
U.S. Immigration and Customs
Enforcement;

MARCOS CHARLES, in his official
capacity as acting Executive Associate
Director, Enforcement and Removal
Operations;

TODD M. LYONS, in his official
capacity as Acting Director
Immigration and Customs
Enforcement;

MARKWAYNE MULLIN, in
his official capacity as Secretary,
U.S. Department of Homeland
Security; and

ATTORNEY GENERAL, in
their official capacity as Attorney
General

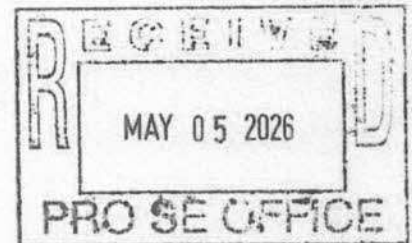
Respondents/Defendants.

MORRISON, J.

*** EMERGENCY ***

Civil Action No.:

**Verified Petition for
Writ of Habeas Corpus
Pursuant to 28 U.S.C. § 2241**



CV 26 - 2669

INTRODUCTION

1. MAGDALENO ALVARADO RODRIGUEZ (hereinafter "Petitioner") is a 41 year old

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man from Mexico. In 2002, Petitioner came to the United States. Over the last two decades, Petitioner has built a life for himself and his partner here in New York.

2. Nevertheless, Petitioner was stopped on April 27, 2026, at about 5 p.m. when he was driving home from work from Port Chester to White Planes. He was rear-ended by another driver, and the local police were called. He was brought into the local Port Chester police station as his license was suspended. At the local police station, he was turned over to ICE officials later that evening. Based on information and belief his only criminal history is his 2025 plea under the Vehicle and Traffic law to Section 1192(2) for driving while intoxicated. He was given probation and told to pay a \$500 fine. There is no known charge pending for the April 27, 2026, traffic infraction for driving with a suspended license. However, ICE agents detained him at the local police station. He never returned home to his partner. Presently, he is incarcerated at the Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232.
3. Petitioner has lived in New York since about 2002. He has a partner, Florencia Padilla Villalba and 8 United States Citizen nieces and nephews. He has lived the majority of his life in New York. While living a productive and peaceful life in the United States for over two decades, he has the one guilty plea under the Vehicle and Traffic Law Section 1192(2) for which he was punished. This one conviction under the Vehicle and Traffic Law does not make him a danger to society nor a flight risk and does not justify his continued detention given that he has been a productive member of society for two decades.

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4. Petitioner has been detained in immigration custody even though no neutral decisionmaker, whether a federal judge or an immigration judge, has conducted a hearing to determine whether this incarceration is warranted based on danger or flight risk.
 5. Petitioner's unlawful and continued detention without any individualized determination as to why detention is appropriate, and has caused immense and ongoing harm to Petitioner. Petitioner brings this petition to enforce his rights under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act ("INA") and to seek his immediate release.
 6. Accordingly, this Court should declare ICE's actions unlawful, enjoin his transfer outside of this District, and order his immediate release.

PARTIES

7. Petitioner, Magdaleno ALVARADO RODRIGUEZ, is a 41 year-old individual who has lived in the United States since 2002. Petitioner is detained at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232. Petitioner is in the custody and direct control of Respondents and their agents.
8. Petitioner, and next friend, Jennifer FLORES ALVARADO (hereinafter "his niece"), is the niece of Petitioner. See attached affidavit of relationship. (TAB - Proof of Relationship).
9. Respondent RAUL MALDONADO JR. is named in their official capacity as Warden of MDC Brooklyn, a person in charge of the facility holding the Petitioner. Respondents' address is Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232.
10. Respondent WILLIAM JOYCE, is named in their official capacity as Acting New York

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Field Office Director for U.S. Immigration and Customs Enforcement, as such, is responsible for the administration of immigration laws and the execution of detention and removal determinations, is a custodian of petitioner, and routinely transacts business in the Eastern District of New York. Respondent's address is 26 Federal Plaza, 9th Floor, New York, NY 10278.

11. Marcos CHARLES, is named in his official capacity as acting Executive Associate Director, Enforcement and Removal Operations, and as such leads ERO in arrest and removal operations and routinely transacts business in the Eastern District of New York. This respondent's address is Immigration and Customs Enforcement, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.
12. Respondent Todd LYONS is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in the Eastern District of New York; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a custodian of the Petitioner. This respondent's address is Immigration and Customs Enforcement, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.
13. Respondent Markwayne MULLINS is Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Eastern District of New York; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. The Secretary of Homeland Security's address is

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U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.5.

14. Respondent ATTORNEY GENERAL is the Attorney General of the United States. In this capacity, he/she routinely transacts business in the Eastern District of New York; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(g)(2007); and as such is a custodian of the Petitioner. This respondent's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530- 0001.

Jurisdiction and Venue

15. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless, when in Cases of Rebellion or Invasion, the public safety may require."). The Suspension Clause protects the right to the writ of habeas corpus where no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008).
16. This Court also has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus); 28 U.S.C. § 1331 (Federal Question); 28 U.S.C. § 1651 (the All-Writs Act); and 5 U.S.C. § 701 (the Administrative Procedure Act).
17. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act), to grant injunctive and declaratory relief.
18. Administrative exhaustion is unnecessary as it would be futile.
19. Venue is proper in the U.S. District Court for the Eastern District of New York because Respondents are officers of United States agencies, and at the time of filing, Petitioner is detained at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232,

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which is within the jurisdiction of the Eastern District of New York. A substantial part of the events or omissions giving rise to these claims occurred in New York, and there is no real property involved in this action. *See* 28 U.S.C. § 1391(c)(1).

RELEVANT FACTS AND PROCEDURAL HISTORY

I. Petitioner's Entry into the United States and Detention

20. Petitioner is a citizen and national of Mexico. In 2002, he entered the United States. He has lived and worked quietly in the United States for over two decades.
21. On information and belief, Petitioner was stopped on April 27, 2026, at about 5 p.m. when he was driving home from work from Port Chester to White Planes. He was rear-ended by someone and the local police were called. He was brought into the local Port Chester police station as his license was suspended and turned over to ICE officials late that evening. Based on information and belief his only criminal history is his plea under the Vehicle and Traffic law to Section 1192(2) for driving while intoxicated. He was given probation and told to pay a \$500 fine. There is no known charge pending for the Traffic Violation on April 27, 2026, of driving with a suspended license. However, ICE agents detained him. He never returned home to his partner. Presently, he is incarcerated at the Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232.
22. On information and belief, there was no warrant for Petitioner's arrest. Petitioner was not asked any questions about his ties to the community or criminal history.
23. On information and belief, Respondents did not make a lawful, individualized custody assessment within 48 hours of arresting Petitioner without a warrant and have not made such an individualized determination since then.

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24. Petitioner is currently being held in immigration detention at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232. (TAB - Detainee locator).
25. Petitioner is not a flight risk, because of his past history, his family ties and his community ties. Since entering the United States, he has build a life for himself and his partner at [REDACTED] (TAB – NYS Driver’s License). He has many reasons to continue to appear for all his court hearings as he has invested in a life in the United States.
26. Petitioner has eight United States Citizen nieces or nephews, all in the New York and New Jersey area. He has been with his partner for over a decade living and working in Westchester County.
27. Petition has lived for years with his partner at the same address [REDACTED] [REDACTED] and prior to that lived at [REDACTED] for about 6 years.
28. Petitioner is not a danger to the community. Petitioner has been a peaceful and productive member of society. Other than his plea last year under the Vehicle and Traffic Law, he has not had any criminal issues in the United States or in any other country. On information and belief, he did not resist arrest when approached by ICE.
29. Petitioner’s ongoing detention has caused enormous harm by separating him from his life partner, his extended family, his friends, and his community and risks further harm if not remedied.
30. Petitioner’s detention has also placed undue burden on his ability to search for or consult with counsel with limited access to meaningful access to non-profit organizations.

31. ICE.'s actions violate Petitioner's rights under the Fifth Amendment of the U. S.

Constitution, the INA, the Administrative Procedure Act and its own federal regulations.

LEGAL FRAMEWORK

I. Detaining Petitioner is arbitrary and capricious in violation of due process

32. Petition demands that an independent authority decide if he should be at liberty. ICE has arbitrarily and capriciously detained Petitioner depriving him of his basic due process rights.
33. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." 28 U.S.C. § 2243 (emphasis added).
34. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "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 v. Davis*, 533 U.S. 678, 690 (2001).
35. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.
36. The Court's ruling in *Zadvydas* is rooted in due process's requirement that there be

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“adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROCEDURAL DUE PROCESS

58. The allegations in the above paragraphs are realleged and incorporated herein.
59. Petitioner is being detained without cause and in violation of his Constitutional right to Due Process under the Fifth Amendment.
60. The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. at 319, 333 (1976).
61. Respondents provided Petitioner with no notice or opportunity to be heard prior to detaining him.
62. Respondents have offered Petitioner no meaningful opportunity to be heard or challenge his detention since incarcerating him
63. Petitioner's detention thereby deprives him of Petitioner's rights to Due Process under the Fifth Amendment of the United States Constitution.
64. Petitioner has no adequate remedy at law.

COUNT TWO

VIOLATION OF THE OF THE FIRST AND FIFTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

65. Petitioner realleges and incorporates by reference the paragraphs above.

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66. U.S. citizens and noncitizens alike are guaranteed the right to due process under the Fifth Amendment to the United States Constitution, which includes the rights to access courts. U.S. citizens and noncitizens alike are guaranteed the right of petition under the First Amendment to the U.S. Constitution, which includes the right to petition the Government for a redress of grievances. This right to petition includes the right to access courts and to participate in court proceedings as a witness, party or complainant.
67. As a result of Respondents' unlawful arrest and detention of Petitioner, his rights were violated, and he has and continues to suffer prejudice.
68. Petitioner has no adequate remedy at law.

COUNT THREE

RELEASE ON BAIL PENDING ADJUDICATION

69. Petitioner realleges and incorporates by reference the paragraphs above.
70. This Court has the "inherent authority" to grant release or bail to habeas petitioners like this. See *Vega v. United States*, 514 F. Supp. 2d 767, 770 (W.D. Pa. 2007) (citing *Johnston v. Marsh*, 227 F.2d 528, 531 (3d Cir.1955)); see also *Mapp v. Reno*, 241 F.3d 221, 230 (2d Cir. 2001).
71. Release on bail pending habeas is appropriate when a petitioner raises "substantial constitutional claims upon which he has a high probability of success, and also when extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective." *Landano v. Rafferty*, 970 F.2d 1230, 1239 (3d Cir. 1992).
72. Petitioner meets this standard here. This petition raises constitutional claims on which he has a high probability of success. And Petitioner's immediate release is necessary to

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make this remedy effective. As long as Petitioner remains detained, his physical and mental health is at continued, serious risk.

COUNT FOUR:

VIOLATION OF 8 U.S.C. § 1357(A)(2) WARRANTLESS ARRESTS WITHOUT PROBABLE CAUSE OF FLIGHT RISK

73. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
74. 8 U.S.C. § 1357(a)(2) requires that arrests without a warrant be accompanied by “reason to believe” that an individual is “likely to escape before a warrant can be obtained for [their] arrest.”
75. Respondents have a policy, pattern, and practice of making arrests without any warrant without making an individualized determination of flight risk. They have no mechanism for ensuring compliance with the statutory limits of agents’ and officers’ warrantless arrest authority and do not provide guidance to agents and officers on how to make an individualized determination of likelihood of escape. Respondents permit agents and officers to make warrantless arrests carte blanche in violation of law.
76. Respondents’ policy, pattern, and/or practice of making warrantless arrests without the required individualized flight risk analysis is “final agency action” that is “in excess of statutory jurisdiction, authority, or limitations” under 8 U.S.C. § 1357(a)(2). 5 U.S.C. §§ 704, 706(2)(C).
77. Separate from the APA, Respondents’ policy, pattern, and practice of making warrantless arrests without the required individualized flight risk analysis is ultra vires.

COUNT FIVE:

**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT – 5 U.S.C. § 706(2)(A),
THE IMMIGRATION AND NATIONALITY ACT, AND FEDERAL REGULATIONS
NOT IN ACCORDANCE WITH LAW, IN EXCESS OF STATUTORY AUTHORITY,
ABUSE OF DISCRETION**

78. Petitioner restates and realleges all paragraphs as if fully set forth here. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion.
79. The mandatory detention provision of 8 U.S.C. §1225(b)(2) does not apply to noncitizens residing in the United States who are subject to the grounds of inadmissibility because they originally entered the United States without inspection. Such non-citizens are detained under §1226(a), unless they are subject to another detention provision, such as §1225(b)(1), §1226(c) or §1231.
80. The application of §1225(b)(2) to Petition is arbitrary, capricious, and not in the accordance with law, and as such it violates the APA. See 5 U.S.C. §706(2).
81. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
82. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted). The INA provides that Respondents may parole an individual into the United States “on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” See 8 U.S.C. § 1182(d)(5). Federal regulations specify that where parole has been granted under 8

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U.S.C. § 1182(d)(5), upon its expiration, it may be revoked “upon the accomplishment of the purpose for which parole was authorized” or if “neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen] in the United States.” 8 C.F.R. §§ 212.5(e)(1), (2)(i).

83. On information and belief, Respondents have made no individualized determination on the detention of the Petitioner and there is scant evidence that he is a flight risk or a danger to the community. 8 U.S.C. § 1226(a); 8 C.F.R. § 236.1(c)(8).

84. Respondents have made no finding that Petitioner is a flight risk. Respondents have made no finding that Petitioner is a danger to the community. By categorically detaining Petitioner without consideration of Petitioner’s individualized facts and circumstances, Respondents have violated the INA, implementing regulations, and the APA.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- 1) Assume jurisdiction over this matter;
- 2) Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act; Section 1225(b)(1)(A) of the Immigration and Nationality Act; the First Amendment, and the Rehabilitation Act;
- 3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- 4) Order that Petitioner not be transferred outside the Eastern District of New York except to be released;

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- 5) Order that Petitioner shall not be re-detained without notice and an opportunity to be heard at a pre-deprivation bond hearing before a neutral decisionmaker, where Respondents will have the burden of showing that his detention is authorized;
- 6) Order that Respondents are directed to return to Petitioner any and all funds or property seized from Petitioner at the time of his arrest upon his release;
- 7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Jennifer Flores Alvarado'.

Jennifer Flores Alvarado, Next Friend Petitioner

04 th day of May 2026

Magdaleno Alvarado Rodríguez

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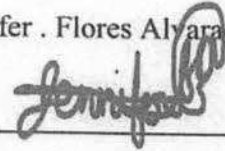
VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am the Next Friend Petitioner, Jennifer . Flores Alvarado , and submit this verification on my own behalf. I hereby swear under penalty of perjury that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 04th day of May, 2026.

Name: Jennifer . Flores Alvarado

Signature: _____

A handwritten signature in black ink, appearing to read 'Jennifer Flores Alvarado', written over a horizontal line.

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TAB – Detainee Locator

Official Website of the Department of Homeland Security

 **U.S. Immigration and Customs Enforcement**

Report Crimes: Email or Call 1-866-DHS-2-ICE

[Home](#) [Who We Are](#) **[What We Do](#)** [Newsroom](#) [Information Library](#) [Contact ICE](#)

[← BACK TO RESULTS](#)

Facility Page

Detention Information For:

MAGDALENO RODRIGUEZ ALVARADO
Country of Birth: Mexico
A-Number: 

Current Detention Facility:

BROOKLYN MDC
80 29th Street
Brooklyn, NY 11232
Visitor Information: (718) 940-4200

Related Information

Helpful Info

- [Status of a Case](#)
- [About the Detainee Locator](#)
- [Brochure](#)
- [ICE ERO Field Offices](#)
- [ICE Detention Facilities](#)
- [Privacy Notice](#)

Search 

7:45 PM 5/4/2026

Magdaleno Alvarado Rodriguez

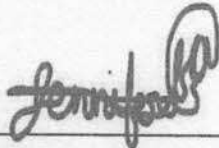
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Affidavit of Relationship

I, Jennifer Flores Alvarado, being duly sworn, depose, and say:

1. I am 20 years old.
2. I was born in the United States on [REDACTED], and have attached a copy of my passport.
3. I reside at [REDACTED].
4. I am the niece of Magdaleno Alvarado Rodriguez, born on [REDACTED], in Mexico.
5. Magdaleno is currently detained at the Metropolitan Detention Center Brooklyn 80-29th Street, Brooklyn, NY 11232 (See attached ICE Online Detainee Locator print out.)
6. I am submitting this application as his next friend as he is incarcerated, does not speak English and has limited access to legal materials and information.

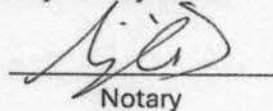
Signature



Date: May 4, 2026

Jennifer Flores Alvarado

Sworn to before me on the 4th
day of May 2026.


Notary

Notarized online using audio-video communication

Nuala Naranjo-O'Doherty
Online Notary Public
State of New York

Commission #: 01NA0013265
Commission Expires: 09/07/2027

Revised 03.23.2026; Effective 03.24.2026

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Magdaleno Alvarado Rodriguez

(b) County of Residence of First Listed Plaintiff Brooklyn

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

Raul Maldonado Jr. Warden MDC

William Joyce, ICE, et al MAY -4 PM 11:26

County of Residence of First Listed Defendant Brooklyn

NOTE: IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

US Attorney for the Eastern District of NY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
☐ 110 Insurance	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act				
☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))				
☐ 130 Miller Act	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 400 State Reapportionment				
☐ 140 Negotiable Instrument	☐ 330 Federal Employers' Liability	☐ 370 Other Fraud		☐ 830 Patent	☐ 410 Antitrust				
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine	☐ 371 Truth in Lending		☐ 835 Patent - Abbreviated New Drug Application	☐ 430 Banks and Banking				
☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 380 Other Personal Property Damage		☐ 840 Trademark	☐ 450 Commerce				
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 350 Motor Vehicle	☐ 385 Property Damage Product Liability		☐ 880 Defend Trade Secrets Act of 2016	☐ 460 Deportation				
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability			☐ 861 IIIA (1395ff)	☐ 470 Racketeer Influenced and Corrupt Organizations				
☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury			☐ 862 Black Lung (923)	☐ 480 Consumer Credit (15 USC 1681 or 1692)				
☐ 190 Other Contract	☐ 362 Personal Injury - Medical Malpractice			☐ 863 DIWC/DIWW (405(g))	☐ 485 Telephone Consumer Protection Act				
☐ 195 Contract Product Liability				☐ 864 SSID Title XVI	☐ 490 Cable/Sat TV				
☐ 196 Franchise				☐ 865 RSI (405(g))	☐ 850 Securities/Commodities/Exchange				
					☐ 890 Other Statutory Actions				
					☐ 891 Agricultural Acts				
					☐ 893 Environmental Matters				
					☐ 895 Freedom of Information Act				
					☐ 896 Arbitration				
					☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision				
					☐ 950 Constitutionality of State Statutes				

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 2241Brief description of cause:
Petition for release from ICE detention

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

* Please respond to Parts D & F on Page 2

PAGE ONE OF TWO - PLEASE CONTINUE TO PAGE TWO

PART A – CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is eligible for arbitration No (select yes or no) If no, please complete:

I, Pro Se, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000.00 exclusive of interest and costs; or
☐ the complaint seeks injunctive relief; or
☒ the matter is otherwise ineligible for the following reason:

Petition for Relief from ICE Detention

PART B – DISCLOSURE STATEMENT – FEDERAL RULES OF CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks. Add an additional page if needed.

n/a

PART C – RELATED CASE STATEMENT (Section VIII on the Page One of This Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on page one of this form. Rule 3(a) provides that "[a] civil case is 'related' to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that "[a] civil case shall not be deemed 'related' to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be 'related' unless both cases are still pending before the court."

n/a

PART D – NEW YORK EASTERN DISTRICT DIVISION OF BUSINESS RULE 1(d)(3)

If you answer "Yes" to any of the questions in Part D, this case will be designated as a Central Islip case pursuant to Division of Business Rule 1(d)(3). You must select Office Code 2 if you answer "Yes" to any of the Part D questions.

If you answer "No" to all of the Part D questions, this case will be designated as a Brooklyn case and you must select Office Code 1.

1. Is the action being removed from a state court that is located in Nassau or Suffolk County? No
2. In an action being brought against the United States, its officers or its employees, which does not involve real property, do the majority of the plaintiffs reside in Nassau or Suffolk County? No
3. If you answered "No" to Questions 1 and 2,
 - a. Did a substantial part of the events or omissions giving rise to claim(s) occur in Nassau or Suffolk County? No
 - b. Do the majority of defendants reside in Nassau or Suffolk County? No
 - c. Is a substantial amount of any property at issue located in Nassau or Suffolk County? No
4. If this is a Fair Debt Collection Practice Act case, was the offending communication received in Nassau or Suffolk County? No
5. If this is a petition based on an immigration detention (28 U.S.C. § 2241), did the arrest occur in Nassau or Suffolk County? No

PART E – BAR ADMISSION

1. I am currently admitted to practice in the Eastern District of New York and am currently a member in good standing of the bar of this Court. N/A
If no, please see instructions and Local Civil Rule 1.3.
2. Are you currently the subject of any disciplinary action(s) in this or any other federal or state court? N/A
If yes, please explain. Add an additional page if needed.

PART F – IMMIGRATION HABEAS PETITIONS

1. Is this petition based on an immigration detention, pursuant to 28 U.S.C. § 2241? Yes
2. Does this case require immediate attention of a judge? Yes
If you answered "Yes" to Part F, Question 2, and you are filing this action after business hours, please see the Court's instructions for filing emergency applications after hours: <https://www.nyed.uscourts.gov/emergency-applications-filed-after-business-hours>. If you do not follow the instructions, your case will not be assigned to a judge until the following business day.

I certify the accuracy of all information provided above.

Date 5/4/26

Signature: [Signature]

Magdaleno Alvarado Rodriguez

PRO SE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**MAGDALENO ALVARADO
RODRIGUEZ**

and

Jennifer Flores Alvarado, as Next Friend
Petitioners/Plaintiffs,

v.

RAUL MALDONADO JR., in
their official capacity as Warden
of MDC Brooklyn;

WILLIAM JOYCE, in their
official capacity as Acting New
York Field Office Director for
U.S. Immigration and Customs
Enforcement;

MARCOS CHARLES, in his official
capacity as acting Executive Associate
Director, Enforcement and Removal
Operations;

TODD M. LYONS, in his official
capacity as Acting Director
Immigration and Customs
Enforcement;

MARKWAYNE MULLIN, in
his official capacity as Secretary,
U.S. Department of Homeland
Security; and

ATTORNEY GENERAL, in
their official capacity as Attorney
General

Respondents/Defendants.

*** EMERGENCY ***

Civil Action No.:

FILED
CLERK
2026 MAY -4 PM 11:27
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

[PROPOSED] ORDER

Upon consideration of Petitioner's Emergency Motion for a Temporary Restraining Order and the Complaint and Verified Petition and Exhibits thereto,

IT IS HEREBY ORDERED that:

1. Respondents are ORDERED to file a return as to why the Petition and temporary restraining order should not be granted by _____;
2. Petitioner shall have an opportunity to reply by _____;
3. This matter shall be heard by the Court on _____;
4. Pending consideration, Respondents ARE HEREBY RESTRAINED from (a) attempting to remove the Petitioner outside of the jurisdiction of the U.S. District Court for the Eastern District of New York and (b) removing Petitioner from the United States;
5. Pending consideration, Respondents ARE HEREBY RESTRAINED from moving Petitioner unless seventy-two (72) hours written notice of any movement is provided to Petitioner;
6. And such other and further relief as the Court may find appropriate;
7. Service of this Order shall be made by Petitioner on the United States Attorney for the Eastern District of New York by [Time]_____ on [Date]_____ and shall constitute good and sufficient service.

IT IS SO ORDERED.

//

DATED _____, 2026	_____
	Hon. United States District Judge