

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

Chidozie Wilson Okeke

Petitioner,

v.

Raul MALDONADO JR., Warden,
Metropolitan Detention Center; Judith
ALMODOVAR, New York Field Office
Director for U.S. Immigration and Customs
Enforcement; Todd BLANCHE, Attorney
General of the United States; Markwayne
MULLIN, Secretary of Homeland Security;
and Todd M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement,

Respondents.

Civil Action No. 26-2714

**EMERGENCY PETITION
FOR WRIT OF
HABEAS CORPUS**

Petitioner brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, the All Writs Act, 28 U.S.C. § 1651, and Article I, Section 9, of the Constitution of the United States. Petitioner alleges in support of his petition:

PRELIMINARY STATEMENT

1. Petitioner Chidozie Wilson Okeke is in the physical custody of Respondents at the Metropolitan Detention Center, after being unlawfully, brutally, and violently detained by ICE, in a manner that required that he receive immediate medical attention.

2. Petitioner's confinement is unlawful. Accordingly, Petitioner brings this petition seeking immediate and unconditional release.

3. Petitioner also asks this Court to enjoin his transfer outside this District. *Local 1814, Intern. Longshoremen's Ass'n, AFL-CIO v. New York Shipping Ass'n, Inc.*, 965 F.2d 1224, 1237 (2d Cir. 1992) ("Once the district court acquires jurisdiction over the subject matter of, and the parties to, the litigation, the All Writs Act [28 U.S.C. § 1651] authorizes a federal court to protect that jurisdiction" (cleaned up)); *Perez y Perez v. Noem*, 25 Civ. 4828 (DEH), 2025 WL 1908284, at *2 (S.D.N.Y. June 13, 2025).

4. Alternatively, Petitioner respectfully asks the Court to issue an order to show cause and hold a hearing pursuant to 28 U.S.C. § 2243 on the expedited basis set forth in the statute, during which the Court should (1) find that Petitioner's detention violates federal law and (2) order his release.

PARTIES

5. Petitioner Chidozie Wilson Okeke has been in immigration detention since May 2, 2026. Petitioner is unable to obtain review of his custody by an immigration judge, pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

6. Respondent [Raul MALDONADO JR.] is named in his official capacity as the Warden of the [Metropolitan Detention Center];

7. Respondent [Judith ALMODOVAR] is named in her official capacity as the Field Office Director for ICE's New York Field Office. She is responsible for the administration of immigration laws and the execution of detention warrants and removal orders.

8. Respondent TODD BLANCHE is named in his official capacity as the Attorney General of the United States. He is responsible for the policies and operations of the DOJ.

9. Respondent MARKWAYNE MULLIN is named in his official capacity as the Secretary of DHS. He directs each of the component agencies within DHS, including ICE.

10. Respondent TODD M. LYONS is named in his official capacity as Acting Director of ICE. He directs ICE operations and is responsible for the administration of the immigration laws.

JURISDICTION AND VENUE

11. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 1651 (All Writs Act).

12. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenge the lawfulness of their detention by DHS. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue is proper in this District under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is incarcerated at the MDC within this District; the ICE office that controls the location of his detention is based in New York City; and a substantial part of the events giving rise to the claims and relevant facts occurred in this District.

EXHAUSTION

14. Petitioner is not required to exhaust administrative remedies because doing so would be futile.

15. Exhaustion of administrative remedies in immigration detention cases is considered a prudential concern, rather than a statutory requirement. *Quintanilla v. Decker*, No. 21 Civ. 417 (GBD), 2021 WL 707062, at *2 (S.D.N.Y. Feb. 22, 2021) (citing *Joseph v. Decker*, No. 18 Civ. 2640 (RA), 2018 WL 6075067, at *5 (S.D.N.Y. Nov. 21, 2018)).

16. Such exhaustion may be excused when any of the following apply: “(1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate judicial relief; (3) administrative appeal would be futile; and (4) in certain instances a plaintiff has raised a substantial constitutional question.” *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003).

17. Petitioner’s case meets every requirement. Not only will he face irreparable injury if his detention continues, and not only does his petition raise substantial constitutional

questions, but intervening events have rendered administrative appeal futile and unable to provide a genuine opportunity for adequate relief.

STATEMENT OF FACTS

18. On May 2, 22026, Mr. Okeke was arrested, tased and beaten by what appeared to be ICE agents in masks as he was entering his vehicle on a street in Bushwick at approximately 9:30 pm. Video evidence of the incident indicates that it was daylight at the time. The agents then proceeded to bring Mr. Okeke to Wyckoff Hospital to treat the injuries he had just received from the agents that detained him. There, community organizers gathered to check up on Mr. Okeke as they learned of ICE's presence at the local community hospital.

19. At or about 2 AM on May 2, 2026 ICE agents were later seen dragging Mr. Okeke (videos available) from the hospital, beating him and tasing him once again and driving away with him. Mr. Okeke yelled for his right to speak to his attorney several times as he was being dragged by the ICE agents, to no avail.

20. Petitioner is now detained at the Metropolitan Detention Center.

21. As a result, Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

**FIRST CAUSE OF ACTION:
VIOLATION OF DUE PROCESS
U.S. CONST. AMEND. V**

22. Petitioner realleges and incorporates by reference each and every allegation contained above.
23. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “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.
24. In assessing whether a person has been deprived of the right to procedural due process, courts weigh the factors from *Mathews v. Eldridge*: (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” 424 U.S. at 335.
25. Here, all three factors weigh in favor of finding that Respondents have violated Petitioner’s right to procedural due process by asserting unlawful authority to subject him to detention, by affording Petitioner no process upon detention.

**SECOND CAUSE OF ACTION:
VIOLATION OF THE FOURTH AMENDMENT TO THE CONSTITUTION
(Freedom from Unlawful Stop and Seizure)**

26. Petitioner realleges and incorporates by reference each and every allegation contained above.
27. The Fourth Amendment protects “the right of the people to be secure in their persons . . . against unreasonable searches and seizures” and establishes that “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing . . . the persons or things to be seized.” U.S. Const. amend. IV.
28. Except at the border and its functional equivalents, the Fourth Amendment prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). The Government bears the burden of providing “specific and articulable facts” to support reasonable suspicion. *See Terry v. Ohio*, 392 U.S. 1, 21 (1968). The race of an individual cannot itself create reasonable suspicion, even for a temporary stop. *United States v. Brignoni-Ponce*, 422 U.S. 873, 887 (1975); *Noem v. Vasquez Perdomo*, No. 25A169, --- S.Ct. ----, 2025 WL 2585637, at *3 (Sep. 8, 2025) (Kavanaugh, J., concurring). Officers lacked reasonable suspicion to even approach Petitioner, and certainly lacked probable cause to arrest him.
29. “[T]o establish reasonable suspicion, an officer cannot rely solely on generalizations that, if accepted, would cast suspicion on large segments of the law-abiding population.” *United States v. Manzo-Jurado*, 457 F.3d 928, 935 (9th Cir. 2006); *see also Noem v. Vasquez Perdomo*, 606 U.S. __ (2025), 2025 WL 2585637, at *3 (Kavanaugh, J., concurring) (“To be clear, apparent ethnicity alone cannot furnish reasonable suspicion[.]”).

30. Petitioner's detention had no basis to stop, search and detain petitioner apart from his race. Rather, his detention was part of a coordinated, indiscriminate sweep of individuals who appeared to be of Hispanic descent in certain communities of New York City. Hispanic individuals are stopped, detained, questioned, and in some cases threatened based solely on their race.
31. Petitioner's detention violates the Fourth Amendment because he was arrested without probable cause or a proper warrant. *See, e.g., Gamez Lira v. Noem*, No. 1:25-CV-00855, 2025 WL 2581710, at *3–4 (D.N.M. Sept. 5, 2025) (finding habeas petitioner's Fourth Amendment claim likely to succeed in showing arrest and continued detention unconstitutional when Respondents failed to make a probable cause determination before re-arresting and detaining noncitizen in removal proceedings).
32. The appropriate remedy for this violation is release from detention. *See, e.g., Rosado*, 2025 WL 2337099, at *18, *report and recommendation adopted*, 2025 WL 2349133 (ordering habeas petitioner's "release from detention . . . granted because her Fourth Amendment rights were violated.").

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

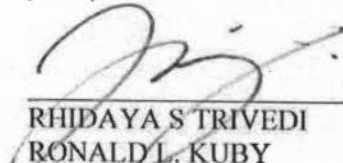
2. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court or removing him from the United States pending the resolution of this case, pursuant to the All Writs Act;¹
3. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody without any additional restraints on his liberty, including electronic monitoring, and enjoining any re-detention under the immigration laws of the United States, pending a final determination in his removal proceedings;
4. In the alternative, the Court should conduct a constitutionally adequate, individualized bond hearing for the Petitioner between fourteen and twenty-one days. If, instead, Respondents are ordered to carry out such a hearing in front of an impartial adjudicator, the Court should direct that at that hearing:
 - a. ICE must bear the burden of establishing by clear and convincing evidence that continued detention is justified;
 - b. The adjudicator must meaningfully consider alternatives to imprisonment such as release on recognizance, parole or electronic monitoring; and
 - c. The adjudicator must meaningfully consider Petitioner's ability to pay if setting a monetary bond.
5. Award Petitioner costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and

¹ See *Local 1814, Intern. Longshoremen's Ass'n, AFL-CIO v. New York Shipping Ass'n, Inc.*, 965 F.2d 1224, 1237 (2d Cir. 1992) ("Once the district court acquires jurisdiction over the subject matter of, and the parties to, the litigation, the All Writs Act [28 U.S.C. § 1651] authorizes a federal court to protect that jurisdiction" (cleaned up)). See also Order, *Ozturk v. Hyde*, No. 25-cv-374 at 68 (WKS) (D.Vt. Apr. 18, 2025), ECF No. 104 (ordering Petitioner's transfer from Louisiana back to Vermont).

6. Grant such further relief as the Court deems just and proper.

Respectfully Submitted,

Dated: May 6, 2026
New York, NY



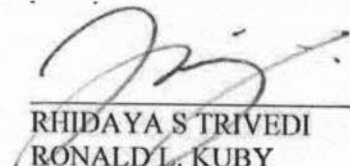
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Pro Bono Counsel for Petitioner

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242.**

I, Rhidaya Trivedi, am submitting this verification on behalf of the Petitioner as an attorney for Petitioner. I, or my co-counsel, have discussed with petitioner the events described in the Petition. Based on those discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: May 6, 2026
New York, NY



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