

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

D.D.T.,¹

Petitioner,

v.

Raul MALDONADO, in his official capacity as Warden of the Metropolitan Detention Center; LaDeon FRANCIS, in his official capacity as Acting Field Office Director of New York Immigration and Customs Enforcement; Markwayne Mullins in his official capacity as Secretary of Homeland Security; Todd BLANCE, in his official capacity as Attorney General.

Respondents.

Case No.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

Petitioner D.D.T is the latest victim of immigration authorities' lawless enforcement practices. Upon information and belief, D.D.T. escaped slavery in his home country of Mali and entered the United States as an unaccompanied minor ("UAC"). Respondents took D.D.T. out of Office of Refugee Resettlement ("ORR") custody and into Immigration and Customs Enforcement ("ICE") custody around April 4, 2026, because they believe he is over the age of 18. D.D.T. can only assume that he is being held under the Respondents' legal theory that individuals like Petitioner must be summarily and indefinitely detained under 8 U.S.C. § 1225(b)(2), a theory soundly rejected on April 28, 2026, by the Second Circuit after D.D.T. was taken into custody. *See*

¹ Upon information and belief, Petitioner who was born into slavery in Mali does not know his exact date of birth, and Malian authorities have issued him two birth certificates with different dates of birth. As such, it is unclear whether the Petitioner is under or over 18. Because Petitioner may be under 18, the current petition names him only by his initials. His full name and A number will be provided to opposing counsel. Should the Court require it, Petitioner will submit a Motion to Proceed under Pseudonym.

Barbosa da Cunha v. Freden, 175 F.4th 61 (2d Cir. 2026). Furthermore, D.D.T. has two birth certificates, showing that he is either under 18 or over 18. If Petitioner is under 18, Respondents are unlawfully holding him at the Metropolitan Detention Center (“MDC”) in violation of 8 U.S.C. § 1232, the statute controlling the custody of UACs. If Petitioner is over 18, Respondents violated 8 U.S.C. § 1232 by failing to “consider placement in the least restrictive setting after taking into account the alien’s danger to self, danger to the community, and risk of flight” when Petitioner was transferred out of custody for UACs. Respondents’ arrest and detention of D.D.T. are unlawful, and D.D.T. asks that a writ issue ordering his immediate release and barring the Respondents from attaching any additional conditions on his liberty absent specific justification and leave of this Court.

JURISDICTION

1. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

3. D.D.T. is in custody for the purposes of habeas jurisdiction because he is subject to restraints on his liberty not imposed on the general public. *Hensley v. Municipal Court*, 411 U.S. 345, 348–49 (1973); *Rumsfeld v. Padilla*, 542 U.S. 426, 437 & n.10 (2004); *Nowakowski v. New York*, 835 F.3d 210, 215–16 (2d Cir. 2016). Petitioner is in the physical custody of Respondents. On information and belief, D.D.T. is detained at MDC, in Brooklyn, NY. Ex. 1 (Screenshot of ICE Detainee Locator).

4. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

5. Venue lies in this District Court, the judicial district in which D.D.T. was recently arrested and is currently detained.

6. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, because a substantial part of the events or omissions giving rise to the claims occurred in this district, and no real property is involved in this action.

7. Additionally, venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to Petitioner's claims have occurred within this District, including processing after his arrest by Respondents, and his ICE detention under the oversight of the ICE New York Field Office.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

9. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner D.D.T. was born in Mali. He entered the United States around the end of 2023 as a UAC. He has two birth certificates with different dates of birth. He was placed in ORR

custody and applied affirmatively for asylum as a UAC. His removal proceedings were administratively closed on or around July 16, 2025, and his affirmative asylum application remains pending. Now, Respondents claim that the birth certificate showing he is over the age of 18 is the legitimate document. Because of this, Respondents have taken D.D.T. into ICE custody.

11. Respondent Raul Maldonado is named in his official capacity as the warden of the Metropolitan Detention Center in Brooklyn, NY, where D.D.T. is currently being held. As such, he is the custodian of Petitioner. Respondent Maldonado's office is located at 80 29th Street, Brooklyn, NY 11232, and his mailing address is MDC Brooklyn, P.O. Box 329001, Brooklyn, NY 11232.

12. Respondent LaDeon Francis is named in his official capacity as the Acting Field Office Director of the New York Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. In this capacity, he is also responsible for the administration of immigration laws and the execution of detention and removal determinations and is a legal custodian of Petitioner. Respondent Francis's address is New York ICE Field Office Director, 26 Federal Plaza, 7th Floor, New York, New York 10278.

13. Respondent Markwayne Mullins is named in his official capacity as the 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 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Southern District of New York; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a legal custodian of the Petitioner. Respondent Mullin's address is U.S. Department of Homeland Security, 800 K Street N.W. #1000, Washington, District of Columbia 20528.

14. Respondent Todd Blanche is named in his official capacity as the Acting Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review ("EOIR"), pursuant to 8 U.S.C. § 1103(g). He routinely transacts business in the Southern District of New York and is legally responsible for administering Petitioner's removal and custody proceedings and for the standards used in those proceedings. As such, he is a custodian of Petitioner. Respondent Bondi's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530.

STATEMENT OF FACTS

15. Upon information and belief, Petitioner D.D.T. was born into slavery in Mali. His mother, also a slave, died, and he never knew his father. He never attended school in Mali and is not sure of his date of birth.

16. There are two Malian birth certificates in the record. One shows that he turned 18 recently, the other shows that he is under the age of 18, a fact which he did not know when he was given the birth certificates because he could not read them.

17. After escaping slavery, he came to the United States around the end of 2023. He entered as a UAC.

18. He was placed in ORR custody and applied affirmatively for asylum as a UAC. His removal proceedings were administratively closed on or around July 16, 2025. D.D.T. attended an asylum interview and is awaiting a decision on his asylum.

19. D.D.T.'s previous immigration attorneys in Texas reached out to Malian authorities to legitimate one of the two birth certificates and never heard back.

20. Now, Respondents claim that the birth certificate showing he is over the age of 18 is the legitimate document. Because of this, Respondents have taken D.D.T. into ICE custody. It is unclear why Respondent's determined the document showing him to be over 18 is legitimate and the other is not.

LEGAL FRAMEWORK

Detention

21. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings. Such civil detention is authorized for specific, non-punitive purposes. *See Demore v. Kim*, 538 U.S. 510, 528 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Jennings v. Rodriguez*, 583 U.S. 281, 281 (2018).

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). ICE has the authority to set its own bond and release prior to IJ review. 8 C.F.R. § 236.1.

23. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

24. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

26. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”² claims that all persons who entered the United States without inspection shall now be subject to the mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

27. On September 5, 2025, the Board adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

28. On April 28, 2026, almost a month after Respondents took Petitioner into custody, the Second Circuit joined the vast majority of District Court decisions on this question and rejected the government’s interpretation of the INA’s detention authorities. *Cunha*, 175 F.4th at 96. Since Respondents adopted their new policies, hundreds of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

29. Specifically, the Second Circuit rejected the government’s argument that a noncitizen who lived in the United States since entering unlawfully around 2004 was “seeking admission” and therefore subject to detention under § 1225. *See id.* In declaring that the noncitizen was held under § 1226, the Second Circuit stated that “[t]he government’s attempt to muddy these

² Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

textually clear waters defies the statute's context, structure, history, and purpose; contradicts the Supreme Court's discussion of the detention statutes in *Jennings* and longstanding Executive Branch practice; and its interpretation of the statute raises serious constitutional questions that should be avoided even if the statutory language were ambiguous." *Id.* at *96.

30. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

Custody and Release of Immigrant Children Before and After They Turn Eighteen

31. Each year, thousands of children flee violence, persecution, and abuse in their home countries, and seek protection in the United States. Many of these children come from countries where gang violence, government corruption, and instability create conditions that make these regions among the most dangerous for children. According to the United Nations, nearly two-thirds of immigrant children from these regions have experienced harms that qualify them for international refugee protection. Federal law recognizes that minors are distinctively vulnerable and establishes a child-welfare framework, not a carceral one, to govern their custody and release.

32. In the 1980s and 1990s, immigrant children who arrived in the United States were routinely locked up for months in unsafe and unsanitary jail cells, in remote facilities across the country. These conditions prompted a federal lawsuit, *Flores v. Reno*, which resulted in a 1997 consent decree that set national standards for the detention, release, and treatment of immigrants in government custody. In addition to setting certain minimal detention standards, *Flores* guarantees that children shall be released "without unnecessary delay" and requires the Government to undertake "prompt and continuous efforts" towards family reunification, as well as guarantees children the right to a bond hearing before an immigration judge. Although the

government has attempted to replace *Flores* by regulation, federal courts have preserved its core protections for decades. In 2024, after HHS promulgated comprehensive regulations governing the Unaccompanied Children (“UC”) program, the *Flores* court partially terminated the consent decree as to HHS, finding that the new rule “meets or exceeds” Flores’s key standards, while leaving Flores in place as to DHS.

33. In 2002, Congress passed the Homeland Security Act (“HSA”) which transferred the care and custody of unaccompanied immigrant children from the Immigration and Nationality Service³ (“INS”) to the ORR, housed within the Department of Health and Human Services. ORR is not a security agency; its mission is to “incorporat[e] child welfare values” into the care and placement of unaccompanied immigrant children.

34. Congress further codified and strengthened these protections. The 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (“TVPRA”) requires that (1) DHS transfer unaccompanied children to HHS custody within 72 hours (absent exceptional circumstances), 8 U.S.C. § 1232(b)(3); (2) ORR “promptly place[]” such children “in the least restrictive setting that is in the best interest of the child,” *id.* § 1232(c)(2); and (3) with limited exceptions not relevant here, place them in full removal proceedings under 8 U.S.C. § 1229a rather than expedited removal, *id.* § 1232(a)(5)(D).

35. In 2024, HHS/ORR issued the Unaccompanied Children Program Foundational Rule—the first comprehensive, binding regulations governing ORR’s custody, care, placement, and release of unaccompanied children. 45 C.F.R. part 410 (effective July 1, 2024). The rule formalizes long-standing Flores/TVPRA principles: child-welfare decision-making; least-restrictive placement; prompt family reunification with appropriate sponsor vetting; access to

³ The INS is the predecessor agency to ICE.

counsel and supportive services; and robust grievance, oversight, and monitoring structures. It became effective July 1, 2024.

36. The 2013 amendment to the TVPRA furthers the statute's goal by providing procedural safeguards for Unaccompanied Alien Children (UACs) in ORR custody who "age-out" upon turning 18, reflecting a Congressional intent to "continue to protect vulnerable young people past the age of eighteen." *Lopez v. Sessions*, No. 18-cv-4189, 2018 WL 2932726, at *9 (S.D.N.Y. June 12, 2018). Upon introducing the TVPRA in the Senate, Sen. Feinstein stated it "seeks to protect children . . . who have escaped traumatic situations" and "ensure that unaccompanied minors in temporary Federal custody are treated as children and not as criminals." 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008) (statement of Sen. Feinstein); Am. Pet. ¶ 62. Respondents' treatment of D.D.T. flouts Congressional intent.

37. TVPRA safeguards require ICE to "consider placement in the least restrictive setting after taking into account the alien's danger to self, danger to the community, and risk of flight." 8 U.S.C. § 1232(c)(2)(B). The risk factors must "drive[]" the decision whether to detain or not, which cannot be "subordinate[d]" to factors outside § 1232(c)(2)(B). *Garcia Ramirez v. ICE*, 812 F. Supp. 3d 86, 102 (D.D.C. 2025). After weighing all factors, ICE "must" "consider placing each and every age-out in the least restrictive setting available for that individual . . . and more broadly," "must make a variety of detention alternatives available for age-outs." *Garcia Ramirez v. ICE*, 471 F. Supp. 3d 88, 181–82 (D.D.C. 2020); *see also* Settlement Agreement, *Garcia Ramirez v. DHS*, No. 1:18-cv-508, ECF No. 402-1 (D.D.C. Sept. 1, 2022); *Garcia Ramirez*, 471 F. Supp. 3d at 175–82, 191 (finding ICE violated its statutory obligations to make placement determinations for age-outs because it failed to consider the least restrictive setting after taking

into account the factors identified in the statute); *Garcia Ramirez v. ICE*, 568 F. Supp. 3d 10, 47 (D.D.C. 2021) (issuing permanent injunction against further violations).

38. In October 2025, ICE adopted a new policy stating that (i) age-outs are subject to mandatory detention under § 1225(b)(2)(A), and (ii) age-outs must be detained unless they qualify for parole under 8 U.S.C. § 1182(d)(5). *See Garcia Ramirez*, 812 F. Supp. 3d at 94. On a motion to enforce, the *Garcia Ramirez* court enjoined the new policy, finding that it “has led, and would continue to lead, to non-compliant age-out placements, depriving age-outs of the protections Section 1232(c)(2)(B) affords.” *Id.* at 111. While the court stated it need not determine whether § 1225(b)(2)(A) ever applied to age-outs, *id.* at 99, it concluded that § 1232(c)(2)(B) “governs the custody of age-outs and overrides Section 1225(b), the more general provision.” *Id.* at 103.

COUNT ONE

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution (Redetention)

39. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

40. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Denmore*, 538 U.S. 510 (2003).

41. Respondents’ actions violate D.T.T.’s right to substantive due process as there is no reason to conclude he poses either a danger or a flight risk and therefore no lawful basis to detain him. *See Zadvydas*, 533 U.S. at 690–91 (noting that immigration detention aims to ensure the detainee’s appearance at immigration proceedings and protect the community from dangerous individuals).

42. Respondents' actions violate D.T.T.'s right to due process.

COUNT TWO

Violation of the Administrative Procedure Act

43. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

44. The Administrative Procedure Act prohibits agency action which is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

45. 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)). An 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).

46. Respondents' decision to detain Petitioner as part of their coordinated campaign and policy of detaining individuals under § 1225, irrespective of the individual circumstances in their case, and then to subject them to mandatory detention, is arbitrary and capricious.

COUNT THREE

Violation of 8 U.S.C. § 1226(a)

Unlawful Denial of Release on Bond

47. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

48. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. Specifically, it does not apply to D.D.T., who has been living in the United States since around the end of 2023 prior to being detained by respondents on or around April 4, 2026.

49. D.D.T.'s initial arrest at the border "is not what is at issue in this case," rather it is his 2026 arrest and detention by ICE. *See Lopez Benitez*, 2025 WL 2371588. Even if D.D.T. was "seeking admission" within the meaning of § 1252(b)(2)(A) at the time of his entry and initial apprehension, he was no longer engaged in that "present-tense action" when he was arrested in New York in 2026 and therefore no longer meets the requirements of § 1252(b)(2)(A) discussed above. *See Diaz Martinez*, 2025 WL 2084238, at *6.

50. If over 18, D.D.T. can only be detained under § 1226(a) and is eligible for release on bond. Respondents' unlawful application of § 1225(b)(2) to Petitioner violates the INA.

COUNT FIVE

Violation of Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19

Unlawful Denial of Release on Bond

51. Petitioner re-alleges and incorporates by reference the above paragraphs.

52. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were

eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

53. The regulation at 8 C.F.R. § 1003.19 lays out bond procedures, and § 1003.19(h)(2) delineates categories of noncitizens who are subject to mandatory detention and not entitled to a bond hearing. The fact that noncitizens within the United States who are subject to inadmissibility grounds are not included on this list shows that the agencies did not intend them to be subject to mandatory detention. The BIA's interpretation thus violates the regulations and unlawfully denies Petitioner a bond hearing.

COUNT SIX

Violation of the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) and the Immigration and Nationality Act (INA)

54. Petitioner re-alleges and incorporates by reference the above paragraphs.

55. Under the TVPRA, Petitioner cannot be held by Respondents if he is a minor. 8 U.S.C. § 1232(b)(3). Given the uncertainty surrounding Petitioner's age, it is possible that Respondents are unlawfully holding a minor in an adult facility. Upon information and belief, the Malian government has not yet legitimated either birth certificate.

56. Under the TVPRA, 8 U.S.C. § 1232(c)(2)(B), ICE is required to consider the "least restrictive setting" for noncitizens transitioning from the custody of ORR to adult detention upon their eighteenth birthday ("age-outs"). This determination must be "driven" by an individualized assessment of the individual's danger to self, danger to the community, and risk of flight. *Garcia Ramirez v. ICE*, 812 F. Supp. 3d 86, 102 (D.D.C. 2025).

57. Respondents have failed to comply with these statutory requirements in the case of

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58. Upon information and belief, Respondents failed to properly document or consider the least restrictive alternative for D.D.T. as required by the 2022 *Garcia Ramirez* Settlement Agreement and the permanent injunction issued in that litigation. *See Garcia Ramirez v. ICE*, 568 F. Supp. 3d 10, 47 (D.D.C. 2021).

59. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States, such as D.D.T..

60. By applying a presumption of detention or relying on the mandatory detention provision of 8 U.S.C. § 1225(b)(2) to justify D.D.T.'s transfer, Respondents have violated the TVPRA and the INA. This application of the law unlawfully mandates Petitioner's continued detention without the individualized, statutory review to which he is entitled.

COUNT SEVEN

Release Pending Adjudication

61. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

62. Pursuant to *Mapp v. Reno*, this Court has the "inherent authority" to set bail pending the adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make the grant of bail necessary to make the habeas remedy effective." 241 F.3d 221, 226 (2d Cir. 2001).

63. Petitioner presents substantial claims. Moreover, extraordinary circumstances are also present, given the unjustified nature of his current confinement.

64. Petitioner requests immediate release pending adjudication of the instant petition.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Enjoin Petitioner's transfer out of the New York City area;
3. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment; the Fourth Amendment; and the Immigration and Nationality Act and implementing regulations;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody without restraints on their liberty beyond those that existed prior to his detention on or around April 4, 2026;
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
7. Grant such further relief as this Court deems just and proper.

DATED this 29th day of May, 2026.
New York, NY

Respectfully Submitted,

/s/ Tosca Giustini

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Pro bono Attorneys for Petitioner-Plaintiff

VERIFICATION

I am submitting this verification on behalf of the Petitioner. We communicated with the Petitioner or with prior counsel who relayed the events described in this Petition. On the basis of those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 8th of January.
New York, NY

Respectfully Submitted,

/s/ Tosca Giustini
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