

Hedwin A. Salmen-Navarro, Esq.
Salmen Navarro Law, PC
1501 Broadway, Ste. 1805
New York, NY 10036
Office Phone: 212-370-1600
Attorney for Petitioner

DETAINED MDC Brooklyn

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

MIGUEL HERNANDEZ-BRAN,)



Petitioner,)

v.)

Civil Action No. 1:26-cv-03388

TODD BLANCHE,)
Acting Attorney General of the)
United States of America, and,)

Hon.

MARKWAYNE MULLIN,)
Secretary of the Department of)
Homeland Security, (DHS) and,)

TODD LYONS,)
Acting Director,)
United States Immigration and)
Customs Enforcement (ICE), and,)

WARDEN MDC BROOKLYN,)
Director)
MDC Brooklyn,)
Respondents.)

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. The Petitioner, Miguel Hernandez-Bran, brings this petition for a writ of habeas corpus to seek his immediate release from unlawful detention in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution
2. Immigration and Customs and Enforcement (“ICE”) arrested him on Wednesday, April 29, 2026. He is physically detained at MDC Brooklyn, see ICE Locator, Exhibit 1.
3. Prior to his arrest, Petitioner had an application for asylum pending and had his removal proceedings administratively closed since 2022, see EOIR Case Status, Exhibit 2.
4. He was arrested on April 29, 2026 and has not had a hearing in over 30 days.
5. Petitioner through previous counsel filed a motion for bond on May 5, 2026, see Exhibit 3.
6. He was scheduled for bond hearing on May 14, 2026 before the Elizabeth Immigration Court, see Bond Hearing Notice, Exhibit 5. However, Immigration Judge Shana Chen denied his bond request under *Matter of Yahure Hurtado*, 29 I&N Dec. 216 (BIA 2025), see Custody Redetermination Denial, Exhibit 5.
7. Petitioner does not have a final order of removal, he does not have a criminal history, and his removal proceedings have not even started more than 30 days of his arrest, see EOIR Case Status exhibit 2. His continued detention lacks a valid statutory predicate and violates the Due Process Clause of the Fifth Amendment.
8. Petitioner therefore seeks a writ of habeas corpus declaring his detention unlawful and his immediate release from immigration custody.

JURISDICTION

9. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570.
10. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 *et. seq.*, and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause). Petitioner is detained at MDC Brooklyn, in Brooklyn, New York under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

11. Venue lies in this Court because Petitioner is detained at the MDC Brooklyn in Brooklyn, New York.

PARTIES

12. Petitioner is a 41-year-old male, native and citizen of El Salvador who has been detained at the MDC Brooklyn since June 4, 2026. He was transferred from Delaney Hall Detention Facility where he was detained since April 29, 2026. He seeks issuance of a writ of habeas corpus.

13. Respondent Todd Blanche is sued in her official capacity as the Attorney General of the United States. In this capacity she is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.
14. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in New York and is the Petitioner's legal custodian.
15. Respondent David Venturella is sued in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity he is responsible for administering and enforcing the immigration laws in New York and is Petitioner's legal custodian.
16. Respondent Warden of MDC Brooklyn is sued in his official capacity as the Director/Warden of the MDC Brooklyn and in this capacity, he is the Petitioner's actual physical custodian.

FACTS

17. Petitioner, Miguel Hernandez-Bran is a 41-year-old male, native and citizen of El Salvador who entered the United States without inspection in 2017 and has not left.
18. ICE arrested the Petitioner on April 29, 2026 and detained him at Delaney Hall Detention Facility. On June 4, 2026 Petitioner was transferred to MDC Brooklyn.
19. A removal proceedings hearing has not been scheduled even though Respondent was arrested more than 30 days ago.

20. Petitioner was detained by ICE at John F. Kennedy Airport in New York, after a brief visit to see his very sick sister with cancer. He was traveling with his wife and three children.
21. On May 5, 2026, the Petitioner filed a bond motion with the Elizabeth Detention Center and a bond hearing date has been scheduled for May 14, 2026 before Judge Shana Chen at the Elizabeth Detention Center.
22. On May 14, 2026 at the bond hearing, Judge Chen denied bond said on the record that she does not have jurisdiction to grant bond.
23. The Petitioner does not have a criminal history. He was given an expedite order in 2007 but complied with the order. This history does not make him subject to mandatory detention.
24. The Petitioner does not have a final order of removal.
25. Petitioner removal proceedings have not even started.
26. Petitioner's detention is unlawful and premature without a final removal order.
27. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will suffer irreparable injury by being deprived of his physical liberty. He seeks the only avenue of judicial review available to him, habeas review.

COUNT I

28. The allegations contained in paragraphs 1 through 26 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention violates the Due Process clause of the United States Constitution.

COUNT II

29. The allegations contained in paragraphs 1 through 26 are repeated and realleged as though fully set forth herein. Petitioner's detention is not authorized by the Immigration and Nationality Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release the Petitioner from custody absent a showing that he has a final order of removal or that circumstances have materially changed in his case;
2. Restrain the transfer of Petitioner to an outside Jurisdiction.
3. Grant any other and further relief that this Court may deem necessary and proper.

/s/ Hedwin A. Salmen-Navarro
Hedwin A. Salmen-Navarro, Esq.
1501 Broadway, Ste. 1805
New York, NY 10036
Office: 212-370-1600
Attorney for Petitioner

Dated: June 5, 2026

VERIFICATION

I, Miguel Hernandez-Bran declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the plaintiff-petitioner in this matter and am personally familiar with the facts of my case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

Executed on June 5, 2026

s/ Miguel Hernandez-Bran
Miguel Hernandez-Bran

VERIFICATION BY COUNSEL

I, Hedwin A. Salmen-Navarro, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of her case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on June 5, 2026

/s/ Hedwin A. Salmen-Navarro
HEDWIN A. SALMEN-NAVARRO, ESQ.

LIST OF EXHIBITS IN SUPPORT OF HABEAS PETITION

1. ICE Locator June 5, 2026
2. EOIR Locator June 5, 2026
3. Bond Motion May 5, 2026
4. EOIR Bond Hearing Notice for May 14, 2026
5. Immigration Judge denial of Motion for Bond.

 Official Website of the Department of Homeland Security



Rep

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Facility Page

Detention Information For:

MIGUEL ANGEL HERNANDEZ-BRAN

Country of Birth: El Salvador

A-Number: 

Current Detention Facility:

BROOKLYN MDC

80 29th Street

Brooklyn, NY 11232

Visitor Information: (718) 840-4200

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

VARRICK, NY, SERVICE PROCESSING CENTER
(DOCKET CONTROL OFFICE)

Phone Number: (212) 863-3401

[BACK TO SEARCH >](#)

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate
Locator



[DHS.gov](#)[USA.gov](#)[OIG](#)[OpenFOIA](#)[Metrics](#) [No Site](#) [Site](#)
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LAW OFFICES OF GORDON LEE OLSON
8925 Sepulveda Blvd #206
North Hills CA 91343
(510) 906-7353

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEWARK, NEW JERSEY**

In the Matter of:

Miguel Angel Hernandez Bran

A#

In removal proceedings

REQUEST FOR BOND HEARING

Comes now the attorney for above referenced respondent request that the bond hearing in this matter be set as a Bond Hearing. In support of this request we would show the following:

1. MR. Miguel Angel Hernandez Bran is refugee from El Salvador.
2. Attorney Gordon Lee Olson has been retained to represent Miguel Angel Hernandez Bran at his nearest office is in North Hills, CA.
3. It appears that Ms. Miguel Angel Hernandez Bran may be eligible for asylum and his claim may be best be handled by conferring with specialist and family members.
4. It appears that respondent is eligible for convention of Against Torture and withholding of Removal Respondent has not been convicted of a crime of violence and is not a threat to the community.
5. Respondent will be sponsor by Carlos Enrique Vasquez Barrios who will provide him food, shelter, and personal needs
6. Carlos Enrique Vasquez Barrios currently resides at

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7. Sponsor works in construction and is economically stable. He will not have a monetary problem supporting the respondent (See attached Document).
8. The respondent also has family members residing in the United States. His name and details are as follows: his son [REDACTED] who resides at [REDACTED]

Therefore we will be asking that he be released on her own recognizance or the lowest possible bond.

Dated: May 5, 2026

Respectfully submitted,

Gordon Lee Olson

Gordon Lee Olson,
Attorney at Law
8925 Sepulveda Blvd #206
North Hills CA 91343

IMMIGRATION COURT
625 EVANS STREET, ROOM 148A
ELIZABETH, NJ 07201

GLO ESO
olson, gordon lee
8925 Sepulveda Blvd
Suite 206
North Hills, CA 91343

FILE: 

RE: HERNANDEZ BRAN, MIGUEL ANGEL

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON May 14, 2026 AT 1:30 P.M. AT THE FOLLOWING ADDRESS:

625 EVANS STREET
ELIZABETH, NJ 07201

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☐ PERSONAL SERVICE ☐ ELECTRONIC SERVICE ☐
TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☐ DHS
DATE: 05/08/2026 BY: COURT STAFF CSR
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U7



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent's Name:

HERNANDEZ, IRAN MUEL ANGELES

A Number:

Index:

In Custody Redetermination Proceedings

Date:

06/21/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because:

Respondent entered without inspection and is therefore present in the United States without admission. The 9th Circuit has stayed the district court's order in Maldonado Gutierrez v. Matter of Yajure Hurtado. Accordingly, the Court is still bound by Matter of Yajure Hurtado, and the Court finds it lacks jurisdiction to consider respondent's request for bond.

- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$.
 - ☐ other.

☐ Other.

Appel: Department of Community Security ☒ mailed ☐ returned
 Employment ☐ mailed ☒ returned
 Appeal Date: 06-22-2020

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Tel. (M) Mail: () E. Personal Service: () E. L. Electronic Service: () Address Unavailable
 Fax: () Alt. () Alt. or essential officer: () Alt. attorney: () 1218
 Respondent Name: JESUS ANTEZ, JR. AN, MIGUEL ANGEL A. Num.  
 Refers:
 Date: 03/21/2020 By: JUAN CARLOS ORDALINA, Court Staff