IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

WILLIAM WILFRIDO SISALEMA REA,

Petitioner,

v.

MICHAEL BALL,
In his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement;

DAVID VENTURELLA,
In his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN ,
In his official capacity as U.S. Attorney General;

TODD BLANCHE,
In his official capacity as Acting Secretary of Homeland Security,

Respondents.

Civil Action No.

Immigration No. [redacted]

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

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PRELIMINARY STATEMENT

1. This is a petition for writ of habeas corpus filed on behalf of the Petitioner, William Wilfrido Sisalema Rea, who was unlawfully arrested, upon information and belief, without a warrant by officers from Customs and Border Protection on June 17, 2026 on the ferry from Grand Isle, Vermont to Plattsburgh, New York. Respondents will purport to hold him under 8 U.S.C. § 1225(b)(2)(A) and/or 8 U.S.C. § 1226(a) and will likely assert that he is, therefore, not entitled to due process or a bond hearing. However, Petitioner was denied due process because he had followed the legal process and was pursuing his asylum application. Petitioner entered the United States on or about April 27, 2024 without inspection, was detained, and subsequently released on his own recognizance after Respondents determined that he was neither a flight risk nor a danger to the community. Petitioner challenges the constitutionality of his present detention without a pre-deprivation hearing and asks this Court to enjoin Respondents from moving him outside of the jurisdiction or deporting him pending resolution of these matters.

FACTS

2. Petitioner Mr. William Wilfrido Sisalema Rea is a thirty-three (33) year-old native and citizen of Ecuador.

3. On April 27, 2024, Mr. Sisalema Rea entered the United States without inspection.

4. He was apprehended by immigration officials and issued a notice to appear in immigration court.

5. Mr. Sisalema Rea was released from custody on soon after his entry on April 27, 2024 pursuant to an Order of Release on Recognizance, after Respondents determined that he was neither a flight risk nor a danger to the community.

6. Upon information and belief, Petitioner has complied with all instructions to report with ICE, including an electronic check-in on June 27, 2025.

7. Mr. Sisalema Rea timely-filed for asylum and his individual hearing for asylum is scheduled for April 25, 2028 in the Chelmsford Immigration Court.

8. Today, June 17, 2026, Petitioner was arbitrarily re-detained by Respondents on the ferry from Grand Isle, Vermont to Plattsburgh, New York.

9. Upon information and belief, at the time of the seizure, agents did not present a judicial warrant.

10. Upon information and belief, the agents did not present Petitioner with any administrative arrest warrant before restraining his liberty.

11. Upon information and belief, no neutral decision-maker made any pre-deprivation determination that Petitioner was a danger or flight risk.

12. No DHS officer gave Petitioner a meaningful opportunity to contest detention or to demonstrate that release on bond, recognizance, parole, or conditions would adequately ensure appearance and community safety.

13. Upon information and belief, the agents did not provide Petitioner with any contemporaneous written custody determination before or at the time of his arrest.

14. Upon information and belief, the agents did not provide Petitioner with any meaningful opportunity to be heard before depriving him of his liberty.

15. Petitioner is currently believed to be in the custody of Respondents within the Northern District of New York.

16. Because ICE may transfer Petitioner at any moment, emergency relief is necessary to preserve this Court's jurisdiction and ensure meaningful habeas review.

17. Also, ICE is likely to imminently move Petitioner out of this judicial district.

18. Without relief from this Court, Petitioner faces the prospect of months, or even years, in immigration custody, or of being deported without having an opportunity to pursue due process.

19. The immigration court system has been compromised by the firings of roughly half of all immigration judges nationwide and by an immense amount of pressure placed upon the remaining judges to swiftly deport noncitizens without giving them due process.

20. Accordingly, Petitioner seeks a writ of habeas corpus. Petitioner challenges the constitutionality of his present detention and asks this Court to enjoin Respondents from moving him outside of the jurisdiction or deporting him pending resolution of this matter. Further, Petitioner requests an order requiring his immediate release.

THE PARTIES

21. Petitioner is detained in the custody of ICE. He is being held at the ICE Malta Suboffice or another facility in the Northern District of New York, under the auspices of the Acting Deputy Field Office Director based at the Buffalo Federal Detention Facility (BFDF) in Batavia, New York, which is a suboffice of the Buffalo, NY ICE Enforcement and Removal Operations (ERO) office. His custody and governmental actions related to his removal are likewise controlled by the Buffalo Field office of ICE.

22. Respondent Michael Ball is the Buffalo, NY Acting Deputy Field Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. He is the local ICE official who has authority over the Petitioner. *See Vasquez v. Reno*, 233 F,3d 688, 690 (lst Cir. 2000), cert. denied, 122 S. Ct. 43 (2001). Respondent Ball's office is at 250

Delaware Avenue, Floor 7, Buffalo, NY 14202 and/or at the Buffalo Federal Detention Facility, 4250 Federal Drive, Batavia, NY 14020.

23. Petitioner's custody and the governmental actions related to his potential removal from the district are likewise controlled by Respondents Venturella, Mullin, and Blanche.

CUSTODY

24. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). The Deportation Officer responsible for his case is stationed at the Buffalo Federal Detention Facility ("BFDF"). The Petitioner is under the direct care, custody and control of Respondents and their agents.

JURISDICTION & VENUE

I. SUBJECT MATTER JURISDICTION

25. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 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, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

26. This Court has jurisdiction under 28 U.S.C, § 2241, Art. I, § 9, el. 2 of the Constitution of the United States (the Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, the All Writs Act, 28 U.S.C. § 1651 and the Court's equitable habeas authority.

27. 8 U.S.C. §§ 1252(e)(3), 1252(g), and 1252(b)(9) do not bar the Court from exercising jurisdiction over a habeas corpus petition for a non-citizen detainee. *Lieogo v. Freden,*

et al., No. 6:25-CV-06615 EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025); see also *Mahdawi v. Trump*, 136 F.4th 443, 450 (2d Cir. 2025) (holding that unlawful detention claims are collateral to removal process and fall outside § 1252(g)'s narrow jurisdictional bar); *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020) ("§ 1252(b)(9) does not present a jurisdictional bar where those bringing suit are not asking for review of an order of removal, the decision to seek removal, or the process by which removability will be determined." (cleaned up)); *Jennings v. Rodriguez*, 583 U.S. 281, 295 n.3 (2018) ("The question is not whether detention is an action taken to remove an alien but whether the legal questions in this case arise from such an action. . . . [T]hose legal questions are too remote from the actions taken to fall within the scope of § 1252(b)(9).").

II. PERSONAL JURISDICTION

28. This Court has personal jurisdiction over Petitioner's immediate custodian (who is physically within the district).[1]

III. VENUE

29. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.484, 493-500 (1973), venue lies in the United States District Court for the Northern District of New York, the judicial district in which Petitioner is being detained. Petitioner is being detained at the ICE Malta Suboffice or another facility and his detention falls under the jurisdiction of the ICE Field Office of Buffalo, New York, which encompasses the area where Petitioner is being detained, pursuant to 28 U.S.C. § 1391.

[1] Petitioner asserts this Court has personal jurisdiction over the additional Respondents, however, in the interests of brevity, the Petitioner will brief this if (1) any governmental acts challenged herein are found to relate to those Respondents (instead of the immediate custodian) and (2) the Government seeks to argue against personal jurisdiction.

CLAIMS FOR RELIEF

COUNT 1: VIOLATION OF DUE PROCESS

30. Petitioner re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein, and does so for all additional counts.

31. 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 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. Petitioner has a fundamental interest in liberty and being free from official restraint.

33. The government's detention of Petitioner, effected without a warrant, where Petitioner is patiently awaiting his day in immigration court in 2028, where he has had no interactions with the criminal justice system beyond a speeding ticket, and where Petitioner is complying with all ICE supervisory directives, constitutes a deprivation of Petitioner's constitutional rights to due process and liberty.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that the Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Prevent the Petitioner's removal outside of this judicial district until this action is decided;

(3) Issue a temporary stay of Petitioner's removal until this action is decided;

(4) Issue a writ of habeas corpus requiring that Respondents release Petitioner immediately, and not re-detain Petitioner without a pre-deprivation hearing with adequate advance notice;

(5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

(6) Fashion such additional relief as is necessary and appropriate, including declaratory relief or other interim relief necessary to vindicate Petitioners' rights under U.S. and international law.

Dated: June 17, 2026

/s/ Matthew K. Borowski

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