UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Yurbelis SANGRONIS WANDET; Jesus SANDOVAL SEQUERA, *Petitioner*, v. LaDeon FRANCIS, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Kristi NOEM in her official capacity as Secretary of Homeland Security; Pam BONDI, in her official capacity as Attorney General. *Respondents.*	Case No. 1:25-cv-09011-AKH **FIRST AMENDED VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioners Jesus Sandoval Sequera and his partner Yurbelis Sangronis Wandet are young parents from Venezuela who came to the U.S. seeking refuge. On October 30, 2025, they were detained along with their four-year old daughter as the family exited their hearing in immigration court. The moment when masked agents led the three of them into custody was captured on camera and reprinted in media outlets. Respondents then held the family for nearly three hours at 26 Federal Plaza. Seeking to challenge the unlawful and alarming nature of their arrest, they immediately filed a petition for a writ of habeas corpus (the "Original Petition").

2. For reasons never shared with Petitioners, only the family's four-year old daughter was released without additional conditions on her liberty. Mr. Sandoval remains in Respondents' physical custody at a detention center. And while Ms. Sangronis was eventually allowed to leave 26 Federal Plaza with her daughter, Respondents imposed new and physically painful restrictions

on her liberty: a GPS ankle monitor that tracks and limits her movement. It has caused her discomfort; pain; and social stigma and nearly led to her losing her job; even now, she labors each day in fear her employer will conclude it is too easily visible to patrons and fire her.

3. Respondents' ongoing restrictions on Petitioners' liberty is unlawful. As an initial matter, Respondents had absolutely no reason to detain this family. Petitioners were released pursuant to the government's discretionary detention authority when they arrived in the U.S. in October 2023. *See* Exh. 1, Release on Recognizance. They have since applied for asylum and attended court as directed. Their sudden re-arrest and hours-long seizure by masked agents lacked any reasonable cause. The family was accorded no process or opportunity to be heard before their liberty interests were infringed upon. They now face the traumatizing prospect of continued separation, since Respondents will inevitably contend that detention is mandatory for Mr. Sandoval under their recent reinterpretation of federal immigration statutes.

4. Mr. Sandoval's confinement is unlawful, as is Respondents' arbitrary decision to impose upon Ms. Sangronis a drastic, minute-by-minute GPS tracking requirement. They bring this Amended Petition seeking immediate and unconditional release.

PARTIES

5. Petitioner Yurbelis Sangronis Wandet is a citizen of Venezuela who lives in [redacted]. She was detained at 26 Federal Plaza in Manhattan at the time of the filing of the Original Petition.

6. Petitioner Jesus Sandoval Sequera is a citizen of Venezuela who lives in [redacted]. He was detained at 26 Federal Plaza in Manhattan at the time of the filing of the

Original Petition.[1]

7. 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.

8. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she 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 Noem's address is U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Washington, District of Columbia 20528.

9. Respondent Pam Bondi is named in her official capacity as the Attorney General of the United States. In this capacity, she 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). She 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, she is the custodian of Petitioner. Respondent Bondi's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington,

[1] The Original Petition included Petitioner's 4-year old daughter, as she was also detained alongside her parents. She was subsequently released without new conditions. Accordingly, this Amended Petition no longer includes her as a party.

DC 20530.

JURISDICTION

10. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by ICE. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Petitioners were detained by Respondents on October 30, 2025.

11. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas); 28 U.S.C. § 1331 (federal question); and Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause). This Court has authority to grant declaratory and injunctive relief. 28 U.S.C. §§ 2201, 2202. The Court has additional remedial authority under the All-Writs Act, 28 U.S.C. § 1651 and the Declaratory Judgment Act, 28 U.S.C. § 2201.

12. Despite her physical release, Ms. Sangroni is in custody for the purposes of habeas jurisdiction because she is subject to restraints on her 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). The current restrictions on Ms. Sangroni's liberty stem from her unlawful seizure on October 30, 2025. Federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by ICE. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

VENUE

13. Venue is proper in this Court under 28 U.S.C. §§ 2241(a), 1391(b)(2), 1391(e)(1) because Petitioners were detained by Respondents in Manhattan, within the jurisdiction of this Court, when the Original Petition was filed. 28 U.S.C. § 2241(d); *see also Araujo-Cortes,* 35 F.

Supp. 3d 533, 537-38, n.2 (S.D.N.Y. 2014). Mr. Sandoval is now detained at Orange County Jail in Goshen, New York, also within this district.

SPECIFIC FACTS ABOUT PETITIONER

14. Petitioners are parents who reside in Long Island City, New York. They are citizens of Venezuela who entered the U.S. with their daughter in October 2023. The family was briefly detained then released on recognizance pursuant to INA Section 236, or 8 U.S.C. 1226. Exh. 1, Notice of Custody Determination.

15. The family was charged with removability from the U.S. pursuant to INA § 212(a)(6)(A)(i), or 8 U.S.C. § 1182(a)(6)(A)(i), a provision applicable to individual present in the U.S. without being admitted or paroled. The Notices to Appear issued by Respondents do not indicate they are "arriving aliens." Exh. 2, Notice to Appear.

16. The family filed a timely asylum application within one year of entry into the country. They all obtained employment authorization and social security numbers. Mr. Sandoval's daughter attends a public school a few blocks from where they live.

17. Mr. Sandoval was the family's primary breadwinner. He worked in delivery for DoorDash. He initially used a regular bicycle to make deliveries in Manhattan. But in 2025, he bought a motor scooter at significant expense given his income, since it made his work less physically taxing and, because it can cover greater distances, allowed him to work in Queens where he lived. He purchased the scooter on Facebook Marketplace.

18. In July, police in Queens stopped him, checked the registration on the scooter, and discovered it had been reported stolen. Mr. Sandoval had not known that and would not have bought or driven the scooter had he known. The scooter was confiscated and he was arrested. A

judge released him on recognizance and he returned to court two more times. At the final court date, the judge dismissed the case.

19. Many immigrant New Yorkers work in food delivery and have difficulty accessing safe, registered motor scooters and ebikes due to bureaucratic barriers and a lack of trustworthy providers. Heavy policing of immigrant delivery workers, meanwhile, has led to tens of thousands of scooters and ebikes in the city being confiscated whether for being unregistered, stolen, or unsafe for other reasons.[2] When police confiscated the scooter he had bought on Facebook, Mr. Sandoval had to buy another one—again at great expense.

20. Since arriving in New York in 2023, Petitioners have attended at least two immigration-court hearings. They have resided at the same address throughout their removal proceedings and updated their address with the immigration court.

21. On October 30, 2025, Petitioners appeared before an immigration judge in the New York Immigration Court. The judge set a next court date on September 23, 2026, also before the New York Immigration Court. Yet as they left, Petitioners were surrounded and detained by masked agents. A photographer captured them being shuffled into the stairwell. Exh. 3, Declaration of Giammarco Sicuro ("Sicuro Decl."). The family was taken to the fifth floor of 26 Federal Plaza and detained for about 3 hours.

22. Mr. Sandoval was ultimately separated from his family, handcuffed, and taken to a detention center. Respondents did not give the family any explanation for this decision. Respondents also placed a GPS bracelet on Ms. Sangronis and instructed her to keep it charged

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[2] *See, e.g.*, Mark Healy, *How the Mayor's Crackdown On Illegal Mopeds Has Beaten Down Food-Delivery Workers*, N.Y. Magazine, June 3, 2024, available at https://www.curbed.com/article/moped-crackdown-nypd-seizure-delivery-workers-erie-basin.html ("a clampdown originally designed to curb pandemic-era street havoc is now mostly just harassing immigrants just trying to get around town and make a living").

and to comply with new more stringent reporting requirements. She was not given any explanation for this change in her custody status.

23. Mr. Sandoval was initially detained at Delaney Hall in Newark, New Jersey. On Thursday, November 6, two days before his family planned to visit him for the first time, he learned he faced imminent removal from the facility. He moved the Court for a temporary restraining order preventing his transfer out of the area. The Court granted his motion but Respondents transferred him anyway. *See* Resp't Letter re TRO Noncompliance, ECF No. 12. He returned to the New York area only on November 10. *Id.* Throughout that period, he was able to call his wife only once and now has still not been able to see his family since detained.

24. On information and belief, upon arriving at Orange County Jail late on November 10, Mr. Sandoval was placed in a quarantine unit; not given tablet access; and told he would get only one call per day. Still isolated from his family, he has grown despondent in custody.

25. Ms. Sangroni, for her part, was not subject to GPS monitoring prior to her re-arrest on October 30, 2025.

26. The GPS bracelet she is now forced to wear around the clock restricts her blood flow; has caused blisters; and is uncomfortable and painful when she stands for long periods. The device makes it difficult for her to sleep. She also feels shame and social stigma for wearing a device associated with criminality.

27. Since her husband's detention, she has struggled to care for their daughter on her own. The hotel where she works in housekeeping nearly fired her due to her GPS. So far, she has been able to keep her job provided it is covered, but she goes through each day anxious that she may still be fired if it is too visible beneath her clothing.

28. Mr. Sandoval's daughter is traumatized by her father's detention and absence. He used to put her to bed and took her to school in the morning. She continues to ask for her dad. Seeing a police car pass on the street, she asked when the police would return her dad.

29. Images of Petitioners and their daughter being detained have appeared online and in the press.[3]

CAMPAIGN OF ARRESTS AND DETENTIONS

30. On or about May 20, 2025, Respondents began a nationwide campaign to arrest and detain people attending their immigration court hearings. This campaign has targeted individuals dutifully attending court notwithstanding their attendance in court and future dates to return to immigration court to continue seeking relief from removal.

31. In New York City, this campaign has led to a large number of detentions in all three Manhattan immigration courthouses. The detentions are not individualized: on information and belief, Respondents create lists of individuals to be detained and then proceed to detain every single one, even in the face of protests such as that the person has minor children—or even, in this case, is a family unit containing a minor child—or medical conditions. Detention decisions are not predicated on any indication that the individuals detained now pose any flight risk or danger.

32. Once detained, New Yorkers targeted by this campaign are often held incommunicado for several days. Loved ones often do not hear from those detained for days and the ICE locator, an online portal, may not reflect their location or reflects a detention center at which (according to facility staff there) detainees are not actually present. Respondents will not confirm detainees' location during this time and will not facilitate legal calls or visits.

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[3] *See* Paola Nagovitch and Carla Gloria Colomé, *26 Federal Plaza: dentro del infierno migrante de Nueva York*, El Pais, Nov. 8, 2025, available at https://elpais.com/us/migracion/2025-11-09/26-federal-plaza-dentro-del-infierno-migrante-de-nueva-york.html.

33. On information and belief, there is no justification for these detentions apart from political pressure for Respondents to detain as many noncitizens as possible.

LEGAL FRAMEWORK

34. The Immigration and Nationality Act authorizes the detention of noncitizens during the pendency of their removal proceedings under three statutory provisions.

35. Congress has authorized civil detention of noncitizens in removal proceedings for specific, non-punitive purposes. *See Jennings v. Rodriguez*, 138 S.Ct. 830, 833 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). For individuals who are "arriving" in the U.S. or who are subject to expedited removal because they have been present under two years and meet certain other requirements, mandatory detention is authorized by 8 U.S.C. § 1225(b). For individuals who are in removal proceedings following entry without inspection and who are not subject to mandatory detention based on criminal history, detention is normally authorized by 8 U.S.C. § 1226(a). Individuals in this posture with certain criminal convictions are subject to mandatory detention pursuant to 8 U.S.C. § 1226(c).

36. For three decades, regulations, case law, and consistent practice provided that individuals who entered the country without inspection were considered detained under 8 U.S.C. § 1226(a). Regulations directed 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" under Section 1226. 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Until now, Respondents consistently adhered to this interpretation. *See, e.g., Matter of Garcia-Garcia*, 25 I&N. Dec. 93 (BIA 2009); *Matter of D-J-*, 23 I&N. Dec. 572 (A.G. 2003); *see also* Transcript of Oral Argument at 44:24–45:2, *Biden v. Texas*, 597 U.S. 785 (2022) (No. 21-954) ([Solicitor General]: "DHS's long-standing interpretation has been that

1226(a) applies to those who have crossed the border between ports of entry and are shortly thereafter apprehended.").

37. But in May 2025, the Board of Immigration Appeals held that "an applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), and is ineligible for any subsequent release on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a)." *Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025).

38. On July 8, Respondents promulgated an internal memo directing ICE attorneys to argue for an even more expansive interpretation of who is subject to mandatory detention. This memo, now leaked to the public, states that "effective immediately, it is the position of DHS that [any noncitizens who have not been admitted to the country] are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)] parole. These [noncitizens] are also ineligible for a custody redetermination hearing ("bond hearing") before an immigration just and may not be released for the duration of their removal proceedings absent a parole by DHS."

39. In September 2025, the Board of Immigration Appeals adopted this legal interpretation as well in a case that is now binding on all immigration courts nationwide. *See Matter of Yajure Furtado,* 29 I&N Dec. 216 (BIA 2025). As a result, immigration judges cannot and will not grant noncitizens like Mr. Sandoval release on bond pursuant to 8 U.S.C. § 1226(a).

40. Since Respondents adopted their new policy with respect to bond eligibility, dozens of federal courts around the country, including many in this district, have rejected their new interpretation of the INA's detention authorities. *See, e.g., Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *5-8 (S.D.N.Y. Aug. 13, 2025) ("*Lopez Benitez*"); *Tumba*

Huamani v. Francis, No. 25-CV-8110 (LJL), 2025 WL 3079014, at *2-5 (S.D.N.Y. Nov. 4, 2025); *J.U. v. Maldonado*, No. 25-CV-04836 (OEM), 2025 WL 2772765, at *7-8 (E.D.N.Y. Sept. 29, 2025); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *4 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 25 Civ. 11571 (JEK), 2025 WL 1869299, at *5-9 (D. Mass. July 7, 2025).

DUE PROCESS

41. "The Supreme Court long ago held that the Fifth Amendment entitles noncitizens to due process in removal proceedings." *Black v. Decker*, 103 F.4th 133, 143 (2d Cir. 2024). Even "[w]hen government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner." *United States v. Salerno*, 481 U.S. 739, 746 (1987). Although Respondents now regularly contend that individuals like petitioners who have not been *admitted* to the U.S. lack due-process rights, over a century of consistent Supreme Court case law has held otherwise. *See, e.g.*, *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903); *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

42. Although civil immigration detention is authorized by statute, that detention serves only two legitimate purposes: mitigating flight risk and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690; *Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020).

43. DHS makes initial custody determinations pursuant to 8 C.F.R. § 1236.1(c)(8), which requires that noncitizens be released from custody *only* "if they demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." *See Velesaca v. Decker*, 458 F. Supp. 3d 224, 241

(S.D.N.Y. 2020) ("8 U.S.C. § 1226(a) and its implementing regulations require ICE officials to make an individualized custody determination"); *see also Lopez Benitez* at *20.

44. A person's liberty cannot be infringed upon without "adequate procedural protections." *Zadvydas*, 533 U.S. at 690-91. The Second Circuit has held that the *Matthews v. Eldridge* balancing test is applicable to determine the adequacy of process in the context of civil immigration confinement. *Velasco Lopez*, 978 F.3d at 851 (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). This test requires process sufficient to mitigate the risk of erroneous deprivation of a liberty interest. Revocation of conditional release from confinement, even civil immigration confinement, infringes on a protected liberty interest. The liberty interest in even conditional release is well-established in the context of parole; probation; and freedom from civil immigration confinement. *See Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737, at *3 (S.D.N.Y. June 18, 2025) (finding immigration petitioner's "liberty interest is clearly established"); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (same).

45. As to process, at a minimum, in the context of revocation of civil release, "an individual whose release is sought to be revoked is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing." *Villiers v. Decker*, 31 F.4th 825, 833 (2d Cir. 2022).

46. Despite these baseline requirements, Respondents now regularly re-detain individuals notwithstanding an earlier determination to release them and do so without according any notice or process whatsoever. These redetentions violate noncitizens' right to due process. *See Chipantiza-Sisalema v. Francis*, No. 25 CIV. 5528 (AT), 2025 WL 1927931 at *3 (S.D.N.Y. July 13, 2025) (ordering the immediate release of a petitioner redetained by ICE because she "poses a risk of flight or a danger to the community" and her sudden redetention violated her right to due

process); *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 at *4 (S.D.N.Y. June 18, 2025) (ordering the release of petitioner redetained after an immigration court hearing and concluding "Respondents ongoing detention of Petitioner with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights.").

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION (Procedural Due Process)

47. Petitioners repeat and re-allege the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.

48. 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.

49. Such loss of liberty, and concomitant habeas jurisdiction, encompasses limitations on an individual's liberty, including mechanisms that exercise control or condition a person's freedom from governmental detention. Indeed, "the Supreme Court has affirmed 'that, besides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient [] to support the issuance of habeas corpus.'" *Nowakowski v. New York*, 835 F.3d 210, 215-16 (2d Cir. 2016) (quoting *Jones v. Cunningham*, 371 U.S. 236, 240 (1963)). For example, intensive reporting requirements, mandating that an individual conditionally released appear "at particular times and locations" on penalty of "future adverse consequences" all serve as the functional equivalent of physical custody by "preventing

[an individual] from exercising the free movement and autonomy available to the unrestricted public." *Nowakowski*, 835 F.3d at 216.

50. GPS monitoring is a significant restraint on liberty. *See Flores Salazar v. Moniz*, No. CV 25-11159-LTS, 2025 WL 1703516, at *5 (D. Mass. June 11, 2025) (concluding habeas petitioner subject to GPS monitoring, intensive supervision, and other requirements was in custody for purposes of habeas); *Orellana Juarez v. Moniz*, No. 25-CV-11266-MJJ, 2025 WL 1698600, at *4 (D. Mass. June 11, 2025) (same); *see also Alvarez v. Holder*, 454 F. App'x 769, 772-73 (11th Cir. 2011) (finding court had habeas jurisdiction over challenge to conditions of release imposed by ICE).

51. Mr. Sandoval's detention in a succession of jails and the restraints imposed on Ms. Sangroni's liberty violate the Due Process Clause. Both petitioners have a liberty interest in their freedom pending the outcome of their removal proceedings. They were determined not to pose danger or flight risk when they were released from custody in October 2023. Since then, they have filed a timely asylum application and attended court as directed.

52. This family was not accorded sufficient process prior to ICE's decision on October 30, 2025, to restrict or deprive them of their liberty. They received neither notice nor an opportunity to be heard as to whether a change in custody status was warranted. Indeed, when Ms. Sangroni asked for an explanation for why her husband was being detained, she received no answer. She also has no idea why she was placed on GPS monitoring.

53. With regards to Mr. Sandoval, Respondents will now not provide him the opportunity to seek release on bond due to binding administrative precedent. *See Matter of Yajure Furtado*, 29 I&N Dec. 216 (BIA 2025). Mandatory detention without access to a bond hearing violates Petitioner's right to due process.

54. Respondents' actions violate Petitioners' right to due process.

COUNT TWO

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION (Substantive Due Process)

55. Petitioners repeat and re-allege the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.

56. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Noncitizens unquestionably have a substantive liberty interest to be free from detention. *See id.*

57. Because "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception," the government may imprison people as a preventive measure only within strict limits. *Foucha v. Louisiana*, 504 U.S. 71, 83 (1992) (quoting *Salerno*, 481 U.S. at 755). Immigration detention is civil and must "bear[] a reasonable relation to the purpose for which the individual [is] [detained]" so that it remains "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690 (cleaned up); *see also Schall v. Martin*, 467 U.S. 253, 264 (1984) (finding detention must be a proportional—not excessive—response to a legitimate state objective).

58. Courts have identified only two legitimate purposes for limiting a noncitizen's liberty and subjecting them to immigration detention: mitigating flight risk and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690; *Velasco Lopez v. Decker*, 978 F.3d 842, 853-54 (2d. Cir. 2020); *Faure v. Decker*, No. 15-CV-5128, 2015 WL 6143801, at *3 (S.D.N.Y. Oct. 19, 2015) (ordering release or a bond hearing where there was "no evidence" that the habeas petitioner "poses a danger to the public or would flee during the pendency of the removal proceedings").

59. Neither purpose is served by the substantial restrictions imposed on both Petitioners' liberty. Petitioners do not pose a flight risk or a danger to the community.

60. Accordingly, petitioners' liberty interest was severely curtailed in violation of their Constitutional right to Due Process under the Fifth Amendment.

COUNT THREE

VIOLATION OF THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION (Unlawful Arrest)

61. Petitioners repeat and re-allege the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

62. The Fourth Amendment protects the right of the people to be secure in their persons against unreasonable searches and seizures. U.S. Const. amend. IV. "It is axiomatic that seizures have purposes. When those purposes are spent, further seizure is unreasonable." *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020). This requirement that further seizure requires a court order or new probable cause "guards against precipitate rearrest." *Carlson v. Landon*, 342 U.S. 524, 546 (1952).

63. Petitioners' redetention violates the Fourth Amendment because it had no basis apart from their removability from the U.S., which was the same cause that justified their prior detention.

64. An administrative arrest provides a valid basis for initial detention of a noncitizen, *Abel v. United States*, 362 U.S. 217, 233 (1960), but the BIA and DHS have long required a showing of changed circumstances to alter prior bond and release determinations. *See Saravia*, 280 F. Supp. 3d at 1197 (discussing government counsel's representations regarding DHS' practice of re-arresting only after a material change in circumstances). Numerous courts have also recognized that noncitizens cannot be rearrested based on the same probable cause.

65. Petitioners were detained by federal immigration officials when they entered the United States. The government exercised its discretion under the INA to release them while they litigated their removability and defenses to removal in immigration court.

66. In the absence of changed or exigent circumstances that would justify arrest after federal immigration authorities had released them, re-arrest based solely on the fact that they are subject to removal proceedings is unreasonable and violates the Fourth Amendment.

COUNT FOUR

UNLAWFUL APPLCIATION OF 8 U.S.C. §1225(b) TO PETITIONER SANDOVAL

67. Petitioners repeat and re-allege the alleges contained in all preceding paragraphs of this Petition as if fully set forth herein.

68. Upon information and belief, Respondents are currently detaining Mr. Sandoval pursuant to 8 U.S.C. §1225(b).

69. However, Mr. Sandoval was, at the time of his re-detention by Respondents, not seeking admission to the United States. He already resides in the United States, having entered over two years ago. He was released on recognizance pursuant to 8 U.S.C. §1226(a) in 2023.

70. Therefore, the application of 8 U.S.C. §1225(b) to Mr. Sandoval is unlawful.

COUNT FIVE

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

71. Petitioners repeat and re-allege the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

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

73. 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). 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)).

74. Respondents' decision to detain Petitioners as part of their coordinated campaign and policy of detaining individuals attending immigration court, irrespective of the individual circumstances in their case, and then to subject Mr. Sandoval to mandatory detention and Ms. Sangroni to around-the-clock GPS monitoring, is arbitrary and capricious and contrary to law.

COUNT SIX

RELEASE OF PETITIONER SANDOVAL PENDING ADJUDICATION

75. Petitioners repeat and re-allege the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

76. 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).

77. Petitioners present substantial claims, as evidenced by the growing list of decisions in this District that, among other things, have concluded that Respondents' new interpretation of 8 U.S.C. 1225(b)(2) is unlawful. They also present extraordinary circumstances. Petitioners' re-

arrest was wholly arbitrary. It unnecessarily traumatized Petitioners' four-year old daughter, who was detained and forced to bear witness to her parents' detention. Their detention was so alarming that images of it were transmitted online and in the media.

78. Respondents also concede that this Court's order enjoining Mr. Sandoval's transfer out of the New York area was violated, causing him to be flown to Texas then California and ultimately shuttled between detention centers for days. He was able to speak to his family only once during that period and is now detained at a new detention center in a quarantine unit with limited communication—something that would not have happened had Respondents obeyed the Court's order in the first place. "[I]t is an extraordinary circumstance when an individual is transported across the country despite a court order." *Ozturk v. Trump*, 783 F. Supp. 3d 801, 812 (D. Vt. 2025) (ordering *Mapp* release and noting Respondents' violation of the court's order on transfer as a reason).

79. For the foregoing reasons, Petitioner Sandoval 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 the Respondents from transferring Petitioners away from the jurisdiction of this District pending these proceedings;
3. Declare that Petitioners' arrest and detention violates the Due Process Clause of the Fifth Amendment; the Fourth Amendment; and the Immigration and Nationality Act and implementing regulations;
4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release

Petitioners from custody without restraints on their liberty beyond those that existed prior to their unlawful re-detention, which includes removing the requirement that Ms. Sangroni submit to GPS braclet monitoring;

5. Upon granting the Writ of Habeas Corpus, enjoining Respondents from re-detaining Petitioners without leave of this Court;
6. 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;
7. 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
8. Grant such further relief as this Court deems just and proper.

Dated: November 11, 2025
New York, New York

Respectfully submitted,

/s/ Paige Austin
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VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2241

I am submitting this verification on behalf of Petitioner because I am an attorney for Petitioner. I have discussed the events described in this Petition with the Petitioners. Based on those discussions, I hereby verify that the statements made in the attached Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge. This verification is being made by counsel rather than by Petitioners due to counsel's inability to meet with either Petitioner in person to review it in a timely fashion.

Dated: November 11, 2025
Brooklyn, New York

Respectfully submitted,

/s/ Paige Austin
Paige Austin

CERTIFICATE OF SERVICE

I certify that on November 11, 2025, I electronically filed the attached the foregoing First Amended Petition for Writ of Habeas Corpus and accompanying Exhibits with the Clerk of the Court for the United States District Court for the Southern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

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