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

Lisual Armando Guzman Andujar, of friend,	)	and Hilda Cecilia Villegas as next
	)	Case No. 25-cv-____
v.	)	A[redacted]
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.	)	

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

This is a petition for a writ of habeas corpus filed *pro se* on behalf of Lisual Armando Guzman Andujar, from here on after Petitioner, seeking relief to remedy his unlawful arrest and detention. This petition is being filed by and Hilda Cecilia Villegas as next of friend, the Petitioner's wife, as next of friend. Mrs.

Villegas as next of friend,has "next friend" standing to bring this action under § 2241 because Petitioner is detained and without access to council or the ability to receive or send mail or sign documents. As her wife, Mrs. Villegas as next of friend, is dedicated to act in the Petitioner's best interests. See *Ross ex rel. Dunham v. Lantz*, 408 F.3d 121, 123 (2d Cir. 2005) ("First, a 'next friend' must provide an adequate explanation … why the real party in interest cannot appear on his own behalf to prosecute the action. Second, the 'next friend' must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate[.]").

Petitioner's arrest violates his Fifth Amendment right to Due Process because ICE detained him without notice, an opportunity to respond, or an individualized determination that he posed a flight risk or danger to the community, at the conclusion of a master calendar hearing at the New York City immigration court. ICE also violated Petitioner's right to Due Process when it failed to allow him to contact counsel.

On or about January 27, 2023, Petitioner, presented himself at the U.S.-Mexico border, and subsequently received and NTA and given a Court date. As part of processing, he received a Notice to Appear ("NTA") initiating proceedings. Petitioner has subsequently attended all scheduled court appearances. He properly filed an I-589 Application for Asylum, Withholding, and Convention Against Torture protection with the immigration court. Petitioner appeared at his scheduled court hearing for November 4, 2025 and arrested at the New York City

immigration court. At the conclusion of the hearing, the IJ scheduled a subsequent hearing for August 31, 2026.

Upon exiting the courtroom, U.S. Immigration and Customs Enforcement ("ICE") detained the Petitioner without any individualized assessment of flight risk and dangerousness. Subsequently, he has been detained at 26 Federal Plaza without access to counsel in violation of his rights to Due Process guaranteed by the Constitution Fifth amendment.

CUSTODY

1. Petitioner is in the physical custody of Field Office Director for Detention and Removal, held by ICE, a component of the Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is detained at 26 Federal Plaza in Manhattan, New York. Jurisdiction and venue in this Court are proper because the events giving rise to the petition occurred in the District, and the immediate custodian detaining Petitioner is also in the District.

JURISDICTION

2. This action arises under the Constitution of the United States, 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. This Court has jurisdiction under 28 U.S.C. § 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Southern District of New York the judicial district in which the Due Process violations occurred and where he was unlawfully arrested and resided while the violation of her Due Process rights were occurring. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner is a national and citizen of Dominican Republic who was forced to flee his native country due to receiving death threats. Petitioner requested protection within the United States. Petitioner presented his case for I-589 application for Asylum, Withholding of Removal and CAT which remains pending before the EOIR. He is detained at 26 Federal Plaza, NY by the Respondents in violations of him Due Process rights.

5. Respondent LaDeon Francis is the Field Office Director for Detention and Removal, USICE, DHS. Respondent is a custodial official acting within the boundaries of the judicial district of the United States Court for the Southern District of New York. Pursuant to Respondent orders, Petitioner remains detained.

6. Respondent is Kristi NOEM in her official capacity as Secretary of Homeland Security. She is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Southern District of New York.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Petitioner has no administrative remedies available as he was not able to challenge the individualized assessment that he posed a flight risk or was a danger to the community. Pursuant to currently operative policy, ICE has taken the position that individuals like Petitioner are subject to mandatory detention. Respondent Pam Bondi, who as Attorney General oversees the Executive Office of Immigration Review that employs immigration judges, has overseen the implementation of policies of categorically denying bond hearings to individuals such as Petitioner. There is no avenue for administrative review, and assuming arguendo any such review existed, it would be futile.

8. Petitioner's only remedy is by way of this judicial action in seeking protection from having his Due Process rights violated.

STATEMENT OF FACTS

9. Petitioner is a national and citizen of Dominican Republic who turned himself in at the border, and subsequently received and NTA and given a Court date. Later, he filed an I-589 application in immigration court.

10. On or about November 4, petitioner was scheduled to appear for his hearing before EOIR, and at the conclusion of the hearing, he was granted time to continue his case by the immigration court. Upon exiting the court room, he was arrested by DHS/ICE without warning, cause, or explanation.

11. The officers for ICE or DHS began to detain numerous people exiting the courtroom that day without any individualized assessments as to whether petitioner posed a flight risk or a danger to the community.

12. Petitioner was then placed in the holding area of Federal Plaza and continues to be detained there at the time of this filing. Up until now he has been given one phone call per day of about 5 minutes and not allowed to contact counsel or anyone that would be able to assist with this matter.

13. Petitioner was not notified by DHS/ICE of any availability to file bond or a habeas corpus petition, and was denied the opportunity seek release. Federal Plaza

neither provides paper or envelopes which he could have used to prepare hispetition, constituting another violation of hisDue Process rights.

14. Petitioner did not receive any notice or opportunity to be heard as to whether a change of custody was warranted.

15. Petitioner has been held for time in custody for several hours in inhumane conditions.

16. He has not been allowed to call any nonprofit nor had any opportunity to seek representation given strict limitations on call time. He has neither been allowed to bathe as Federal Plaza had not showers for people detained, or brush his teeth and has been confined to that holding area for the time he has been there.

17. Respondents' violations of Petitioner's due process rights are very serious. First, they detained him without justification; second, they denied him access to counsel which is guaranteed under Due Process; and third, they subjected him to conditions that violated the basic principles of Due Process.

18. Respondents' ongoing detention of petitioner with no process at all, and much less a prior notice, no showing of changed circumstances, or an opportunity o respond is a clear violation of his Due process rights," *Valdez v. Joyce*, No. 25-cv-4627, 2025 WL 1707737, *4 (S.D.N.Y. June 18, 2025).

19. Respondents' decision to violate petitioners Due Process rights and subject him to these violations is a grave violation of the Fifth Amendment's right to Due Process.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 21 above.

22. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

23. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.

24. Petitioner's continued detention violates the Immigration and Nationality Act, The Administrative Procedure Act, and the U.S. Constitution's Fifth Amendment Due Process Clause.

COUNT THREE

25. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this district pending these proceedings;
3. Issue an order directing Respondents to show cause why the writ should not be granted within 7-22 days;
4. Issue a writ of habeas corpus ordering Respondents to release Petitioner on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
5. Award Petitioner reasonable costs and attorney's fees; and,
6. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

Date: 04/11/2025

Hilda Cecilia Villegas
on behalf of Lisual Armando Guzman Andujar
(A[redacted] as Next of Friend.