UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ULLOA MONTOYA, Angel Maternidad

Petitioner

v.

PAMELA BONDI, in her official capacity as Attorney General, KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, RAUL MALDONADO, in his official capacity as Warden of the Brooklyn Metropolitan Detention Center, TODD LYONS, in his official capacity as Acting ICE Field Office Director, and JUDITH ALMODOVAR, in her official capacity as Acting Field Office Director of the New York Office of U.S. Immigration and Customs Enforcement

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. _____

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Angel Maternidad Ulloa Montoya

   (b) Other names you have used: _____

2. Place of confinement:

   (a) Name of institution: Brooklyn Metropolitan Detention Center (MDC)

   (b) Address: 80 29th Street, Brooklyn, New York 11232

   (c) Your identification number: [redacted]

3. Are you currently being held on orders by:

   ☑ Federal authorities ☐ State authorities ☐ Other - explain: _____

4. Are you currently:

   ☐ A pretrial detainee (waiting for trial on criminal charges)

   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

   If you are currently serving a sentence, provide:

   (a) Name and location of court that sentenced you: _____

   (b) Docket number of criminal case: _____

   (c) Date of sentencing: _____

   ☑ Being held on an immigration charge

   ☐ Other *(explain)*: _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: ICE Enforcement and Removal Operations (ERO) - New York Field Office; custody at Brooklyn MDC; EOIR New York City Immigration Court

(b) Docket number, case number, or opinion number: [redacted]; Docket Date 11/4/2024

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Ongoing civil imm. detention at MDC w/o DHS conducting a statutorily-required least-restrictive-setting and alternatives to detention analysis in violation of the APA/TVPRA and Fifth Amendment Due Process rights and no opportunity for bond under DHS/BIA new interpretation of 8 U.S.C. 1225, which misclassifies Petitioner

(d) Date of the decision or action: 10/02/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: IJ declined to reach a merits bond ruling based on lack of jurisdiction, citing to 1225 and mandatory detention for all "aliens applying to admission." Given prolonged detention without prior LRS/ATD analysis and lack of bond path, BIA appeal is inadequate/futile +causes irr. harm

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

❒ Yes ❒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

❒ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

❒ Yes ❒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/28/2025

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: DHS failed to make and document the required least-restrictive-setting and alternatives to detention determination for an unaccompanied alien child age-out in violation of the APA and TVPRA

See Addendum 1 of timeline of procedural history. See also Petitioner's affidavit in support of writ of habeas.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner (DOB: [redacted]) entered the U.S. alone at 17 and was designated a UAC on 2/25/2025 and transferred to ORR custody, which later released him to his ORR-approved family sponsor in New York on 3/18/2025. After a year-and-a-half of living with his sponsor while still under ORR/DHS custody and attending two Master Calendar Hearings in NY, Respondents arrested Petitioner and moved him to the Brooklyn MDC for adult detention while his immigration proceedings went underway. DHS never completed or documented an LRS/ATD analysis before.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☑ No

GROUND TWO: DHS failure to make and document the required LRS/ATD detention determination for a UAC age-out violates Petitioner's Fifth Amendment Due Process rights

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

DHS has never produced or documened an LRS/ATD detention determination that justifies re-detention after ORR had already considered whether Petitioner was a threat to himself, danger to the community, and risk of flight. Respondent re-detained Petitioner with no notion, hearing, or evidence of changed circumstances to justify his re-detention.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☑ No

GROUND THREE: Fifth Amendment Substantive Due Process

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has now been detained for 75+ days, and his prolonged detention will continue under DHS and BIA's new interpretation of statute 8 U.S.C. § 1225 which deprives him of the opportunity for bond. The length of the detention is now unreasonable due to the arbitrary and capricious application of the statute.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☑ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Immediate release from ICE custody under his ORR Sponsorship Agreement to his previously approved ORR sponsor or to his newly appointed guardian with conditions substantially similar prior to redetention. Alternatively, compel Respondents within 7 days to complete and file on the docket a written individualized custody determination that complies with the TVPRA analyzing the LRS/ATDs. In the further alternative, compel a prompt bond hearing where Gov't has CCE burden to prove danger or flight risk + IJ considers ability to pay.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/15/2025

Angel Maternidad Ulloa Montoya.
Signature of Petitioner

Joshua R. Hackell
Signature of Attorney or other authorized person, if any