UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FERNANDO ADALBERTO GALEAS MIRANDA *Petitioner,* v. RAUL MALDONADO, JR., in his official capacity as Warden of the Metropolitan Detention Center; LADEON FRANCIS, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; TODD LYONS, in his official capacity as Acting Director U.S. Immigrations 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. **EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Fernando Adalberto Galeas Miranda has done everything the United States government has asked of him. He was paroled into the United States at the border and presented himself to Immigration and Customs Enforcement (ICE) before his parole expired. He filed an application for asylum before the one-year deadline. He applied for and was granted permission to work. He filed his taxes. And critically, he attended his immigration court proceedings. However, when he attended immigration court on June 23, 2025, for a routine hearing, he was suddenly arrested by ICE. Mr. Galeas Miranda has now been detained at the Metropolitan Detention Center (MDC) for over five months, isolated from his fiancée, and experiencing deteriorating health conditions.

2. Mr. Galeas Miranda's arrest and detention were wholly unjustified and were not based on any consideration of his individualized circumstances. Mr. Galeas Miranda is plainly

not a flight risk—as evidenced by his repeated attempts to check in with ICE even without an appointment and his dutiful appearance at his scheduled immigration court date, where he was arrested—nor a danger to the community, as he has no criminal history. Rather, Mr. Galeas Miranda was arrested and detained along with countless others over the summer of 2025, as part of a nationwide campaign to summarily arrest law-abiding noncitizens when they attend their immigration court hearings. He was then blocked from being released on bond, even though an immigration judge indicated he would have granted bond, due to Respondents' misclassification of Mr. Galeas as subject to "mandatory detention"—a position that hundreds of district courts across the country have now found to be a violation of the Immigration and Nationality Act (INA).

3. Mr. Galeas Miranda's arrest and ongoing detention are causing him immense harm. Prior to his June 23, 2025 arrest, Mr. Galeas Miranda had never been in jail. Since arriving at MDC, a facility that is "notorious for dangerous and inhumane conditions that have resulted in multiple inmate deaths, including medical neglect,"[1] Mr. Galeas Miranda has suffered from an eye condition impairing his vision, experienced gastrointestinal pain and illness following a prior surgery to remove his gallbladder, developed swollen and painful veins, lost sleep, and endured declining mental health because of the conditions and the isolation from his family.

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[1] Andrew Gounades, *Electeds, Advocates Call for End to ICE Detention at Inhumane Federal Jail*, THE NEW YORK STATE SENATE (July 14, 2025), https://www.nysenate.gov/newsroom/press-releases/2025/andrew-gounardes/electeds-advocates-call-end-ice-detention-inhumane; John Annese, *MDC Brooklyn federal jail has just two doctors on staff, hearing reveals,* NY Daily News (Jan. 19, 2025), https://www.nydailynews.com/2025/01/19/mdc-brooklyn-federal-jail-has-just-two-doctors-on-staff-hearing-reveals/; Katie Rose Quandt, et al., *Lockdowns, Violence, and "Barbaric Conditions" in a Federal Jail Known for its Famous Detainees*, The Appeal (June 30, 2025), https://theappeal.org/brooklyn-metropolitan-detention-center-solitary-watch/.

4. Mr. Galeas Miranda respectfully asks this Court to hold that his arrest was unlawful, to hold that his continued detention is unlawful, and to order his release from custody. Mr. Galeas Miranda also respectfully asks that this Court order Respondents not to transfer him outside of New York State for the duration of this proceeding.

5. Every day that Mr. Galeas Miranda spends in detention subjects him to further irreparable harm. Immediate relief is necessary to ensure that Mr. Galeas Miranda is no longer subjected to continued violations of his substantive and procedural rights.

JURISDICTION AND VENUE

6. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens 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).

7. 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. 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.

8. Venue is proper in this District under 28 U.S.C. § 2241(d); 28 U.S.C. § 1391(b); and 28 U.S.C. § 1391(e)(1). Venue is proper in this District because Mr. Galeas Miranda is presently detained within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an

order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

10. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

11. Petitioner Fernando Adalberto Galeas Miranda ("Mr. Galeas Miranda") is a 40-year-old Ecuadorian national seeking asylum in the United States.

12. Respondent Raul Maldonado is sued in his official capacity as Warden of the Metropolitan Detention Center in Brooklyn, New York. Respondent Maldonado is a legal custodian of Mr. Galeas Miranda.

13. 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, 9th Floor, Suite 9-10, New York, New York 10278.

14. Respondent Todd Lyons is sued in his official capacity as Acting Director of U.S. Immigrations and Customs Enforcement. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Mr. Galeas Miranda.

15. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. As the head of the Department of Homeland Security ("DHS"), the agency tasked with enforcing immigration laws, Secretary Noem is Mr. Galeas Miranda's ultimate legal custodian.

16. Respondent Pam Bondi is sued in her official capacity as Attorney General of the United States. As head of the U.S. Department of Justice, the agency that oversees the Executive Office for Immigration Review ("EOIR"), Attorney General Bondi is responsible for administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She is legally responsible for the pursuit of Petitioner's detention and removal.

EXHAUSTION

17. Administrative exhaustion is not a statutory requirement. *Quintanilla v. Decker,* No. 21-cv-417 (GBD), 2021 WL 707062, at *2 (S.D.N.Y. Feb. 22, 2021).

18. As a prudential matter, in cases challenging immigration detention, courts in this Circuit will excuse administrative exhaustion and grant habeas petitions for relief from custody when "(1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate judicial relief; (3) administrative appeal would be futile; and (4) in certain stances a plaintiff has raised a substantial constitutional question." *Id.* at *2 (citing *Beharry v. Ashcroft,* 329 F.3d 51, 62 (2d Cir. 2003), *as amended* (July 24, 2003); *see also Lopez Benitez v. Francis,* No. 25-cv-5937 (DEH), 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025) (excusing administrative exhaustion and granting habeas petition); *J.U. v. Maldonado*, No. 25-cv-04836 (OEM), 2025 WL 2772765, at *3 (E.D.N.Y. Sept. 29, 2025). A petitioner does not need to show or prevail on all factors for the Court to excuse administrative exhaustion. *See Lopez Benitez,* 2025 WL 2371588, at *13-14 (finding habeas petitioner had shown factors (1) and (4) and excusing administrative exhaustion on that basis and granting habeas relief).

19. Mr. Galeas Miranda has no genuine opportunity for adequate relief. An immigration judge found him ineligible for bond on July 22, 2025 based on his finding that Mr. Galeas Miranda was subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The immigration judge held a bond redetermination hearing on August 11, 2025, after one was requested by Mr. Galeas Miranda's prior counsel, and found that there were no changed circumstances from the prior finding regarding ineligibility to seek bond. However, the immigration judge also found that, were the petitioner eligible, he would have set $3,000 in bond because he found Mr. Galeas Miranda is not a flight risk or danger.[2]

20. Challenging that finding further within the immigration agency would be futile as the Board of Immigration Appeals decided, in a precedential decision, that anyone who entered without inspection is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

21. Mr. Galeas Miranda has sought release from ICE using all available mechanisms. In addition to trying to secure release on bond, Mr. Galeas Miranda submitted a release request to ICE on October 22, 2025. An updated release request including a letter of evaluation from Dr. Cole Graham, who addressed Mr. Galea Miranda's medical history and need for medical care, was submitted to ICE on November 17, 2025. *See* Exh. F, Letter from Dr. Cole Graham. ICE has refused to conduct an individualized review of petitioner's custody, despite several updates and follow-up attempts by counsel.

22. Additionally, Mr. Galeas Miranda brings constitutional claims against Respondents, and immigration courts have "no authority to address Petitioner's constitutional challenge[.]"

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[2] Digital Audio Recording of the Continued Removal Proceedings of Fernando Adalberto Galeas Miranda on August 11, 2025 at 201 Varick Street.

Quintanilla, 2021 WL 707062 at *2 (excusing exhaustion for noncitizen habeas petitioner challenging immigration detention and awarding habeas relief). Other district courts in this Circuit have also recognized that a noncitizen who has been detained without any individualized assessment and who challenges his detention as a violation of due process raises the kind of constitutional question that is substantial. *Lopez Benitez,* 2025 WL 2371588, at *14 (a constitutional challenge to immigration detention "cannot properly be adjudicated administratively") (citing *Valdez v. Joyce,* No. 25-cv-4627 (GBD), 2025 WL 1707737, at *1, n.1 (S.D.N.Y. June 18, 2025) (constitutional question "could not be properly addressed by the Immigration Judge or Board of Immigration Appeals")); *Chipantiza-Sisalema v. Francis,* No. 25 CIV. 5528 (AT), 2025 WL 1927931, at *3 (S.D.N.Y. July 13, 2025) (excusing administrative exhaustion because the petition "has raised a substantial constitutional question").

STATEMENT OF FACTS

A. Petitioner's Flight from Ecuador to Seek Asylum in the United States

23. Mr. Galeas Miranda is a 40-year-old citizen of Ecuador who has been living in the United States since December 2022. He fled Ecuador after being repeatedly threatened with death by the [redacted]. *See* Exh. A, Declaration of Fernando Galeas Miranda at ¶ 2.

24. Mr. Galeas Miranda entered the United States on foot near Paso del Norte, Texas, in the early hours of December 30, 2022. *See* Exh. A, ¶ 3. He encountered Customs and Border Patrol ("CBP") officers and was processed and paroled into the United States later that day under 8 U.S.C. § 1182(d)(5). *See* Exh. B, I-94 and parole stamp for Mr. Galeas Miranda. Mr. Galeas Miranda was not issued a Notice to Appear ("NTA") at this time. *See* Exh. A, ¶ 10. After entry to the United States, Mr. Galeas Miranda eventually settled in New York. *Id.*, ¶ 4.

25. In February 2023, Mr. Galeas Miranda presented himself at 26 Federal Plaza to check in with Immigration and Customs Enforcement ("ICE"). *See* Exh. A, ¶ 5. While he did not have an appointment, he believed that he was supposed to attend a check-in before the date indicated on his parole paperwork. *Id.* At 26 Federal Plaza, a security guard sent him up to the ICE offices where he sat in a waiting room until his name was called. *Id.* He spoke with an ICE officer who looked over his paperwork and updated his mailing address to Brentwood, New York. *Id.* The ICE officer spoke Spanish and told Mr. Galeas Miranda that he should monitor the Executive Office for Immigration Review ("EOIR") Case Information website to see when his immigration court date was scheduled. He did not receive any paperwork or information about another check-in. *Id.*

26. On March 2, 2023, Mr. Galeas Miranda returned to 26 Federal Plaza and went to the ICE office because that was the date listed on his parole stamp and he wanted to make sure he was complying with any requirements he had. *See* Exh. A, ¶ 6. Again, he spoke to an ICE officer who told him to continue monitoring the EOIR website for his immigration court date. *Id.*

27. About a month later, Mr. Galeas Miranda returned to 26 Federal Plaza again. This time, he spoke to a security guard on the first floor, but when he explained he did not have an appointment, the guard said he did not need to go up to the ICE offices, and he left. *See* Exh. A, ¶ 7.

28. As he had still not been issued an NTA, Mr. Galeas Miranda applied for affirmative asylum on August 29, 2023, well before the one-year filing deadline. *See* Exh. A, ¶ 8. Subsequently, Mr. Galeas Miranda attended his biometrics appointment on September 22, 2023, and was issued work authorization on February 2, 2024 that was valid until February 2025. *See* Exh. C, Employment Authorization Card.

29. During his first two years in the United States, Mr. Galeas Miranda met every deadline for his immigration case, saved money to send to his elderly father and young daughter in Ecuador, and filed his taxes as soon as he was able. *See* Exh. A, ¶ 8 - 13.

B. Petitioner's Sudden Arrest and Detention by ICE at Immigration Court

30. On April 11, 2024, Mr. Galeas Miranda was issued an NTA and scheduled for an immigration court hearing on August 19, 2024. *See* Exh. D, Notice to Appear. However, Mr. Galeas Miranda never received the NTA but rather found out about his upcoming court date only because he had been diligently checking the EOIR website for any scheduled hearing. *See* Exh. A, ¶ 10.

31. On August 19, 2024, Mr. Galeas Miranda appeared *pro se* at the Varick Immigration Court and his case was continued until June 23, 2025. In the intervening months, Mr. Galeas Miranda and his U.S. citizen fiancée, Blanca Sanchez de Velez ("Blanca"), moved to Minneapolis to pursue a job opportunity for him. *See* Exh. A, ¶ 11.

32. In June 2025, Mr. Galeas Miranda and Blanca traveled from Minneapolis to New York City to attend his master calendar hearing at Varick Immigration Court. *See* Exh. A, ¶ 12. In preparation, Mr. Galeas Miranda brought with him a copy of his parole paperwork, copies of his filed I-589, including a detailed declaration and country conditions evidence, his tax returns for the year 2024, and his work authorization card, driver's license, and social security card. *Id.*

33. Mr. Galeas Miranda was still unrepresented at this time. *See* Exh. A, ¶ 13. He informed the immigration judge of his change of address, signed and dated EOIR form E-33 to change his address with the court, and pleaded in the affirmative to the charges listed on his NTA. The immigration judge granted a change of venue to the Minneapolis immigration court given Mr. Galeas Miranda's change in residence. *Id.*, ¶ 14.

34. There was one ICE agent sitting in the courtroom during the proceedings. *See* Exh. A, ¶ 15. Mr. Galeas Miranda noticed him because he had an armband designating him as ICE and was looking through a stack of documents as various names were called. *Id.*

35. The attorney for the Department of Homeland Security ("DHS") then moved to dismiss Mr. Galeas Miranda's case and move him into expedited removal proceedings. The attorney for DHS explained that termination was appropriate because of "changed circumstances" and "executive orders," referring to "this administration's policy on expediting cases."[3]

36. The immigration judge asked Mr. Galeas Miranda if he objected. Mr. Galeas Miranda asserted that he wanted to continue fighting his case with the judge, as he feared for his life. The immigration judge construed his insistence on having his case heard in court as an objection to DHS' motion and consequently denied the motion to dismiss.

37. As Mr. Galeas Miranda walked out of the courtroom, he was stopped by three ICE agents with covered faces who asked him his name. *See* Exh. A, ¶ 17. They had a stack of papers and his photo. When he confirmed his name, the agents detained him, placed him in handcuffs, and took him to another floor in the Varick Street Immigration Court. *Id.*

38. Mr. Galeas Miranda then spent approximately five more hours at the Varick Street Immigration Court. *Id.* at ¶ 18. During this time, he was allowed to call his fiancée and let her know that he was still at Varick Street. *See* Exh. A, ¶ 18. The agents gave him a document that states he was being detained under section 236 of the Immigration and Nationality Act (8 U.S.C. § 1226). *See* Exh. E, Notice of Custody Determination. The ICE agents then took his phone, wallet, belt, and the paperwork he had brought with him. *See* Exh. A, ¶ 18.

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[3] Digital Audio Recording of the Continued Removal Proceedings of Fernando Adalberto Galeas Miranda on June 23, 2025 at 201 Varick Street.

39. In the middle of the afternoon of June 23, 2025, Mr. Galeas Miranda was placed in shackles around his wrists, waist, and ankles, and brought by car to 26 Federal Plaza. *See* Exh. A, ¶ 19.

40. At 26 Federal Plaza, Mr. Galeas Miranda was placed in a room with about 70 other people, with men on one side of the room and women on the other. *Id.* He was overwhelmed and frightened, having never been arrested before in his life. ICE agents brought in another person who had scraped up and bloody elbows and knees. *Id.*

41. Mr. Galeas Miranda was given an opportunity to make a phone call, but he no longer had his cell phone or any phone numbers. *See* Exh. A, ¶ 20. He asked the ICE agents for his phone and was told that they did not know where it was. *Id.*

42. Mr. Galeas Miranda spent the night sleeping on the floor. *See* Exh. A, ¶ 21. Some of the other people detained were given foil blankets because they had been detained for several days, but Mr. Galeas Miranda was not given one.[4] *Id.* The bathroom flooded and water pooled onto the floor of the main room. *Id.* Mr. Galeas Miranda was given a packet of food and small bottle of water in the evening and again the next morning. *Id.*

43. On June 24, 2025, in the early afternoon, Mr. Galeas Miranda was transferred to MDC, where he has been detained since. *See* Exh. A, ¶ 22.

C. Petitioner Suffers Declining Health While in ICE Custody

[4] Haidee Chu and Gwynne Hogan, *'Like Dogs in Here' — Videos Expose ICE Lockup Inside 26 Federal Plaza*, The City, July 22, 2025, https://www.thecity.nyc/2025/07/22/video-26-federal-plaza-immigration-ice-dhs-cells/ ("…people have been detained, out of sight, with nowhere but the ground to sleep, no showers and limited access to food or medical care… During the month of June, an average of 89 people were detained inside 26 Federal Plaza each night, the data shows.").

44. Upon arrival at MDC, Mr. Galeas Miranda was given a general medical intake. *See* Exh. A, ¶ 26 However, no one spoke Spanish, Mr. Galeas Miranda's only language, and he could not ask questions or indicate any of his pre-existing health needs. *Id.*

45. Prior to his detention, Mr. Galeas Miranda had been diagnosed with bilateral peripheral pterygium, an eye condition that causes irritation, susceptibility to infection, and eventual loss of vision. Exh. F, Letter from Dr. Cole Graham. Since he has been detained, his eye condition has become progressively worse, causing significant discomfort and increasing impairment of his vision. *See* Exh. A, ¶ 27.

46. Mr. Galeas Miranda had his gall bladder removed in November 2023 and has often felt sick as a result of the poor quality of food at MDC. *See* Exh. A, ¶ 28. He experiences abdominal pain as well as nausea on a regular basis. *Id.* Dr. Cole Graham, a volunteer doctor who reviewed Mr. Galeas Miranda's medical records, states that "[c]ommon and serious causes could include gastritis, peptic ulcer disease, gastroesophageal reflux disease, chronic pancreatitis, inflammatory bowel disease, or malignancy. Many of these conditions can, if left untreated, progress to serious disease with complications such as gastrointestinal bleeding that require hospitalization and, at times, admission to the intensive care unit." Exh. F, Letter from Dr. Cole Graham.

47. Mr. Galeas Miranda has experienced substandard conditions in MDC, including poor quality of food. *See* Exh. A, ¶ 28. He has been given expired packaged food, uncooked rice, yellowing vegetables, and spoiled meat.[5] *Id.* On many days, he has gone without food for the day to avoid becoming ill. *Id.*

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[5] John Annese, *New photo shows maggot-infested food in MDC Brooklyn jail, where Diddy and Luigi Mangione are held*, NY Daily News, February 21, 2025, https://www.nydailynews.com/2025/02/21/new-photo-shows-maggot-infested-food-in-mdc-brooklyn-where-diddy-and-luigi-mangione-are-held/.

48. Mr. Galeas Miranda has also developed swollen and painful veins in his legs as well as poor circulation. The condition began on his right calf and has spread higher on both legs. His legs will feel suddenly cold at times, and the pain often keeps him from sleeping. *See* Exh. A, ¶ 29. Dr. Graham writes, "Common and serious causes include heart failure, liver disease, kidney failure, deep vein thrombosis, chronic venous insufficiency, and obstructive sleep apnea. Worsening heart, liver, or kidney disease are serious conditions that require prompt evaluation if not hospital admission. An untreated deep vein thrombosis, or blood clot in the legs, can travel to the lungs causing a pulmonary embolism, a life-threatening condition. Any patient reporting painful, swelling of the legs should have a same day medical evaluation for physical examination, imaging, and possibly specialist referral." Exh. F, Letter from Dr. Cole Graham.

49. Mr. Galeas Miranda didn't receive further medical attention for several months despite his attempts. *See* Exh. A, ¶ 30.

50. In October 2025, Mr. Galeas Miranda finally received instructions about how to submit an official sick call, and did so with the help of an English-speaking detainee. *See* Exh. A, ¶ 31. Mr. Galeas Miranda has since been informed that he is on a list to see an eye doctor, but that appointment has not taken place and he has received only limited care for his additional health problems. *Id.*

D. Lack of Family Visitation and Deteriorating Mental Health

51. In his first several days at MDC, Mr. Galeas Miranda asked about the procedures for receiving family visits but was told that it was not allowed. *See* Exh. A, ¶ 32. To Mr. Galeas Miranda's knowledge, no one on his floor of civil detainees has received a family visit in the five months he has been detained there. *Id.*

52. Counsel contacted both the ICE Field Office and the legal department at MDC to inquire why Mr. Galeas Miranda could not receive family visits. A further request to the MDC Executive Assistant garnered this reply on November 4, 2025: "ICE detainees are allowed social visit from immediate family members only. A fiancée does not qualify as immediate family."

53. Mr. Galeas Miranda is also suffering declining mental health. He has never been detained before, and he struggles with not knowing if or when he will be released. *See* Exh. A, ¶ 34. He only sleeps an intermittent four hours a night and is kept awake by worry about his ill father and elementary school daughter in Ecuador, whom he previously provided for financially. He experiences waves of anxiety and intense sadness. *Id.*

54. Mr. Galeas Miranda calls his fiancée, Blanca, every day he can. *Id*, ¶ 33. Blanca has stayed in Brooklyn since Mr. Galeas Miranda was detained and found a part-time job so that she may remain close to him. She has attended each of his immigration court hearings in person even though Mr. Galeas Miranda is only produced virtually.

55. Since Mr. Galeas Miranda was detained, Blanca has struggled to make ends meet while she waits for his case to be resolved. She stayed with a friend for as long as possible but was eventually forced to move into a shelter in the Bronx.

E. Petitioner's Custody and Removal Proceedings

56. After Mr. Galeas Miranda was detained in June 2025, his fiancée hired a private attorney, who filed a petition for a bond hearing. *See* Exh. A, ¶ 23. At Mr. Galeas Miranda's bond hearing, the immigration judge found that he was not eligible for bond because he was mandatorily detained. However, the immigration judge did find that in the alternative, Mr. Galeas Miranda could be released on a $3,000 bond, as he was not a danger to the community or flight risk. Private counsel withdrew in early September due to lack of payment.

57. Counsel from the Brooklyn Defender Services New York Immigrant Family Unity Project (NYIFUP) entered their appearance on September 22, 2025.

58. Current counsel sent a request for release on parole to the New York ICE Field Office on October 22, 2025, and an updated request on October 23, 2025, to include Mr. Galeas Miranda's optometrist records. Apart from an email noting that the request had been received, ICE did not respond. Counsel sent a further inquiry about the outcome of that request on November 3, 2025, and November 10, 2025, with no response.

59. On November 17, 20205, counsel sent an updated request for release on parole to the New York ICE Field Office, including a letter from Dr. Cole Graham which recommended release for Mr. Galeas Miranda based on his medical records. *See* Exh. F, Letter from Dr. Cole Graham. Counsel sent a further inquiry about that request on November 24, 2024, and received a response that the request was still under consideration.

60. Mr. Galeas Miranda is currently scheduled for a master calendar hearing at the immigration court on December 16, 2025, and counsel anticipates that a final hearing on the merits of his asylum claim will be scheduled soon after. Mr. Galeas Miranda was already in the process of divorcing his prior partner in Ecuador prior to his detention in order to marry his fiancée, Blanca. Mr. Galeas Miranda's divorce was granted on December 12, 2025, and he intends to marry Blanca as soon as possible, after which they will file an I-130 petition for a family relative. Once that is approved, Mr. Galeas Miranda would additionally be immediately eligible to file an application to adjust his status to that of a Lawful Permanent Resident.

LEGAL AUTHORITY

I. Legal Authority for Detention, Release on Parole, and Parole Revocation for Asylum Seekers

61. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore*, 538 U.S. at 523 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

62. Although civil immigration detention is authorized by statute, to comply with Due Process detention can serve 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).

63. 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)); *see also Black v. Decker*, 103 F.4th 133, 150-51 (2d Cir. 2024). The *Mathews* factors are: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335.

64. This test requires a process sufficient to mitigate the risk of erroneous deprivation of Petitioner's 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-cv-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) (applying case law from the probation and parole contexts to conclude that the non-citizen petitioner had a "liberty interest in remaining out of [immigration] custody").

65. Various statutes in the Immigration and Nationality Act provide a basis for immigration authorities to detain noncitizens pending removal from the United States. *See* 8 U.S.C. §§ 1225, 1226. For noncitizens who are applicants for admission and seeking admission to the United States, the statute authorizes their detention under 8 U.S.C. § 1225(b)(2) during the pendency of their removal proceedings.[6] Detention under 8 U.S.C. § 1225(b)(2) is at times called "mandatory" detention as it does not provide for a statutory right to a bond hearing.

66. However, DHS may release noncitizens subject to detention under 8 U.S.C. § 1225(b)(2) on parole following an individualized determination, "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5).

67. Federal regulations specify that DHS may only release such noncitizens if they "present neither a security risk nor a risk of absconding." 8 C.F.R. § 212.5(b). These requirements—flight risk and danger—reflect constitutional constraints, since only individuals who pose a flight risk or danger may be civilly detained. *See Zadvydas*, 533 U.S. 690.

68. The applicable regulations further contemplate parole for specific groups of noncitizens including those "who have serious medical conditions in which continued detention

[6] 8 U.S.C. § 1225(b)(1) contains additional statutes authorizing detention of individuals in certain circumstances who are in expedited removal proceedings. Petitioner was never placed in expedited removal proceedings and these provisions are not relevant to this Petition.

would not be appropriate" and those "whose continued detention is not in the public interest." 8 C.F.R. § 212.5(d)(b)(1), (5).

69. Just as there are regulations governing DHS's process of granting parole, there are regulations and constitutional limitations regarding revocation. To revoke parole, a DHS official with authority must decide either that "the purpose for which parole was authorized" has been "accomplish[ed]" or that "neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen]" in the United States." 8 C.F.R. § 212.5(e)(2)(i). The regulations contemplate only two ways parole may be terminated: "automatic" and "on notice." 8 C.F.R. § 212.5(e). Parole automatically terminates—meaning no notice is required—only where (1) the noncitizen parolee departs from the United States or (2) the time period for which parole was authorized, if limited in time, expires. *Id.* § 212.5(e)(1). In all other circumstances, written notice is required. *Id.* § 212.5(e)(2)(i). The regulations indicate that officers terminate parole with "written notice to the alien" upon "accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials . . . neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States." Id.

70. For noncitizens who are already within the United States and who are placed in removal proceedings under 8 U.S.C. § 1229a, detention is generally governed by 8 U.S.C. § 1226, which permits a noncitizen to be "arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a); *see Jennings v. Rodriguez*, 583 U.S. 281, 288-89, (2018). Section 1226(a) provides for what is termed

"discretionary" detention, as noncitizens detained under that section are permitted to ask an immigration judge to review their custody at a bond hearing. *Id.*[7]

71. Under 8 U.S.C. § 1226(a), ICE first makes an initial custody determination pursuant to 8 C.F.R. § 1236.1(c)(8), which requires that noncitizens be released from custody "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." *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*, 2025 WL 2371588, at *10.

II. DHS Upends its Courthouse Arrest Policy and Begins a Campaign of Arresting People DHS had Previously Released

72. For years, DHS largely refrained from conducting civil immigration arrests at courthouses, including immigration courts, out of recognition that conducting such arrests could deter noncitizens from attending mandatory court proceedings and disrupt the proper functioning of courts. Specifically, there was a longstanding practice of refraining from conducting civil arrests of noncitizens in and around immigration court. This was memorialized in a policy of minimizing arrests at courthouses, including at immigration courts.

73. An April 27, 2021 Memorandum to ICE and U.S. Customs and Border Protection ("CBP") from the Acting Directors of ICE and CBP titled "Civil Immigration Enforcement Actions in or near Courthouses" (hereinafter "2021 Memo") only permitted ICE officers to conduct "civil immigration enforcement action . . . in or near a courthouse if (1) it involve[d] a national security threat, or (2) there [was] an imminent risk of death, violence, or physical harm to

[7] Some noncitizens may be ineligible for bond, *i.e.*, held in "mandatory" detention, due to specific criminal arrests and convictions not relevant to this Petition. *See* 8 U.S.C. § 1226(c).

any person, or (3) it involve[d] hot pursuit of an individual who poses a threat to public safety, or (4) there [was] an imminent risk of destruction of evidence material to a criminal case." DHS, ICE, *Civil Immigration Enforcement Actions in or near Courthouses* (Apr. 27, 2021).[8] "In the absence of a hot pursuit," ICE was permitted to make civil arrests against "an individual who poses a threat to public safety" only if "(1) it is necessary to take the action in or near the courthouse because a safe alternative location for such action does not exist or would be too difficult to achieve the enforcement action at such a location, and (2) the action has been approved in advance by a Field Office Director, Special Agent in Charge, Chief Patrol Agent, or Port Director." *Id.* at 2. The 2021 Memo covered "immigration courts." *Id.*

74. One of the core principles underlying the 2021 Memo was that "[e]xecuting civil immigration enforcement actions in or near a courthouse may chill individuals' access to courthouses, and as a result, impair the fair administration of justice." *Id.* at 1.

75. But DHS reversed course in 2025, implementing a new immigration courthouse arrest policy that not only permits the expansion of civil immigration arrests in and around courthouses, but actively targets noncitizens attending required hearings for civil arrest in and around immigration courthouses. DHS did so without any explanation for how this reversal might impact noncitizens' access to courts and the fair administration of justice.

76. In January 2025, ICE instituted a daily quota for 1,200 to 1,500 arrests of noncitizens to carry out the government's "mass deportation" plan. *See* Nick Miroff & Maria Sacchetti, *Trump officials issue quotas to ICE officers to ramp up arrests*, WASHINGTON POST (Jan. 26, 2025) https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-

[8] *Available at https://www.ice.gov/sites/default/files/documents/ciEnforcementActionsCourthouses2.pdf.*

quota/. ICE field offices that did not reach their target would be "held accountable." *Id.* Senior ICE officials, including White House "Border Czar" Tom Homan acknowledged that these quotas would lead to "more arrests nationwide" of individuals who do not pose public safety or national security threats. *Id.* By May 2025, that quota had doubled to a minimum of 3,000 arrests per day. *See* Hamed Aleaziz, *Under Pressure from the White House, ICE Seeks New Ways to Ramp Up Arrests*, NY TIMES (June 11, 2025), https://www.nytimes.com/2025/06/11/us/politics/ice-la-protest-arrests.html. Former ICE chief of staff during the Biden administration opined: "This isn't about public safety or national security; this is about hitting a quota number. That's it." *Id.*

77. In order to meet their daily quotas, ICE officers began targeting noncitizens regardless of their potential dangerousness or flight risk at ICE check-in appointments and immigration court hearings. *See* Gwynne Hogan, *ICE Turns Required Check-Ins Into Arrest Dragnet in Lower Manhattan*, THE CITY (June 3, 2025), https://www.thecity.nyc/2025/06/03/ice-arrest-dragnet-manhattan/ ("Reporters for THE CITY witnessed vehicles hauling away 16 people in handcuffs from an office where immigrants in deportation cases were summoned to sudden appointments."); *see also* Arya Sundaram, *US judge releases Bronx man detained by ICE, citing due process violations*, GOTHAMIST (May 9, 2025), https://gothamist.com/news/us-judge-releases-bronx-man-detained-by-ice-citing-due-process-violations [hereinafter Sundaram] ("Ceesay is also among a growing group of immigrants who, since Trump returned to the White House, are being detained during routine ICE check-ins . . . .").

78. Part of the concerted effort to arrest and detain thousands more noncitizens per day involved lifting restrictions on officers regarding the locations and circumstances in which they could make arrests. On or around January 20, 2025, ICE rescinded the 2021 Memo and issued interim guidance to all ICE employees regarding civil immigration enforcement actions in or near

courthouses. *See* DHS, ICE, *Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses* (Jan. 20, 2025) (hereinafter "January 2025 Interim Memo").[9] The interim memo was made final on May 27, 2025, through a memorandum issued by the Acting Director of ICE. *See* DHS, ICE, *Civil Immigration Enforcement Actions In or Near Courthouses* (May 27, 2025) (hereinafter, "May 2025 Memo").[10]

79. This new guidance permits "ICE officers or agents [to] conduct civil immigration enforcement actions in or near courthouses when they have credible information that leads them to believe the targeted alien(s) is or will be present at a specific location." *Id.* at 2. This policy nonetheless cautions immigration officials that "ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses that are wholly dedicated to non-criminal proceedings (e.g. family court, small claims court)" unless operationally necessary or there is approval from the Field Office Director or the Special Agent in Charge. *Id.* at 2. The January 2025 Interim Memo and the May 2025 Memo represent a reversal of the 2021 Memo and long-standing practice. The result is DHS's dramatic expansion of civil immigration arrests by ICE officers at immigration courthouses across the country, including in New York.[11]

80. The 2025 courthouse arrest policy does not consider or discuss the risk that immigration enforcement in or near courts will chill access to courts and impair the fair administration of justice as DHS cautioned in the 2021 Memo. Instead, the new policy memo

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[9] *Available at* https://www.ice.gov/doclib/foia/policy/11072.3_CivilImmEnfActionsCourthouses_01.21.2025.pdf

[10] *Available at* https://www.ice.gov/doclib/foia/policy/11072.4.pdf.

[11] Andrew Rice and Stephane Keith, *Portfolio: The Trap at 26 Federal Plaza – Every day immigrants arriving for routine hearings are targeted by ICE agents and taken from their families,* New York Magazine (Oct. 20, 2025), https://nymag.com/intelligencer/article/26-federal-plaza-nyc-immigration-court-ice-agents-detainments-deportations.html.

claims that enforcement at or near courthouses "can reduce safety risks to the public, targeted alien(s), and ICE officers and agents" and is required "when jurisdictions refuse to cooperate with ICE, including when such jurisdictions refuse to honor immigration detainers and transfer aliens directly to ICE custody." May 2025 Memo at 1.

81. The May 2025 Memo is substantively the same as the January 2025 Interim Memo, except it removes a line limiting civil immigration arrests in courthouses "where such action is not precluded by laws imposed by the jurisdiction in which the enforcement action will take." *Compare* January 2025 Interim Memo at 2 *with* May 2025 Memo at 2. Thus, DHS's 2025 courthouse arrest policy purports to allow ICE to conduct civil immigration arrests at courthouses even if such arrests would violate local or state law.

82. Immigration arrests of people attending their court hearings in immigration courts were previously infrequent, if not entirely unheard of. Now, such ICE arrests of noncitizens are occurring at unprecedented rates, and significantly in New York.[12] "ICE agents are focusing on the willing and unwitting people who present themselves at three immigration courts," with the main hub being 26 Federal Plaza. "Migrants appear before a judge and are given a date for another

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[12] *See, e.g.*, Kayla Epstein, *'They treated us like animals' - Inside the epicentre of deportations in New York City*, BBC News (Oct. 10, 2025), https://www.bbc.com/news/articles/cn0rxrxd444o; Julia Ingram, *ICE agents target New York City immigration courts more often than others, new analysis suggests*, CBS News (Oct. 8, 2025), https://www.cbsnews.com/news/ice-agents-new-york-city-immigration-courts-analysis/; Luis Ferre-Sadurni and Dana Rubenstein, *ICE, Shifting Tactics, Detains High School Student at N.Y.C. Courthouse*, N.Y. Times, May 27, 2025, https://www.nytimes.com/2025/05/27/nyregion/new-york-student-arrested-ice.html; Gwynne Hogan, *Migrants, Protesters and a Pastor Arrested Inside and Outside Manhattan Immigration Courthouses*, The City, May 28, 2025, https://www.thecity.nyc/2025/05/28/ice-arrests-migrants-26-federal-plaza-pastor/; Carla Gloria Colome, *'It's Terrible What's Happening': Panic at New York's Immigration Courthouses Due to ICE Arrests*, Documented, May 29, 2025, https://documentedny.com/2025/05/29/manhattan-ice-arrests-new-york-immigration-courthouses/; Dean Moses, *ICE in courts: One immigrant's hearing turns into 'murderous reality show' that ends with chaotic arrest, traumatized family, Lander says*, amNY, July 16, 2025, https://www.amny.com/immigration/ice-hearing-arrest-reality-show-lander-07162025/

hearing, leaving them hopeful and thinking they are free to go. Then, the moment they step outside the courtroom, they are arrested and hustled away."[13] This is "an abuse of the courts system and puts immigrants into an impossible position. If they turn up for court hearings, as they are instructed to do, they could be arrested. But if they skip their court date, a judge could automatically order their deportation."[14]

83. Officers have been arresting large swaths of noncitizens without regard for the individual circumstances. *See* Julia Ainsley, et al., *Under Trump administration, ICE scraps paperwork officers once had to do before immigration arrests*, NBC News (Sept. 9, 2025) https://www.nbcnews.com/politics/national-security/trump-administration-ice-scraps-paperwork-officers-immigration-arrests-rcna229407 ("For more than 15 years, before they conducted any operation to arrest an immigrant in the United States, officers with [ICE's] Enforcement and Removal Operations division have been required to fill out a form with details about their target – name, appearance, known address and employment, immigration history, any criminal history and more – and give it to a supervisor for approval. This year, in a sign of how the agency has moved from targeted enforcement to broad street sweeps under the Trump administration, that policy has been ended, six current and former officials and agents of ICE and [DHS] told NBC News."). In fact, many noncitizens arrested by ICE included individuals whom ICE had previously granted parole or released from detention based on a finding that they were *not* dangerous or a flight risk. *See* Sundaram ("He was later detained by ICE in 2010 and released on an order of supervision, a document allowing him to live in the United States as long as he appeared at routine check-ins. ICE agents arrested Ceesay during a check-in around Feb. 19.");

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[13] *Id.*

[14] Kayla Epstein, *'They treated us like animals' - Inside the epicentre of deportations in New York City*, BBC News (Oct. 10, 2025), https://www.bbc.com/news/articles/cn0rxrxd444o

see also Jasmine Garsd, *Lawyers warn clients of increased arrest risk at immigration check ins*, NPR (April 24, 2025) https://www.npr.org/2025/04/24/nx-s1-5372694/immigration-lawyers-warn-detention-risk ("[M]ultiple immigration lawyers told NPR they're seeing more cases like Josue Aguilar's: clients showing up to what they believe are routine immigration appointments, and getting detained.").

84. At the same time ICE increased arrests, the agency sought to expand the use of procedures to expedite the removal of individuals it detained. For example, DHS broadened the category of individuals who could be subject to expedited removal—which is a form of removal proceedings in which an individual does not have the right to go before an IJ.[15] DHS then aggressively targeted individuals who had previously been paroled into the United States and were attending non-detained immigration court hearings, by moving to dismiss those proceedings and arresting them at those court hearings, and instead placing them in expedited removal. *See* Paul Kiefer, *ICE arrests of asylum seekers in Milwaukee show shifting tactics*, WISCONSIN WATCH (Oct. 30, 2025), https://wisconsinwatch.org/2025/10/milwaukee-wisconsin-ice-immigration-arrests-asylum-seekers-tactics-venezuela/ ("In recent months, the agency has

[15] On January 21, 2025, DHS issued a Federal Register Notice, published in the Federal Register on January 24, 2025, that applies expedited removal to certain noncitizens arrested anywhere in the country who cannot show "to the satisfaction of an immigration officer" that they have been continuously present in the United States for more than two years. U.S. Dep't of Homeland Sec., Designating Aliens for Expedited Removal (Jan. 21, 2025), https://public-inspection.federalregister.gov/2025-01720.pdf ("Rule"). The effective date of the Rule was January 21, 2025. On February 18, 2025, ICE sent an email directive to Enforcement and Removal officers directing them to consider for expedited removal "any arriving alien (i.e., encountered at a port of entry) who CBP determined to be inadmissible and released, as long as the alien is inadmissible under [8 U.S.C. § 1182(a)(6)(C)] (fraud or willful misrepresentation) or [8 U.S.C. § 1182(a)(7)] (lack of valid immigration documents)." *See* 2025.02.18 ICE Email Directive on Expedited Removal and Nondetained Docket, Immigration Policy Tracking Project (2025) available at https://immpolicytracking.org/policies/ice-directs-review-on-non-detained-docket-for-redetention-and-removal/#/tab-policy-documents. The email made clear that "[t]here is no time limit on the ability to process such aliens for [expedited removal]." *Id.*

also begun filing motions to dismiss the immigration court cases of defensive asylum seekers, said Milwaukee immigration attorney Marc Christopher. Once the immigrants' cases are dismissed, ICE can place them in 'expedited removal' proceedings—a fast-moving process that does not require a hearing.").

LEGAL ARGUMENT

I. Petitioner's Re-detention In The Absence of Changed Circumstances And Without Individualized Review Violates Due Process and Requires Release

85. The proper remedy for Mr. Galeas Miranda's habeas petition is release. The alternative, a bond hearing, cannot rectify the injury the Government has already done, and is doing now, to Mr. Galeas Miranda's Fifth Amendment rights. *Lopez Benitez v. Francis,* 795 F.Supp.3d 475, 497 ("[A bond hearing is] no substitute for the requirement that ICE engage in a deliberative process prior to, or contemporaneous with, the decision to strip a person of the freedom that lies at the heart of the Due Process Clause."); *O.F.B. v. Maldonado*, No. 25-CV-6336 (HG), 2025 WL 3277677, at *8 (E.D.N.Y. Nov. 25, 2025) ("Here, the nature of the constitutional violation Petitioner sustained—i.e., the government's failure to conduct any kind of individualized assessment before detaining him, failure to make any showing of changed circumstances, and failure to provide him with an opportunity to respond—renders any post-deprivation review by an immigration judge inadequate."); *Rodriguez-Acurio v. Almodovar*, No. 2:25-cv-6065 (NJC), 2025 WL 3314420, at *32 (E.D.N.Y. Nov. 28, 2025) ("ICE caused Rodriguez-Acurio to be placed in custody in violation of her rights to procedural due process. The proper remedy for that unlawful detention is release."); *Campbell v. Almodovar*, No. 1:25-cv-09509 (JLR), 2025 WL 3538351, at *13 (S.D.N.Y. Dec. 10, 2025) ("[B]oth DHS's failure to follow its own regulations and its failure to afford Campbell the minimal process due under the

Fifth Amendment violated Campbell's due process rights. Because of those failures, Campbell is entitled to release.").

86. The harm Mr. Galeas Miranda has suffered is specifically DHS's failure to conduct any individualized custody determination and offer any due process *before* detaining him: "The suggestion that" the Government may detain noncitizens "without consideration of dangerousness or flight risk so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release offends the ordered system of liberty that is the pillar of the Fifth Amendment." *Chipantiza-Sisalema v. Francis,* 2025 WL 1927931, at *3 (S.D.N.Y July 13, 2025) (ordering habeas relief to noncitizen); *Rodriguez-Acurio v. Almodovar*, 2025 WL 3314420, at *2 (E.D.N.Y. Nov. 28, 2025) (ordering habeas relief where noncitizen petitioner's "parole into the United States under Section 1182(d)(5)(A) was premised by law on the determination that she did *not* pose a safety risk. Nothing in the record before this Court shows any change in circumstances. No one at DHS or ICE ever made any individualized determination that Rodriguez-Acurio poses a flight or public safety risk before she was suddenly arrested and detained...."); *O.F.B. v. Maldonado*, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025) (ordering habeas relief after prior parole and without subsequent changed circumstances or review) *Hyppolite v. Noem*, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025) (same).

87. Irreparable injury has occurred and will continue to occur if Mr. Galeas Miranda is not released. "[A]s a general matter, there is a presumption of irreparable harm when there is an alleged deprivation of constitutional rights." *Donohue v. Mangano,* 886 F. Supp. 2d 126, 150 (E.D.N.Y. 2012) (collecting cases).

88. In addition to the baseline harm of unlawful and arbitrary detention, since Mr. Galeas Miranda was taken into custody on June 23, 2025, Respondents have deprived him of

access to medical care and contact with his family. This is no theoretical harm or conjectural injury: Mr. Galeas Miranda has *already* been deprived of medical care and experienced diminished vision. *See supra* ¶ 45. He is also unable to work to support his family in New York and Ecuador and his fiancée has already lost her stable housing as a result.

89. If this Court does not act, Petitioner's detention will continue for months or longer, as an immigration judge has stated that DHS can hold Petitioner in "mandatory" detention without the opportunity to request a bond hearing. Only release will remedy the constitutional harms that Mr. Galeas Miranda has, and will continue to, suffer.

90. Alternatively, should it not find release to be the appropriate remedy, this Court should issue and order to release Mr. Galeas Miranda on a bond of $3,000, the amount the immigration judge previously stated he would have granted were he to find petitioner bond eligible. *See J.G.O. v. Francis*, No. 1:25-cv-07233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025) (finding that petitioner should be released on bond in accordance with the terms originally set by the immigration judge).

II. Alternatively, This Court Should Hold A Bond Hearing Where the Government Will Have The Burden Of Showing That Mr. Galeas Miranda's Detention Is Authorized Under 8 U.S.C. § 1226(a)

91. Mr. Galeas Miranda is properly detained only under § 1226(a), as he does not fit the statutory definition of 8 U.S.C. § 1225(b)(2) as he was detained in the interior and not "seeking admission" at the time ICE arrested him at immigration court. *See, e.g.*, *Campbell v. Almodovar*, No. 1:25-cv-09509 (JLR), 2025 WL 3538351 (S.D.N.Y. Dec. 10, 2025) (discussing "seeking admission" requirement in Section 1225(b)(2)). However, regardless of the statute of detention, prolonged immigration detention without a bond hearing requires that he be provided

a bond hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is justified.

92. The Second Circuit has held that, whether an individual is subject to discretionary or mandatory detention, due process prohibits them from being detained for an unreasonable amount of time without a constitutionally sufficient bond hearing. *Velasco Lopez*, 978 F.3d at 846; *Black*, 103 F.4th at 138; *see also Al-Thuraya v. Warden, Orange Cnty. Corr. Facility*, No. 25-CV-2582 (AS), 2025 WL 2858422 (S.D.N.Y. Oct. 9, 2025) (ordering a bond hearing following the procedures outlined in *Black* for a noncitizen detained under 8 U.S.C. § 1225(b)). Both cases applied the tripartite test of *Mathews v. Eldridge*, 424 U.S. 319 (1976), to determine what process was due to the petitioners. *Velasco Lopez*, 978 F.3d at 851; *Black*, 103 F.4th at 138.

93. *Velasco Lopez* dealt with individuals who, like Mr. Galeas Miranda, are detained subject to § 1226(a). In *Black*, the Court found that detainees subject to mandatory detention based on certain criminal convictions, see 8 U.S.C. § 1226(c), were constitutionally entitled to a bond hearing after prolonged detention despite the statute's requirement of mandatory detention. 103 F.4th at 143.

94. Both *Velasco Lopez* and *Black* found that all three Mathews factors favored the noncitizen and ordered a bond hearing that required DHS to justify the petitioner's detention by clear and convincing evidence. *Velasco Lopez*, 978 F.3d at 852–55; *Black*, 103 F.4th at 152–55. In *Black*, the Circuit further ordered the Immigration Judge to consider alternatives to detention and ability to pay. *Black*, 103 F.4th at 159.

95. Though the Court in *Velasco Lopez* did not address the standard of proof in an initial bond hearing, the Supreme Court doctrine relied upon by *Velasco Lopez* make no distinction between the process required for hearings regarding initial detention and those

required to justify continued detention. See *Addington*, 441 U.S. at 432–43 (applying clear and convincing standard to initial civil commitment hearing); *Salerno*, 481 U.S. at 751 (approving initial pretrial detention determination where justified by clear and convincing standard).

96. This is also why it is the "overwhelming consensus of judges in this District" that the Due Process Clause requires the government to bear the burden of proof by clear and convincing evidence regardless of the length of detention. *Roman v. Decker*, No. 20-cv-6752 (AJN), 2020 WL 5743522, at *2 (S.D.N.Y. Sept. 25, 2020) (citation omitted). See also *Darko v. Sessions*, 342 F. Supp. 3d 429, 435 (S.D.N.Y. 2018) ("There has emerged a consensus view that where, as here, the government seeks to detain an alien pending removal proceedings, it bears the burden of proving that such detention is justified.") (collecting cases); *P.M. v. Joyce*, No. 22-cv6321 (VEC), 2023 WL 2401458, at *3 (S.D.N.Y. Mar. 8, 2023) ("[N]either the Circuit's decision in *Velasco Lopez* nor any other binding appellate authority overrules the overwhelming consensus of courts in this District that the Due Process Clause of the Fifth Amendment requires the Government to bear the burden to justify continued detention of a noncitizen who is detained pursuant to § 1226(a), even absent prolonged detention.") (quoting *Banegas v. Decker*, No. 21-CV-2359 (VEC), 2021 WL 1852000, at *3 (S.D.N.Y. May 7, 2021) (cleaned up); *Quintanilla*, 2021 WL 707062, at *3 (collecting cases).

97. ICE is detaining Mr. Galeas Miranda without release or an individualized bond hearing. Under the *Mathews* factors, the Respondents' ongoing detention of Petitioner without the opportunity for release violates due process. Should this Court not grant release or set the previously determined bond amount of $3,000, the alternative appropriate remedy would be an individualized bond hearing where the government bears the burden of showing that Mr. Galeas Miranda's continued detention is authorized under

8 U.S.C. § 1226(a) by clear and convincing evidence, and at which the adjudicator must consider ability to pay and alternatives to detention.

CAUSES OF ACTION

FIRST CLAIM
Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution — Procedural Due Process

98. Mr. Galeas Miranda repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

99. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. CONST AMEND. V.

100. DHS made the reasoned decision to parole Mr. Galeas Miranda into the United States while he pursued his asylum claim, finding that he was not a flight risk or danger. Mr. Galeas Miranda presented himself to ICE when his parole expired and once again, he was not detained, only told to wait for his court date. Although no relevant facts or circumstances changed, over two years later, ICE later abruptly took him into custody while he was appearing in immigration court, absent any process. This does not comport with due process, which requires, at a minimum, notice and an opportunity to respond prior to the deprivation of liberty at a hearing before a neutral adjudicator. *See, e.g.*, *Torres-Jurado v. Biden*, No. 19-cv-3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29, 2023) (explaining that, in parole revocation, "due process, at a minimum" requires the government to afford meaningful notice and an opportunity to be heard and that the opportunity must be meaningful) (*citing to Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 403 (S.D.N.Y. 2004)); *Valdez,* 2025 WL 1707737, at *4 (ordering release of petitioner re-detained 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."); *Lopez v. Sessions*, No. 18-cv-4189 (RWS), 2018 WL 2932726, at *12 (S.D.N.Y. June 12, 2018) ("Petitioner's re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment."); *Singh v. Andrews*, No. 25-cv-00801, 2025 WL 1918679 at *20 (E.D. Cal. July 11, 2025) (ordering release of noncitizen re-detained after an immigration court hearing based on finding that "the *Mathews* factors show that petitioner is entitled to process, and that process should have been provided before petitioner was detained").

101. In addition, at no time did DHS conduct an individualized assessment of the need for Petitioner's detention. Instead, he was subject to ICE raids at immigration courthouses to arrest people DHS had previously released. ICE's failure to conduct an individualized review prior to detention violates due process and requires release. *See, e.g.*, *O.F.B. v. Maldonado*, 2025 WL 3277677, at *8 (E.D.N.Y. Nov. 25, 2025) (ordering release of previously-paroled petitioner re-detained after immigration hearing, finding that his due process rights were violated due to "the government's failure to conduct any kind of individualized assessment before detaining him, failure to make any showing of changed circumstances, and failure to provide him with an opportunity to respond..."); *Rodriguez-Acurio v. Almodovar*, 2025 WL 3314420, at *30 (E.D.N.Y. Nov. 28, 2025) (ordering release of previously-paroled petitioner re-detained after her credible fear interview, finding that her detention "with no notice or opportunity to be heard and no showing of changed circumstances violates her due process rights"); *Campbell v. Almodovar*, No. 1:25-cv-09509 (JLR), 2025 WL 3538351 (S.D.N.Y. Dec. 10, 2025) (ordering release of previously-paroled petitioner re-detained after reporting to ICE as instructed, where detention without any individualized assessment or change in circumstances violated petitioner's due process rights);

Chipantiza-Sisalema, 2025 WL 1927931 at *5 (ordering release of petitioner re-detained after immigration hearing, finding that her detention "violates her Fifth Amendment right to due process because ICE detained her without notice, an opportunity to respond, or an individualized determination that she poses a flight risk or a danger to the community"); *Kelly v, Almodovar*, No. 25-cv-6448, 2025 WL 2381591 at *3 (S.D.N.Y. Aug. 15, 2025) (ordering immediate release of Petitioner and writing that "[t]he suggestion that government agents may sweep up any person they wish and hold that person in the conditions in which Kelly was held without consideration of dangerousness or flight risk so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release offends the ordered system of liberty that is the pillar of the Fifth Amendment"); *Lopez Benitez*, 2025 WL 2371588 at *14-15 (ordering immediate release of Petitioner re-detained in immigration court and noting "[i]n practice, Respondents seem to be detaining some arbitrary portion of such individuals as they leave their regularly scheduled immigration court proceedings. But treating attendance in immigration court as a game of detention roulette is not consistent with the constitutional guarantee of due process").

SECOND CLAIM

Violation of the Fifth Amendment Right to Due Process — Substantive Due Process

102. Mr. Galeas Miranda repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

103. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. CONST AMEND. V. The only proper purposes for immigration detention are to protect against a risk of flight or danger to the community.

104. The Fifth Amendment of the Constitution further guarantees that people in civil detention may not be subject to conditions of confinement or denial of medical care that "amount

to punishment." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). The federal government violates the substantive due process rights of a person in civil immigration detention if it "takes [that] person into custody, severely limiting his ability to care for himself, and then is deliberately indifferent to his medical needs[.]" *Charles v. Orange Cnty.*, 925 F.3d 73, 85 (2d Cir. 2019).

105. Mr. Galeas Miranda is not a flight risk nor is he a danger to the community. An immigration judge already found that were he not mandatorily detained, he would be eligible for a bond of $3,000. Respondents' detention of Mr. Galeas Miranda is therefore unjustified and unlawful. Accordingly, Mr. Galeas Miranda's detention is punitive, and he is being detained in violation of his constitutional right to Due Process under the Fifth Amendment. Petitioner's serious medical conditions place him at a heightened risk of suffering serious medical harm without consistent treatment and monitoring. Dr. Graham states that he "strongly recommend[s] that Mr. Galeas Miranda be released from detention to properly promote adequate evaluation of his medical conditions and subsequent care coordination. Without adequate evaluation, diagnosis, and treatment, there is the risk that he could develop serious, or even life-threatening, complications from untreated disease." Dr. Graham Ltr. Because Respondents are aware that failing to adequately protect Petitioners could have tragic results and yet have not taken necessary or appropriate precautions, Respondents have acted with deliberate indifference to Petitioners' serious medical needs in violation of the Due Process Clause.

106. Mr. Galeas Miranda's detention without any individualized review of the need for his detention, a lack of consideration of any risk of flight risk or danger or medical issues that counsel against detention, and his ongoing deficient medical care which subjects him to serious risk of adverse health effects and serious harm violates substantive due process.

THIRD CLAIM

Violation of the Fifth Amendment Right to Due Process — Prolonged Mandatory Detention

107. Petitioner realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as if set forth herein.

108. Petitioner's prolonged incarceration without a bond hearing—which has lasted five months already and is certain to extend much longer—violates the Due Process Clause.

109. Taken together, the individual factors in Petitioner's case overwhelmingly demonstrate the unreasonableness of continued detention and require either a constitutionally adequate bond hearing or immediate release.

FOURTH CLAIM

Violation of the Fourth Amendment to the U.S. Constitution – Unlawful Arrest

110. Mr. Galeas Miranda repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

111. In December 2022, Mr. Galeas Miranda crossed the southern border of the United States to seek asylum. DHS then exercised its discretion under the Immigration and Nationality Act to release, or parole, him while he litigated his removal proceedings. On March 2, 2023, the date listed on his parole stamp, he presented himself to ICE and was told only to monitor the EOIR website for his court date. At this time, ICE chose not to detain Mr. Galeas Miranda, and their statement that he should continue to check the EOIR website indicates that they continued to believe he was neither a flight risk nor a danger to the community.

112. DHS lacked any information of changed or exigent circumstances that would justify his arrest after federal immigration authorities had already decided he could pursue his claims for immigration relief at liberty in the community. His arrest on June 23, 2025, is based solely on the fact that he is subject to removal proceedings is unreasonable and violates the Fourth Amendment.

FIFTH CLAIM

Violation of the Administrative Procedure Act, 5 U.S.C. §§ 702, 706

113. Mr. Galeas Miranda repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

114. Mr. Galeas Miranda was arrested pursuant to the government's policy of targeting people who appear for their immigration hearings for arrest in immigration courthouses. That policy is arbitrary and capricious because it is an unreasoned departure from recent and longstanding agency policy and practice.

115. DHS's courthouse arrest policy fails to consider multiple important downsides. Arresting people who appear for their court proceedings will disincentivize people from attending those proceedings, even where they have meritorious claims for relief, and impede the fair administration of justice. People who appear for their immigration proceedings are not flight risks and therefore do not need to be detained while their proceedings are pending.

116. Despite these baseline requirements, DHS now regularly re-detains people in immigration proceedings, notwithstanding the lack of any changed circumstances from their earlier determination to release. Moreover, they re-detain people without providing any notice or process whatsoever. These re-detentions violate noncitizens' right to due process. *See supra*, First Claim, ¶¶ 98 - 101.

117. Mr. Galeas Miranda's arrest pursuant to DHS's policy are final agency actions that violate the Administrative Procedure Act, 5 U.S.C. § 706(2).

SIXTH CLAIM

Violation of the Immigration and Nationality Act and the Administrative Procedure Act, 5 U.S.C. §§ 702, 706

118. Mr. Galeas Miranda repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

119. DHS's arrest of Mr. Galeas Miranda immediately after he exited an immigration court proceeding in which he was a party violates the common law privilege against civil arrests while coming to, attending, and returning from court. This common law protection is incorporated into the Immigration and Nationality Act.

120. Therefore, the policy is in excess of statutory authority because the INA does not authorize civil arrests in and around courthouses.

121. In addition, Respondents' classification of Mr. Galeas Miranda as subject to mandatory detention under 8 U.S.C. 1225(b)(2) violates the plain text of the INA and is *ultra vires*.

PRAYER FOR RELIEF

WHEREFORE, the petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;

2) Enjoin the respondents from transferring the petitioner away from New York State pending these proceedings;

3) Declare that the petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, the Immigration and Nationality Act, and the Suspension Clause of Article I of the U.S. Constitution;

4) Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner immediately, returning to the status prior to detention without any additional restrictions on his liberty; or, in the alternative, release on a bond of $3,000;

5) Alternatively, provide Petitioner with a bond hearing within seven days at which the government would have the burden to prove that petitioner's detention is authorized under § 1226(a);

6) Grant the petitioner any other relief this Court deems just and proper.

Dated: December 15, 2025
Brooklyn, New York

Respectfully submitted,

/s/ Amelia Marritz
Amelia Marritz
Alexandra Lampert
Brooklyn Defender Services
177 Livingston St, 7th Floor
Brooklyn, NY 11201
Tel: 718-254-0700
amarritz@bds.org

Pro bono Attorneys for Petitioner