UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FIDEL A. CRESPO TACURI, Petitioner, v. **KENNETH GENALO**, in his official capacity as Director of New York Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, in her official capacity as Secretary of the U.S. Department of Homeland Security; **PAMELA BONDI**, in her official capacity as Attorney General of the United States; and **RAUL MALDONADO, JR.**, in his official capacity as Warden, Metropolitan Detention Center, Brooklyn, Respondents.	Case No. _____ Agency File No. A [redacted] **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, FIDEL A. CRESPO TAURI ("Petitioner"), is a 49-year-old male from Ecuador. On August 29, 2025, he was stopped and detained by U.S. Immigration & Customs Enforcement ("ICE") officers in Ossining, New York, because he matched the description of another individual those officers were attempting to locate.

2. Petitioner arrived in the U.S. in 1999 and has resided here ever since. He is married and has an 18-year-old daughter who was born in Mt. Pleasant, New York. He lives in a home he and his wife purchased in 2023 in Mahopac, New York.

3. Petitioner started a construction business in Westchester County with his brother approximately three years ago, focusing on stucco. Prior to that, Petitioner was a self-employed construction worker.

4. Petitioner has remained in ICE custody at the Metropolitan Detention Center in Brooklyn, New York ("MDC Brooklyn"), since he was detained on August 29, 2025.

5. Petitioner has no criminal record, and prior to August 29, 2025, has never had contact with immigration or criminal law enforcement in the U.S. He does not pose a danger to the community. He is not a flight risk.

JURISDICTION

6. This action arises under the U.S. Constitution and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et seq.*

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause).

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper because at the time of filing Petitioner is detained at MDC Brooklyn, which is within the jurisdiction of this District Court. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) (citing *Ex Parte Endo*, 323 U.S. 283 (1944)).

10. Venue is also proper before this District Court because Respondents are officers, employees, or agencies of the U.S. and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

13. Petitioner has lived in the U.S. since 1999 and was detained by Respondents without reasonable suspicion on August 29, 2025. At the time of filing this Petition he is being detained at MDC Brooklyn. He is in the custody, and under the direct control, of Respondents and their agents.

14. Upon information and belief, Respondent Kenneth GENALO is named in his official capacity as the Field Office Director of the New York City ICE Field Office within the U.S. Department of Homeland Security. In this capacity, he is responsible for the administration of immigration laws and execution of detention and removal determinations and is a custodian of

Petitioner. Respondent Genalo's address is U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, New York City Field Office, 26 Federal Plaza, 9th Floor, Suite 9-110, New York, NY 10278.

15. Respondent Kristi NOEM is named in her official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a); routinely transacts business in the Eastern District of New York; is legally responsible for pursuing any effort to detain and remove Petitioner; and as such, is a custodian of Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, 2707 Martin Luther King, Jr. Avenue SE, Washington, DC 20528-04855.

16. Respondent Pamela BONDI is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review ("EOIR"), pursuant to Section 103(g) of the INA, 8 U.S.C. § 1103(g). She routinely transacts business in the Eastern District of New York and is legally responsible for administering Petitioner's removal and custody proceedings and for the standards used in those proceedings. As such, she is the custodian of Petitioner. Respondent Bondi's office is located at the U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530.

17. Respondent Raul MALDONAOD, JR. is named in his official capacity as Warden of MDC Brooklyn. In this capacity, he is responsible for the administration of the detention center where Petitioner is held. As such, he is the direct custodian of Petitioner. MDC Brooklyn is within the Eastern District of New York. Respondent Maldonado, Jr.'s office is located at 80 29th Street, Brooklyn, NY 11232.

STATEMENT OF FACTS

18. Petitioner was stopped by ICE agents on August 29, 2025, after matching the description of another individual they were searching for; he was immediately detained when it was determined he was in the U.S. unlawfully. *See* Exh. 1, Declaration of Robert E. Martinez in Support of Petition for Writ of Habeas Corpus, ¶ 7; *see also* Exh. 2, Department of Homeland Security Removal Evidence, p. 4. Petitioner was issued a Notice to Appear ("NTA") by DHS that same day. *See* Exh. 3, Notice to Appear, p. 2. The NTA indicated an appearance date of September 8, 2025.

19. On September 4, 2025, Petitioner, through undersigned counsel, filed a Bond Redetermination Request with the Immigration Court. *See* Exh. 1, ¶ 10.

20. On September 5, 2025, the Board of Immigration Appeals ("BIA") issued its decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *Id.*, ¶ 11.

21. On September 8, 2025, Petitioner appeared via video before the Immigration Court for his first Master Calendar Hearing. Petitioner sought relief for cancellation of removal under Section 240A(b)(1) of the INA, 8 U.S.C. § 1229b(b)(1) ("Section 1229b(b)(1)"), and a second Master Calendar Hearing was scheduled for September 17, 2025. *Id.*, ¶ 12.

22. On September 10, 2025, the Immigration Judge in Petitioner's matter held a hearing on the request for a bond. The Immigration Judge denied the bond request based on *Matter of Yajure Hurtado* stating that the Petitioner was not eligible for bond under Section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A) ("Section 1225(b)(2)(A)"). *See* Exh. 4, Order of the Immigration Judge, dated September 10, 2025, p.1. The Immigration Judge would not entertain arguments regarding the misapplication of Section 1225(b)(2)(A) to Petitioner and instead directed undersigned counsel to file an appeal with the BIA, which would have been due

on or about October 10, 2025. No appeal was filed as it would have been futile to do so based on the BIA decision in *Matter of Yajure Hurtado*. *See* Exh. 1, ¶ 13.

23. Between September and November 2025, undersigned counsel was only able to meet with Petitioner on two occasions while he was detained at MDC Brooklyn. *Id.*, ¶¶ 14, 15 and 17.

24. On September 17, 2025, Petitioner appeared via video before the Immigration Court for his second Master Calendar Hearing. At this hearing Petitioner filed an application seeking Section 1229b(b)(1) relief and the Immigration Judge scheduled an Individual Merits Hearing date of October 15, 2025. *Id.*, ¶ 16.

25. On October 15, 2025, Petitioner appeared via video before the Immigration Court to begin his Individual Merits Hearing. Due to an emergency on another matter, the Immigration Judge rescheduled Petitioner's Individual Merits Hearing to November 20, 2025. *Id.*, ¶ 18.

26. On November 20, 2025, Petitioner appeared via video before the Immigration Court to begin his Individual Merits Hearing. The hearing commenced briefly before the Immigration Judge received another emergency matter, causing him to reschedule Petitioner's Individual Merits Hearing to December 2, 2025. *Id.*, ¶ 19.

27. On November 20, 2025, the U.S. District Court for the Central District of California in *Maldonado Bautista v. Santacruz, Jr.*, 5:25-c-v-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), granted class certification and partial summary judgment for individuals similarly situated to the Petitioner. *Id.*, ¶ 20.

28. On November 26, 2025, Petitioner, through undersigned counsel, filed a second Bond Redetermination Request with the Immigration Court, based on *Maldonado Bautista v. Santacruz, Jr. Id.*, ¶ 21.

29. On December 2, 2025, Petitioner appeared via video before the Immigration Court to continue his Individual Merits Hearing. At the conclusion of the hearing, the Immigration Judge had still not reviewed the second Bond Redetermination Request and would not hold his decision in abeyance on Petitioner's claim for relief under Section 1229b(b)(1). The Immigration Judge determined that Petitioner did not qualify for relief under Section 1229b(b)(1) and indicated an appeal with the BIA would be due on January 2, 2026. *Id.*, ¶ 22; *see also* Exh. 5, Order – Oral Decision Summary, dated December 2, 2025, p. 3.

30. On the evening of December 2, 2025, after the close of Petitioner's hearing, the Immigration Judge issued a decision denying the second Bond Redetermination Request without scheduling a hearing *See* Exh. 1, ¶ 23; *see also* Exh. 6, Order of the Immigration Judge, dated December 2, 2025, p. 1.

31. Petitioner has not yet filed an appeal of the Immigration Judge's denial of his request for Section 1229b(b)(1) relief. *See* Exh. 1., ¶ 24. Petitioner wishes to file an appeal with the BIA, but the prospect of remaining detained pending the outcome of his appeal would prevent him from effectively assisting in the process. *Id.*

LEGAL FRAMEWORK

32. Section 240 of the INA, 8 U.S.C. § 1229a ("Section 1229a"), prescribes the general framework for removal proceedings before an Immigration Judge. The INA contains provisions for three basic forms of detention for the vast majority of noncitizens in removal proceedings.

a. First, Section 236 of the INA, 8 U.S.C. § 1226, authorizes the detention of noncitizens in standard removal proceedings. Individuals detained pursuant to Section 236(a) of the INA, 8 U.S.C. § 1226(a) ("Section 1226(a)") are generally entitled to a

bond hearing at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a) and 1236.1(d). However, noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

b. Second, Section 235 of the INA, 8 U.S.C. § 1225, provides for mandatory detention of noncitizens subject to expedited removal. S*ee* 8 U.S.C. § 1225(b)(1). It also provides for mandatory detention for other recent arrivals seeking admission who are not otherwise entitled to be admitted, *see* 8 U.S.C. § 1225(b)(2).

c. Third, Section 241 of the INA, 8 U.S.C. § 1231, provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)-(b).

33. The instant case concerns the detention provisions contained in Section 1225(b)(2)(A) and Section 1226(a). These provisions were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, Div. C, §§ 302-303, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No 119-1, 139 Stat. 3 (2025).

34. EOIR drafted new regulations in 1997 following the enactment of the IIRIRA explaining that, in general, individuals who entered the country without inspection were not considered detained under Section 1225(b)(2)(A), but rather that they were considered detained under Section 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

35. Between 1997 until early 2025 most people who entered the U.S. without inspection and who were placed in removal proceedings received bond hearings unless their criminal history rendered them ineligible pursuant to Section 236(c) of the INA, 8 U.S.C. 1226(c). This was consistent with prior practice where noncitizens who were not deemed to be "arriving" in the U.S. were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that Section 1226(a) simply "restates" the detention authority previously contained in Section 1252(a)).

36. In July 2025, ICE, "in coordination with" DOJ, announced a new policy that eliminated this well-established understanding of the statutory framework and reversed decades of practice. The new policy, titled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the U.S. without inspection shall now be subject to the mandatory detention provisions under Section 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the U.S. for months, years, and, like Petitioner, decades.

37. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There, the BIA held that all noncitizens who entered the U.S. without admission or parole are subject to detention under Section 1225(b)(2)(A) and are, therefore, ineligible for bond hearings before an Immigration Judge.

38. Since the adoption of this new policy by Respondents, dozens of federal courts have rejected this new interpretation of the INA's detention authorities. Courts have likewise

rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute which Respondents have implemented.

39. U.S. District Courts in multiple jurisdictions across the U.S., including this District Court and the Southern District of New York, have determined that the misinterpretation and misapplication of Section 1225(b)(2)(A) to individuals such as Petitioner has warranted, under the correct circumstances, the grant of habeas petitions. *See Rodriguez-Acurio v. Almodavar, et al.*, No. 2:25-CV-6065 (NJC), 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025) (court grants petition and held petitioner is detained under Section 1226(a), not Section 1225(b)(2)(A), and that detention without any individualized custody determination violates the Fifth Amendment procedural due process requirements); *Hyppolite v. Noem, et al.*, No. 25-CV-4304 (NRM), 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025) (court grants petition and enjoins re-detention absent a bond hearing); *J.U. v. Maldonado, et al.*, No. 25-CV-04836 (OEM), 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Lopez Benitez v. Francis, et al.*, No 25-CV-5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025; and *Samb v. Joyce, et al.*, No. 25-CV-6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025).

40. Recently, the U.S. Federal District Court for the Central District of California in *Maldonado Bautista v. Santacruz, Jr.*, granted class certification and partial summary judgment for individuals similarly situated to the Petitioner. That Court determined that Section 1225(b)(2)(A) of the INA did not apply to individuals who entered the U.S. many years ago, but rather that Section 1226(a) of the INA applied, affording class members the opportunity to seek release from detention on a bond. Petitioner would be deemed a member of that class.

41. Section 1226(a) applies to individuals "pending a decision on whether the alien is to be removed from the United States" and allows for release on bond. *See* 8 U.S.C. § 1226(a)

and (a)(2). Removal hearings are held under Section 1229a, empowering immigration judges to decide "the inadmissibility or deportability of an alien". Immigration judges can review DHS custody determinations and issue a bond under certain circumstances. *See* 8 C.F.R. §§ 1003.19, 236.1(d)(1), and 1236.1(d)(1).

42. Section 1226(a) leaves no doubt that it applies to people who face charges of being inadmissible to the U.S., including those who are present without admission or parole. By contract, Section 1225(b)(2)(A) applies to people arriving at U.S. ports of entry or who recently entered the U.S. Section 1225(b)(2)(A) is premised on inspections at the border of people who are "seeking admission" to the U.S. The U.S. Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

43. Petitioner currently has no forum within either the EOIR or the BIA to seek release on bond following the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

44. Petitioner argues that *Matter of Yajure Hurtado* misinterprets the INA to strip access to a bond from noncitizens such as Petitioner who entered the U.S. without inspection in 1999.

45. Petitioner's detention on this basis violates the plain language of INA. Section 1225(b)(2)(A) does not apply to an individual, such as Petitioner, who entered the U.S. in 1999 and has resided in the U.S. without interruption since that time.

46. Petitioner argues that instead he is subject to Section 1226(a), which allows for release on conditional parole or bond. That section applies to individuals, such as Petitioner, who are charged as inadmissible for having entered the U.S. without inspection.

47. This new interpretation of the INA by Respondents is plainly contrary to the statutory framework implemented by Congress and is also contrary to decades of the government's practice of applying Section 1226(a) to individuals such as the Petitioner.

48. In addition, Petitioner was unconstitutionally detained without reasonable suspicion, as he was targeted by ICE solely based on his ethnicity.

49. Petitioner's unlawful and continued detention without the possibility of obtaining a bond for his release has caused immense and ongoing harm to him, his family, and his community. He brings this Petition to seek his immediate release from Respondents' custody or, alternatively, to have the opportunity to seek a bond as he is not a danger or flight risk.

CLAIMS FOR RELIEF

COUNT ONE
Violation of the INA

50. The allegations in the above paragraphs are realleged and incorporated herein.

51. The mandatory detention provision in Section 1225(b)(2)(A) does not apply to all noncitizens residing in the U.S. who are subject to the grounds of inadmissibility. It does not apply to those noncitizens who previously entered the U.S. and have been residing here prior to being apprehended and placed in removal proceedings by Respondents. Noncitizens, such as Petitioner, are detained under Section 1226(a), unless they are subject to other provisions. *See, e.g.*, 8 U.S.C. §§ 1225(b)(1), 1226(c), or 1231.

52. The misapplication of Section 1225(b)(2)(A) to Petitioner, therefore, unlawfully mandates his continued detention and violates the INA.

COUNT TWO
Violation of the Bond Regulations in Immigration Matters

53. The allegations in the above paragraphs are realleged and incorporated herein.

54. After Congress amended the INA though the IIRIRA, EOIR and the former Immigration and Naturalization Service (as it was previously known) issued an interim rule to interpret and apply the IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of Aliens," the following language appears: "[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323.

55. It is clear that individuals, such as Petitioner, who entered without inspection were eligible for consideration for bond and bond hearings before immigration judges under Section 1226(a).

56. However, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying Section 1225(b)(2)(A) to individuals, such as Petitioner, who have been living in the U.S. for many years before their apprehension and detention.

57. The misapplication of Section 1225(b)(2)(A) to Petitioner, therefore, unlawfully mandates his continued detention and violates the bond regulations in immigration matters contained in 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT THREE
Violation of Fifth Amendment Right to Due Process (Substantive Due Process)

58. The allegations in the above paragraphs are realleged and incorporated herein.

59. Petitioner is being detained without cause and in violation of his Constitutional right to due process under the Fifth Amendment.

60. The government's ongoing detention of Petitioner is unjustified and unlawful.

61. The goals of immigration detention are to ensure appearance "at future immigration proceedings," and to prevent "danger to the community." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Neither goal is served by Petitioner's continued detention.

62. Petitioner has no criminal history and does not present a danger to the community. Petitioner has strong ties in the Westchester County and Putnam County, New York, communities. He has a daughter who is a U.S. citizen and owns a home in Mahopac, New York with his wife. He is not a flight risk.

63. Petitioner's detention hampered his ability to prepare for his principal case and jeopardizes his ability to present an appeal of the Immigration Judge's decision.

64. Petitioner has no adequate remedy at law.

65. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT FOUR
Violation of Fifth Amendment Right to Due Process (Procedural Due Process)

66. The allegations in the above paragraphs are realleged and incorporated herein.

67. Petitioner is being detained without cause and in violation of his constitutional right to due process under the Fifth Amendment.

68. The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976).

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

70. Respondents provided Petitioner with no notice or opportunity to be heard prior to arresting and detaining him.

71. Respondents have offered Petitioner no meaningful opportunity to be heard or challenge his detention since detaining him.

72. Petitioner has no adequate remedy at law.

73. Petitioner's detention thereby deprives him of his rights to due process under the Fifth Amendment of the U.S. Constitution.

COUNT FIVE
Violation of the Fourth Amendment Right Against Unreasonable Seizures

74. The allegations in the above paragraphs are realleged and incorporated herein.

75. The Fourth Amendment protects "[t]he right of the people to be secure in their persons . . . against unreasonable searches and seizures." U.S. Const. amend. IV.

76. The Fourth Amendment prohibits Respondents, except in cases at the border and its functional equivalents, from conducting a stop to detain and question an individual without reasonable suspicion that a person in a noncitizen unlawfully in the U.S. *See United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

77. "[T]o establish reasonable suspicion, an officer cannot rely solely on generalizations that, if accepted, would cast suspicion on large segments of the law-abiding population." *United States v. Manzo-Jurado*, 475 F.3d 928, 935 (9th Cir. 2006); *see also Noem v. Vasquez Perdomo*, 606 U.S. __ (2025), 2025 WL 2585637, at *3 (Kavanaugh, J., concurring) ("To be clear, apparent ethnicity alone cannot furnish reasonable suspicion[.]"). The Second Circuit has found that lack of identification and inability to speak English are insufficient evidence of unlawful presence to justify an immigration arrest. *See Rodriguez v. Barr*, 943 F.3d 134, 143 (2d Cir. 2019).

78. Respondents detained Petitioner based solely on his apparent ethnicity and lacked reasonable suspicion that he was a noncitizen unlawfully residing in the U.S.

79. Petitioner's detention, therefore, violated his right against unreasonable seizures under the Fourth Amendment of the U.S. Constitution.

COUNT SIX
Release Pending Adjudication; 28 U.S.C. § 2241

80. The allegations in the above paragraphs are realleged and incorporated herein.

81. Pursuant to *Mapp v. Reno*, this Court has the "inherent authority" to set bail pending adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make the grant of bail necessary to make the habeas remedy effective." 241 F.3d 221, 226 (2d Cir. 2001).

82. Petitioner presents substantial claims: the egregious circumstances of his arrest; his prolonged confinement without the remedy of a bond contrary to the law; his need to present an effective appeal without being unlawfully detained. He requests immediate release pending adjudication of the instant petition.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days and set a hearing within five days of the return, as required by 28 U.S.C. § 2243.

(3) Restrain Respondents and/or their agents from transferring Petitioner to any location outside the geographic jurisdiction of the daily operations of ICE's New York Field Office pending these proceedings;

(4) Declare that Petitioner's detention without a bond hearing violates the Immigration and Nationality Act;

(5) Declare that Petitioner's detention without a bond hearing violates the bond regulations in immigration matters contained in 8 C.F.R. §§ 236.1, 1236.1, and 1003.19;

(6) Declare that the Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

(7) Declare that the Respondents' actions violate the Fourth Amendment;

(8) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, alternatively, schedule a bond hearing to afford him an opportunity to be released on bond;

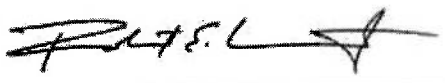
(9) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

(10) Grant any further relief this Court deems just and proper.

Dated: December 11, 2025
White Plains, New York

Respectfully submitted,

LAW OFFICE OF
ROBERT E. MARTINEZ, PLLC

By: 

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, FIDEL A. CRESPO TACURI, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 11, 2025

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