

United States District Court
For the Eastern District of New York

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Josue Antonio Leon Santamaria,

Dkt No: **26-28**

Petitioner,

Initials:

v.

Kristi Noem, Secretary of the Department of Homeland
Security, in her official capacity; Anthony J. LaRocco, Sheriff
Of Nassau County, in his official capacity; Kenneth Genalo, Director
Of Enforcement and Removal Operations, in his official capacity;
Ronald Hartung, Head of Nassau County Correctional Center,
In his official capacity,

Respondents.

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Mr. Leon's Petition for a Writ of Habeas Corpus

Submitted by:

Bruno J Bembi
Attorney at Law
P.O. Box 5248
Hempstead NY 11551
(516) 483 -7372
BB 8381

Petition for a Writ of Habeas Corpus

1. Petitioner, Josue Antonio Leon Santamaria, is currently in ICE custody at the Nassau County jail in East meadow, New York. His immigration A-number is [REDACTED]
2. Mr. Leon brings this petition for a writ of habeas corpus seeking his immediate release from custody pursuant to 28 U.S.C. 2241. His home address is [REDACTED]

Respondents

3. Respondent, Kristi Noem, is Secretary of the U.S. Department of Homeland Security with an address at 245 Murray Lane SW, Washington DC 20528.
4. Respondent, Anthony J. LaRocco, is the Sheriff of Nassau County with an officer at 100 Carmen Ave, East Meadow, NY 11554.
5. Respondent, Kenneth Genalo, is the Director of Enforcement and Removal Operations, with ICE. He has an office at 26 Federal Plaza, New York NY 10278.
6. Respondent, Ronald Hartung, is the head of the Nassau County Correctional Center with an office at 100 Carmen Ave, East Meadow, NY 11554.

Facts

7. On January 1, 2026 at approximately 11 pm, Mr. Leon was a passenger in his girlfriend's car as they were driving home to Hicksville, NY.
8. Mr. Leon's girlfriend is Fatima Platero Abreu.
9. Upon information and belief, For no reason, an undercover van behind Ms. Platero's car put on his flashing light and pulled Ms. Platero over.
10. An officer explained to Ms. Platero that she was pulled over since her inspection sticker was expired.
11. An officer instructed Ms. Platero and Mr. Leon to exit her vehicle.
12. Upon information and belief, The officers searched the car for no reason.
13. Upon information and belief, The officers falsely claimed they found drugs in the car and Ms. Platero and Mr. Leon were falsely arrested.

14. Ms. Platero and Mr. Leon were taken to the 3rd Precinct in Mineola.
15. Ms. Platero has two children who were born in the United States who live with her and Josue. They are 20 years old and 12 years old.
16. Ms. Platero and Mr. Leon were held at the precinct for several hours. Ms. Platero was given a desk appearance ticket, which, upon information and belief, falsely charged her with criminal possession of a controlled substance in the 7th, requiring her to appear in court on February 2, 2026 at 9:00 am.
17. Ms. Platero was released but Mr. Leon was not.
18. Ms. Platero asked an officer why Mr. Leon was not being released.
19. The officer told Ms. Platero that Mr. Leon had a warrant for his arrest his Suffolk County, a statement that she knew to be untrue.
20. Ms. Platero waited outside the police precinct and saw that Mr. Leon was put in an unmarked white van with black dark windows with shackles on his hands and feet.
21. Ms. Platero saw an officer who identified himself as an FBI agent put Mr. Leon into the van and the van drove away.
22. Mr. Leon called Ms. Platero about 2 am in the morning of January 2, 2026 and informed her that he is in immigration custody.
23. Ms. Platero found out that Mr. Leon is being held at the Nassau County Correctional Center on Carmen Avenue.
24. Mr. Leon was born on [REDACTED] in El Salvador.
25. Mr. Leon applied for Special Immigrant Juvenile [SIJ] status pursuant to 8 U.S.C. 1101(a)(27)(J) on August 2, 2017 after receiving the requisite orders from the Nassau County Family Court awarding guardianship to his sister and finding that he had been abused, neglected, and abandoned by his parents in El Salvador and that it would not be in his best interests to return to El Salvador as he was threatened by gang members.
26. Mr. Leon's priority date based upon his SIJ application is current, meaning he is eligible to adjust his status pursuant to 8 U.S.C. 1255 to become a lawful permanent resident. He is scheduled for a removal hearing with Immigration Judge Nelson at 26 Federal Plaza on July 16, 2026 at 2pm. He has submitted an application for adjustment of status on form I-485 and, upon information and belief, has paid the applicable fee of \$1225.00.

First Claim

27. Petitioner repeats and realleges all facts in paragraphs 1 through 26.
28. Mr. Leon's detention with due process of law violates his status as a special immigrant juvenile and he should no longer be held in custody by immigration authorities. See, Osorio Martinez v AG United States, 8793 F.3d 153, 179 (3d Cir. 2018).

Second Claim

29. Petitioner repeats and realleges all facts in paragraphs 1 through 26.
30. Mr. Leon's arrest was unlawful because it was made without probable cause to believe he is an alien and without probable cause to believe he is a flight risk, as required by 8 U.S.C. 1357(a)(2) and 8 C.F.R. 287.8(c)(2)(ii); Refugio Ramirez Orlando et al v Noem, 25-cv-3183-RBJ, 2025 U.S. Dist LEXIS 234204 (Dist CO, Judge Brooke Jackson, Nov 25, 2025).

Third Claim

31. Petitioner repeats and realleges all facts in paragraphs 1 through 26.
32. Mr. Leon's detention is unlawful because any criminal charges, if any, against him are unfounded.

Fourth Claim

33. Petitioner repeats and realleges all facts in paragraphs 1 through 26.
34. Mr. Leon's detention is unlawful because any criminal charges, if any, against him are unfounded and his detention is contrary to due process of law.

WHEREFORE, it is respectfully requested that Mr. Leon's transfer outside of the Eastern District of New York be stayed; that his removal be stayed; that he be ordered released from custody on his own recognizance.

Attorney Verification

I, Bruno J Bembi, attorney at law, affirm that the above statements are true, except those made upon information and belief, and as to those, I have a reasonable, good faith basis to believe they are true.

Respectfully submitted,

Dated: 1/2/26

A handwritten signature in black ink, appearing to read 'Bruno J Bembi', is written over a horizontal line.

Bruno J Bembi

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