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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LUZ MARY PATRICIA VALDES ACEVEDO
Alien# [redacted]

-Petitioner

PETITION & AFFIRMATION FOR **A WRIT OF HABEAS CORPUS,**

-against-

Case No. 26-CV-250

Nassau County Correctional Center ,
U.S. Department of Homeland Security and
U.S. Department of Justice

-Respondents

Petitioner by his attorney, Lorne J. Kelman, complaining of the Respondents respectfully sets forth and allege:

1. I, Lorne J. Kelman, an attorney admitted to practice before the courts of the State of New York affirms under penalty of perjury the following:

2. I represent the Petitioner, a Colombian national who is scheduled for imminent removal to her native Colombia by the U.S Department of Homeland Security (DHS).

JURISDICTION & VENUE

3. Petitioner brings this action under 28 USC §2241 and §2242.

4. This Court is empowered under 28 USC §2241 and §2242 to grant the Writ of Habeas Corpus and to declare the rights of the parties herein.

5. Jurisdiction over habeas corpus petitions exists where the petitioner's custodian can be reached by service of process from the court in which the petition has been brought, see- *Rasul v. Bush, 542 U.S. 466 (2004).*

6. Venue is proper since petitioner is being held by DHS in East Meadow, New York.

PARTIES

7. Petitioner is an individual and national of Colombia currently detained at the Nassau County Correctional Center in East Meadow, Nassau County, New York by DHS.

8. Respondent U.S Department of Homeland Security (DHS) has the authority pursuant to 8 USC § 1226 and 1357 to arrest and or detain aliens in the United States and regulate the admission, exclusion, expulsion, or removal of aliens.

9. Respondent U.S Department of Justice (DOJ) has the authority pursuant to arrest and prosecute individuals in the United States for crimes.

10. Respondent Nassau County Correctional Center, is a detention facility used by DHS to detain aliens.

FACTS

11. The petitioner is a citizen of Colombia who first entered the United States in or about 1996.

12. In or about the year 2000, Petitioner married a US citizen and obtained permanent residence.

13. In 2002, however, Petitioner was convicted in the EDNY of one count of Attempted Importation of One or More Kilograms of Heroin under 21USC962(a)(1) and 960(b)(1(A).

14. The facts of that crime were that Petitioner went to JFK Airport to retrieve furniture imported from Colombia that contained heroin.

15. Upon information and belief, this the only crime that Petitioner has ever committed.

16. For that crime, Petitioner was sentenced on January 17, 2003 to 46 months in prison.

17. In 2005, DHS placed Petitioner in removal proceedings before the Immigration Court which stripped her Permanent Residence status.

18. On August 29, 2005, Petitioner was ordered removed to Colombia by the Immigration Court ("the Immigration Court order") and was flown to Colombia.

19. Upon information and belief, after arriving in Colombia, Petitioner was arrested and incarcerated by Colombian authorities. She was later sentenced in Colombia to serve time in prison for the very same crime described above.

20. In or about 2008, [redacted].

21. On May 29, 2008, Petitioner was paroled into the USA [redacted].

22. This Parole status was first issued as valid until May 29, 2009 and subsequently renewed through May 29, 2026.

23. In January 2024, Petitioner again applied with DHS for Permanent Residence, this time based upon an Immigration petition from her son.

24. Petitioner was subsequently notified to attend a Permanent Residence interview on today's date.

25. Petitioner did attend her Permanent Residence interview and at its conclusion, was arrested by DHS agents.

26. DHS also served Petitioner with a Notice of Intent to Reinstate the Immigration Court order.

27. Upon information and belief, Petitioner has done nothing to warrant the revocation of her Parole status and detention.

28. In addition, the removal of Petitioner to Colombia would subject her to the very real risk of revenge and torture in Colombia [redacted] she [redacted], which apparently has no use for the Petitioner anymore.

29. As such, Petitioner has a real claim to relief under the Convention Against Torture ("CAT").

GROUND ONE: Reinstatement of Removal Order is *Ulltra Vires*

30. Regulation 8 CFR § 241.8 provides that allows for Reinstatement of removal order only where an alien "**illegally** reenters the United States". (emphasis added)

31. As stated above, the Petitioner did not illegally re-enter the USA. Rather, she was paroled into the US at the behest of the US Government. Hence, Reinstatement is improper.

32. Rather, DHS must recommence removal proceedings

GROUND TWO: Revocation of Petitioner's Parole Status Without Due Process

33. The DHS decision to strip the Petitioner of her parole status and detain her is a direct violation of her Due Process right under the Constitution.

34. Petitioner has done nothing to affect her parolee status as granted to her by the US Government and maintains that it is still valid.

35. Since acquiring that parole status, she has not committed any crimes, violent acts, nor drug-related offenses.

36. Petitioner submits that since she is neither a flight risk nor danger to society, has four US citizen children, many family members and friends in the USA and there is no reason not to permit her release.

37. DHS' action against Petitioner is arbitrary and capricious and thus without merit.

38. This is the first time Petitioner has applied for relief of this nature.

39. Further, Petitioner has exhausted all administrative remedies available to him.

PRAYER

WHEREFORE, Petitioner seeks relief in the nature of the following:

- An Order granting the Writ of Habeas Corpus for the immediate release of Petitioner;
- An Order granting the Writ of Mandamus as against Respondents so that a determination on her bond and custody application can be made;
- Any such further or other relief as this court deems just.

All of which is respectfully submitted,

Dated: January 15, 2026
Valley Stream, NY

/S/. Lorne J. Kelman
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70 East Sunrise Highway #500
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Tel: (516) 887 0730

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