United States District Court
For the Eastern District of New York

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Mirjan Mohd,

Petitioner,

v.

Dkt:26-680

Kristi Noem,
Secretary of the Department
Of Homeland Security; Officer
Montgomery,

Initials:

Respondents.

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Verified Petition for a Writ of Habeas Corpus

Submitted by

Bruno J Bembi
Attorney for Petitioner

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BB 8381

Petition for a Writ of Habeas Corpus

1. Petitioner, Mirjan Mohd, is currently in ICE custody at the Immigration and Customs Enforcement [ICE] facility at the MDC in Brooklyn, New York. His immigration A-number is [redacted].
2. Mr Mohd 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 [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, Officer Montgomery, is an ICE Officer with an address at 201 Varick St, Rm 1219, New York, NY 10014.

Facts

5. Mr. Mohd is a native and citizen of India who first came to the United States on or about February 28, 2022 with no valid documents.
6. He was born in India on [redacted].
7. Mr. Mohd applied for asylum with the immigration court in New York City. His asylum case was denied by the Immigration Judge and he filed an appeal of that decision with the Board of Immigration Appeals, in Falls Church, VA, on January 15, 2026.
8. On or about January 30, 2026, Mr. Mohd was walking down the street in Hempstead NY near the intersection of Hempstead Turnpike and North Franklin St., when ICE agents detained him for no reason other than his physical appearance.
9. At no time did the arresting officers consider whether Mr. Mohd is a flight risk before detaining him.
10. Mr. Mohd now respectfully submits this petition seeking his immediate release from ICE custody.

First Claim

11. Petitioner repeats and realleges all facts in paragraphs 1 through 10.

12. Mr. Mohd'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).

Second Claim

13. Petitioner repeats and realleges all facts in paragraphs 1 through 10.
14. Mr. Mohd's detention is unlawful because Mr. Rivera is not subject to detention pursuant to 8 U.S.C. section 1225.

Third Claim

15. Petitioner repeats and realleges all facts in paragraphs 1 through 10.
16. Mr. Mohd's detention is unlawful because his detention is contrary to due process of law.

WHEREFORE, it is respectfully requested that Mr. Mohd'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: 2/6/26

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