

United States District Court
For the Eastern District of New York

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Luis Francisco Mira Castro,

Petitioner,

v.

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

Respondents.

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Dkt:

Initials:

Verified Petition for a Writ of Habeas Corpus

Submitted by

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BB 8381

Petition for a Writ of Habeas Corpus

1. Petitioner, Luis Francisco Mira Castro [Mr. Mira], is currently in ICE custody at the Immigration and Customs Enforcement [ICE] facility in Central Islip, New York. His immigration A-number is [REDACTED] He was informed on Saturday, February 7, 2026, that he was being transferred to Brooklyn, NY.
2. Mr Mira 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, Officer Montgomery, is an ICE Officer with an address at 201 Varick St, Rm 1219, New York, NY 10014.

Facts

5. Mr. Mira is a native and citizen of El Salvador. Upon information and belief, he first came to the United States at the start of 2022 with no documents. It is believed he was 19 years of age when he came to the United States.
6. He was born in El Salvador on August 23, 2002.
7. Mr. Mira obtained a order of guardianship and special findings from the Nassau County Family Court. The order of special finding determined that it would not be in Mr. Mira's best interests to return to El Salvador.
8. Mr. Mira completed a form I-360 to apply as a special immigrant juvenile [SIJ] under 8 U.S.C. 1101(a)(27)(J). This petition was approved by the United States Citizenship and Immigration Services [CIS] on April 28, 2023. His priority date is October 28, 2022.
9. Mr. Mira had immigration court hearings pending which, upon information and belief, were either terminated or administratively closed.

10. When Mr. Mira's I-360 petition was approved, he was granted deferred action and 8 C.F.R 1003.18(d)(1)(ii)(C), provides that immigration court proceedings may be terminated.
11. Mr. Mira received a work authorization card based upon deferred action which was issued on April 16, 2024, with an expiration date of April 27, 2027.
12. On February 6, 2026, around 11:30 am, Mr. Mira was driving to lunch when he was stopped by ICE or by a bounty hunter working for ICE.
13. Mr. Mira showed his work authorization and documents concerning his I-360 application for special immigrant juvenile status and his approval of deferred action. He was informed his work authorization was not valid, even though it is valid.
14. Mr. Mira was detained, upon information and belief, at a fire station in Uniondale, and then sent to Central Islip and was informed he would be transferred to detention in Brooklyn.
15. A check of the immigration court system on February 7, 2026, indicates that Mr. Mira has been scheduled for an immigration court removal hearing before Immigration Judge Conroy on February 11, 2026 at 8:30 am.
16. At no time did the arresting officers consider whether Mr. Mira is a flight risk before detaining him.
17. Mr. Mira has relatives in Long Island who can help support him. His brother, who petitioned for him in family court, is a United States citizen. His name is Jayro Rodrigo Castro Barrientos. Mr. Mira has a cousin who is a lawful permanent resident whose name is Jose D. Castro Barrientos. Mr. Mira is employed as a landscaper.
18. Mr. Mira now respectfully submits this petition seeking his immediate release from ICE custody.

First Claim

19. Petitioner repeats and realleges all facts in paragraphs 1 through 18.
20. Mr. Mira's detention without 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

21. Petitioner repeats and realleges all facts in paragraphs 1 through 18.
22. Mr. Mira'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

23. Petitioner repeats and realleges all facts in paragraphs 1 through 18.
24. Mr. Mira's detention is unlawful because Mr. Mira is not subject to detention pursuant to 8 U.S.C. section 1225.

Fourth Claim

25. Petitioner repeats and realleges all facts in paragraphs 1 through 18.
26. Mr. Mira's detention is unlawful because his detention is contrary to due process of law.

WHEREFORE, it is respectfully requested that Mr. Mira'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,


Bruno J Bembi

Dated: 2/7/26

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