UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARQUIMEDES FOORCHUE ALMONTER, Petitioner, v. KRISTI NOEM, in her Official Capacity, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, in her Official Capacity, Attorney General of the United States; CAMMILLA WAMSLEY, in her Official Capacity, Philadelphia Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; J.L. JAMISON, in his Official Capacity as Warden of Federal Department of Corrections Philadelphia; Respondents.	Case No. (To be Assigned) Judge: Hon. _____ Magistrate Judge: _____ No request for jury trial **EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

Petitioner, ARQUIMEDES FOORCHUE ALMONTER, brings this Verified EMERGENCY Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Immigration and Nationality Act ("INA") and regulations thereunder; the Administrative Procedure Act; and the Suspension Clause of the Constitution, U.S. Const. Art. I § 9, cl. 2. The efforts to remove Petitioner constitute a "severe restraint" on his individual liberty such that Petitioner is "in custody" of the Respondents in violation of the . . . laws of the United States. *Hensley v. Municipal Court,* 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241, including the Immigration Nationality Act, 8 U.S.C. § 1101 et seq.; the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and the Due Process Clause of the Fifth Amendment of the United States Constitution.

At 7:20AM on February 13, 2026, ICE detained Petitioner when he was warming up his car at [redacted]. After inquiring about his immigration status, the agents said they were arresting him and placing him in removal proceedings. The NTA is not yet formally issued and there is no court date listed. He is currently detained in FDC Philadelphia. *See Exhibit A*.

Petitioner entered the U.S. lawfully on a visa. *See Exhibit B*. He has a pending I-130. *See Exhibit C*. Petitioner has no criminal history. ICE randomly encountered him and detained him on the street in public after he exited his house to his car. While Petitioner may ultimately be deemed eligible for a bond hearing in immigration court, for the reasons below, **the only appropriate remedy is IMMEDIATE RELEASE.**

A bond hearing in Immigration Court would be an inadequate remedy due to numerous immigration judges regularly imposing exorbitant bond amounts of up to $30,000. Increasingly,

IJ's are finding that virtually everyone is a flight risk, regardless of (1) the length of time they have been in the United States a (2) the strength of basis for relief.

Pursuant to this Court's inherent powers in habeas corpus proceedings, Petitioner respectfully requests that this Court enjoin Respondents from effectuating his removal from Philadelphia and order his IMMEDIATE release from custody. His continued detention, for ANY amount of time, does not serve any legitimate governmental purpose and is arbitrary and punitive, in violation of the Due Process Clause of the Fifth Amendment.

PARTIES

PETITIONER entered the U.S. legally on visa and currently has a pending I-130. He is currently detained at FDC Philadelphia's address is 700 Arch St, Philadelphia, PA 19106.

Respondent, KRISTI NOEM, is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal agency responsible for enforcing Petitioner's arrest, detention and removal. Respondent Noem's address is 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485.

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, pursuant to section 103(g) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1103(g). She routinely transacts business in the Eastern District of Pennsylvania, is legally responsible for administering Petitioner's removal proceedings and the standards used in those proceedings, and as such, is the legal custodian of Petitioner. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, District of Columbia 20530.

Respondent CAMMILLA WAMSLEY, in her Official Capacity, as the Philadelphia Office Director for Enforcement and Removal Operations, U.S., who has immediate authority over the Petitioner. Respondent WAMSLEY's office address is 114 N 8th St, Philadelphia, PA 19107.

Respondent J.L. JAMISON, is his Official Capacity as Warden of Federal Department of Corrections Philadelphia, as the individual responsible for the management and operation of the facility where Petitioner is detained. FDC Philadelphia's address is 700 Arch St, Philadelphia, PA 19106.

JURISDICTION & VENUE

The Court has jurisdiction under the Suspension Clause. The Suspension Clause provides, "The privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I § 9, cl. 2. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. §§ 2241 *et seq.*, as protected under Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), and federal question jurisdiction under 28 U.S.C. § 1331. This case arises under the United States Constitution; the INA, 8 U.S.C. §§ 1101 *et seq.*; the APA, 5 U.S.C §§ 701 *et seq.*; the Due Process Clause of the Fifth Amendment and the Fourth Amendment. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint[] on [Petitioner's] individual liberty," such that Petitioner is "in custody in violation of the . . . laws . . . of the United States." *See Hensley,* 411 U.S. at 351 (1973); 28 U.S.C. § 2241(c)(3). The petitioner is also subject to prolonged physical detention.

While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252, federal district courts have jurisdiction under 28 U.S.C.

§ 2241(d) to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of Respondents' conduct. *See Demore v. Kim*, 538 U.S. 510, 516–517 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No Supreme Court or Third Circuit precedent applicable to immigration detainees, nor the habeas statute, indicate that venue is not proper in the Eastern District Court of Pennsylvania *See* 28 U.S.C. § 2241. Venue is proper in the United States Eastern of Pennsylvania because a substantial part of the events and omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b)(2). Namely, Petitioner was detained in Philadelphia and is currently being held at the FDC Philadelphia.

FACTS GIVING RISE TO THE HABEAS PETITION

The Petitioner is currently detained at FDC Philadelphia. If released he will return to his fixed address in Philadelphia where he lives with his fiance. *See Exhibit D*. He has the support of his family, friends, and colleagues. *See Exhibit E*.

Petitioner remains in ICE custody despite substantial equities that warrant release. He entered the U.S. legally, has a pending I-130, has no criminal history, has complied with all legal obligations, has consistently demonstrated good moral character, and was detained arbitrarily by ICE in public, likely as a result of racial profiling.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id*. In this instance, where the facts and case law are clear, and where the consequences of delay could be removal from the United States, Respondents should not be granted additional time.

Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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, 83 S. Ct. 822, 9 L. Ed. 2d 837 (1963), overruled by Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2d 594 (1977), and abrogated by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

APPLICABLE LAW

A. Petitioner's Continued Detention Violates the Fifth Amendment's Due Process Clause

1. The Due Process Clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. at 693; *see also Yick Wo v. Hopkins*, 118 U.S. 356 (1886). The Supreme Court declared "that the Due Process Clause protects individuals against two types of government action" giving rise to distinct claims of substantive and procedural due process violations. *United States v. Salerno,* 481 U.S. 739, 746 (1987). Thus, "the touchstone of due process is protection of the individual against arbitrary action of government … whether the fault lies in the denial of fundamental due process fairness [procedural due process] … or in the exercise of power without any reasonable justification in the service of a legitimate government objective [substantive due process]…" *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citations and internal quotations omitted).

2. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth

Amendment. *See Matthews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived, and a right to meaningful process afforded at a meaningful time. *See Bd. of Regents v. Roth*, 408 U.S. 564, 569–70 (1972). "'Substantive due process' prevents the government from engaging in conduct that 'shocks the conscience,'… or interferes with rights 'implicit in the concept of ordered liberty.'" *Salerno*, 481 U.S. at 746. (internal citations omitted).

3. Respondents' power to detain and deport someone is not limitless, nor is it shielded from judicial review. *See Calderon v. Sessions,* 330 F. Supp. 3d 944, 950 (S.D.N.Y. 2018) *appeal withdrawn sub nom. Villavicencio Calderon v. Sessions*, No. 18-2926, 2018 WL 6920377 (2d Cir. Oct. 5, 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process afforded by the government); *You Xiu Qing v. Nielsen*, 321 F.Supp.3d 451 (S.D.N.Y. 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process and a motion to reopen); *S.N.C. v. Sessions,* No. 18 2018 WL 6175902, (S.D.N.Y. Nov. 26, 2018); *Compere v. Nielsen*, 2019 WL 332193, at *9 (D.N.H. Jan. 24, 2019) (granting a stay of removal for petitioner because deportation to Haiti would vitiate his ability to pursue an appeal to the BIA of the IJ's denial for a motion to reopen); *Lin v. Nielsen*, 2019 WL 1958569 at *15 (D. Md. May 2, 2019) (court found that a preliminary injunction was "in the public interest, as it requires DHS to comport with its own rules and regulations, and bars arbitrary and capricious action towards vulnerable undocumented immigrants."); *see also Martinez v. Neilsen*, 341 F.Supp.3d 400 (D.N.J. Sept. 14, 2018); *Fatty v. Nielsen*, 2018 WL 3491278 at *2 (W.D. Wash. Jul. 20, 2018);

Gutierrez-Soto v. Sessions, 317 F. Supp. 3d 917, 933-35 (W.D. Tex. 2018); *Jimenez v. Nielsen*, No. CV 18-10225-MLW, 2018 WL 4539687 (D. Mass. Sept. 21, 2018); *Sied v. Nielsen*, 2018 WL 1142202 (N.D. Cal. Mar. 2, 2018); *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018); *Ibrahim v. Acosta*, No. 17-CV-24574, 2018 WL 582520 (S.D. Fla. Jan. 26, 2018); *Chhoeun v. Marin*, 306 F. Supp. 3d 1147 (C.D. Cal. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017).

4. "Habeas corpus is at its core, an equitable remedy." *Schlup v. Delo*, 513 U.S. 298, 319 (1995). Judges have "broad discretion" to fashion an appropriate remedy. It may extend beyond simply ordering the release of a petitioner, *Carafas v. La Vallee*, 391 U.S. 234 (1968), and is to "be administered with the initiative and flexibility essential to ensure that miscarriages of justices within its reach are surfaced and corrected." *Harris v. Nelson*, 394 U.S. 286, 291 (1969). Habeas corpus "never has been a static, narrow, formalistic remedy; its scope has been to achieve its grand purpose - the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963). At its historical core, habeas corpus "has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *Rasul v. Bush*, 542 U.S. 466, 474 (2004) (citations omitted). These protections extend fully to noncitizens subject to an order of removal. *See I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Martinez v, McAleenan*, 385 F.Supp.3d 349, 355 ("Due to its talismanic significance in protecting individual liberty from unlawful detention, habeas corpus is fundamentally governed by equity. The Supreme Court has granted the writ when justice has so required.") (citing *Munaf v. Grren*, 128 S.Ct. 2207 (2008) and *Carafas v. LaVallee*, 392 U.S. 234 (1968)). The Supreme Court has noted

the writ's "scope and flexibility--its capacity to reach all manner of illegal detention--its ability to cut through barriers of form and procedural mazes." *Harris*, 394 U.S. at 291.

5. In the present case, there is no indication that Petitioner's detention is temporary or limited to a brief period necessary to effectuate removal. To the contrary, Petitioner has no pending court date and his detention may continue for an indefinite period. In addition, it demonstrates the significant hardship that his removal would impose on his U.S. citizen family members, who rely on his presence and support.

B. **Respondents' Conduct Violates the Administrative Procedure Act (5 U.S.C. §§ 701–706).**

6. The Administrative Procedure Act ("APA") forbids agencies from acting in a manner that is "arbitrary, capricious, [or] an abuse of discretion," especially where— as here—an agency's deviation from settled practice imposes severe restraints on liberty. Accordingly, Respondents' detention of Petitioner must be set aside under 5 U.S.C. § 706(2) as unlawful agency action taken "in excess of statutory jurisdiction" and "without observance of procedure required by law," and this Court should order his IMMEDIATE release.

CLAIMS FOR RELIEF

Violation of the Fifth Amendment (Substantive and Procedural Due Process)

7. Respondents' detention of Petitioner violates the Fifth Amendment by subjecting him to arbitrary, unnecessary, and prolonged incarceration. The government's refusal to consider less restrictive alternatives, and the arbitrary nature of the arrest of someone who entered the U.S. lawfully and has pending I-130 constitute both procedural and substantive due process violations. It cannot be stressed enough that he was randomly detained despite the manner of entry AND his pending I-130 status. If such detention decisions are the new norm, ICE has

entered the "search and destroy" phase of seeking individuals to detain for no other reason than to fill artificially set quotas.

REQUEST FOR RELIEF

8. Pending the adjudication of this Petition, Petitioner respectfully requests that the Court use its authority under 28 U.S.C. §2243 to order the Respondents to file a return within three days. *See* 28 U.S.C. §2243. (Order to show cause why a petition for a writ of habeas corpus should not be granted should be "returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").

9. Petitioner respectfully requests that Respondents be restrained from removing him from Philadelphia pending adjudication of his removal proceedings. Premature removal would preclude him from pursuing the forms of relief for which he is eligible and would undermine his ability to seek protection under applicable immigration laws.

10. Without this Court's intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm on Petitioner. Petitioner requests that this Court issue an order that Respondents must notify the Court and Petitioner's counsel five days prior to any removal of Petitioner.

11. Furthermore, Petitioner respectfully requests to be released from detention pending resolution of his immigration proceedings. Continued detention imposes significant hardship and interferes with his ability to meaningfully prepare and present his claims for relief.

12. Without this Court's intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm. Petitioner respectfully requests that this Court issue an order requiring Respondents to notify the Court and Petitioner's counsel at least five days prior to any attempt to remove him from the United States.

EXHAUSTION OF REMEDIES

13. Petitioner's claims regarding the constitutionally inadequate process and unlawful deprivation of liberty are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). To the extent that prudential concerns might lead the Court to consider exhaustion as a discretionary matter, Petitioner has taken all reasonable steps available to him within the administrative framework.

14. Petitioner is currently, or will be imminently, in removal proceedings before the Immigration Court and is represented by counsel. This remedy remains pending or forthcoming, and no final order of removal has been issued. In fact, he has a pending I-130 that will likely be approved and allow him to adjust status from within the U.S. without any waiver required.

15. Moreover, neither the Immigration Judge nor the Board of Immigration Appeals has jurisdiction to adjudicate the constitutional claims raised in this habeas petition. These claims fall squarely within the purview of this Court.

16. Finally, Petitioner faces irreparable harm in the form of continued detention, psychological trauma, and the risk of premature removal before he can pursue the legal remedies available to him. Respondents have the authority to parole Petitioner under 8 C.F.R. §§ 235.3(b)(2)(iii), 1235.3(b)(2)(iii), yet have declined to do so despite his eligibility (given that they decided to detain him without cause). Further, the administrative process offers no meaningful opportunity for relief due exorbitant bonds and artificially stratospheric standards to meet the burden of not being deemed a flight risk in Immigration Court, exhaustion of remedies is not required. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992) (exhaustion excused where administrative remedies are inadequate or futile); *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Issue a Writ of Habeas Corpus on the ground that Petitioner's continued detention violates the Due Process Clause and order Petitioner's IMMEDIATE release;

3. In the alternative, issue injunctive relief ordering Respondents to IMMEDIATELY release Petitioner on the ground that his continued detention violates the Due Process Clause;

4. Enjoin Respondents from removing Petitioner from the United States;

5. Order Respondents file a return within three days pursuant to 28 U.S.C. § 2243.

6. Declare that the process as applied to Petitioner by Respondents violates the Suspension Clause, the Due Process Clause of the Fifth Amendment, the Fourth Amendment, the INA, the APA, and federal regulations;

7. Issue a writ of habeas corpus directing Respondents to pursue a constitutionally adequate process to justify adverse immigration actions against Petitioner;

8. Order Respondents to provide five days of notice to the Court and Petitioner of his imminent removal;

9. Order Respondents to comply with all applicable rules, regulations, laws, and constitutional protections in relation to pending removal proceedings;

10. Award Petitioner his costs and reasonable attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes;

11. Grant such further relief as the Court deems just and proper.

Dated: February 15, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

R&G Legal Solutions
3662 N 21st Street
Philadelphia, PA 19140
215.779.6443
eric@rglegalsolutions.com

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ARQUIMEDES FOORCHUE ALMONTER

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
R&G Legal Solutions
Eric Rosenfeld
3662 N 21st Street, Philadelphia, PA 19140
215.779.6443

DEFENDANTS

KRISTI NOEM, in her Official Capacity, Secretary of the U.S. Department of Homeland Security
PAMELA BONDI, in her Official Capacity, Attorney General of the United States
CAMMILLA WAMSLEY, in her Official Capacity as Philadelphia Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement
J.L. JAMISON, in his Official Capacity as Warden of Federal Department of Corrections Philadelphia

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. § 2241; 28 U.S.C. § 1651; U.S. Const. Art. I § 9, cl. 2; INA; the Administrative Procedure Act; Suspension Clause of U.S. Const.

Brief description of cause: Unlawful immigration detention

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

February 15, 2026

/s/ Eric Rosenfeld

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: FDC Philadelphia at 700 Arch Street, Philadelphia, PA 19106

RELATED CASE IF ANY: Case Number:_____ Judge:_____

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☒ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☐ 16. All Other Federal Question Cases. *(Please specify)*:_____

B. *Diversity Jurisdiction Cases:*

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (*Please specify*):_____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☒ **does not** have implications beyond the parties before the court and ☐ **does** / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

Official Website of the Department of Homeland Security

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Main Menu

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Facility Page

Detention Information For:

ARQUIMEDES FOORCHUE ALMONTER
Country of Birth: Dominican Republic
A-Number: [redacted]

Current Detention Facility:

Philadelphia Federal Detention Center
700 Arch Street
NA
Philadelphia, PA 19106
Visitor Information: (215) 521-4000

MORE INFORMATION >

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

NEWARK, NJ, DOCKET CONTROL OFFICE
Phone Number: (862) 445-9200

Privacy - Terms

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Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

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External Links

Bureau of Prisons Inmate Locator

I-130, Petition for Alien Relative

Submitted on February 23, 2023
Receipt # [redacted]

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myProgress information is unavailable. We appreciate your patience while we work to restore this service.

Sections

Case Status

August 31, 2023

Case Is Still Being Processed By USCIS

As of August 31, 2023, your Form I-130, Petition for Alien Relative, Receipt Number [redacted] is still being processed. We do not currently need anything from you but will contact you if we need additional information regarding your case. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Current as of today at 10:12 a.m.

February 14, 2026

To Whom It May Concern,

My name is **Sherling S Franco**, and I reside at [redacted]. I am writing to confirm that my fiancé, **Arquimedes Forchue Almonte**, has been living with me at this address since **January 2026**.

During this time, he has been an active and responsible member of my household. He contributes to household expenses, helps maintain the home, and fully participates in our family's daily life. His presence is an important part of our household, and he has established stable living arrangements with me.

I certify that the information provided in this letter is true and accurate to the best of my knowledge.

Sincerely,

Sherling Franco

Sherling S Franco

Tel: [redacted]

Email: [redacted]

February 14, 2026

To Whom It May Concern,

My name is **Sherling S Franco Baez**, and I am the fiancée of **Arquimedes Forchue Almonte**. I am writing this letter with all my heart in strong support of him.

We have known each other since 2010, when we studied together at the university. From that time, our friendship grew into a strong and loving relationship. Over the years, we have built a deep bond based on trust, respect, and commitment. He is not only the man I love, but also my best friend and life partner. We are planning to get married and build a stable future together.

Since our university years, I have seen his dedication, responsibility, and strong work ethic. He has always been a hardworking and respectful person who values family and community. In all the years I have known him, I have never known him to be a danger to anyone. He is kind, caring, and supportive.

His detention has caused me great emotional pain and hardship. Being separated from him has been extremely difficult. He is a fundamental part of my life, and our plans for the future depend on us being together.

I am fully committed to supporting him and ensuring that he complies with all obligations set by the Court. I respectfully and humbly request that you grant him the opportunity to return home while his case is pending. Allowing him to come home would give us the chance to continue building the stable and responsible future we have worked toward for many years.

Thank you sincerely for your time and consideration.

Sincerely,
Sherling S Franco

Bogota, New Jersey

02/14/2026

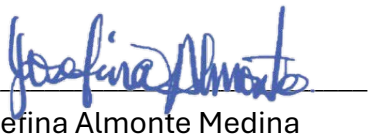
Proof of Residency Letter

I, **Josefina Almonte Medina**, residing at [redacted], certify that my son, **Arquimedes Forchue Almonte**, lived with me at the above address from **October 2025 to December 2025**.

During this period, there was no formal rental agreement. However, he contributed to household expenses as a family member.

I declare that the information provided in this letter is **true and correct to the best of my knowledge**.

Sincerely,



Josefina Almonte Medina
Tel: [redacted]
Email: [redacted]

February 14, 2026

To Whom It May Concern,

My name is **Sherling S Franco Baez**, and I am the fiancée of **Arquimedes Forchue Almonte**. I am writing this letter with all my heart in strong support of him.

We have known each other since 2010, when we studied together at the university. From that time, our friendship grew into a strong and loving relationship. Over the years, we have built a deep bond based on trust, respect, and commitment. He is not only the man I love, but also my best friend and life partner. We are planning to get married and build a stable future together.

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I am fully committed to supporting him and ensuring that he complies with all obligations set by the Court. I respectfully and humbly request that you grant him the opportunity to return home while his case is pending. Allowing him to come home would give us the chance to continue building the stable and responsible future we have worked toward for many years.

Thank you sincerely for your time and consideration.

Sincerely,
Sherling S Franco

LIKE MINDED SOLUTIONS LLC
265 W Bristol St
Philadelphia, PA 19140
Phone: 215-833-4865
Email: frank@likemindedsolutionsllc.com

February 14, 2026

To Whom It May Concern:

This letter is written on behalf of **Arquimedes Forchue Almonte**.

Like Minded Solutions LLC, represented by Business Consultant Frank Rosario, would like to express our full support for Mr. Forchue Almonte. Based on our knowledge of him, he is a responsible, respectful, and hardworking individual with strong moral character.

Mr. Forchue Almonte has demonstrated commitment, dedication, and a genuine desire to grow professionally and contribute positively to his family and community. He is a person of integrity who strives to fulfill his responsibilities and move forward productively and lawfully.

We respectfully ask that he be given the opportunity to continue supporting his family and pursuing his goals without interruption. We stand ready to provide any additional information if needed.

Sincerely,

_____

Frank Rosario
Business Consultant
Like Minded Solutions LLC
[redacted]

PROPOSED ORDER

AND NOW, this ___ day of _____, 2026, upon consideration of Petitioner's EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF, it is hereby ORDERED as follows:

1. Respondents must IMMEDIATELY release Petitioner from Custody;
2. Respondents are ENJOINED from removing Petitioner from Philadelphia pending the conclusion of these proceedings;

This Order shall remain in effect pending further order of the Court.

IT IS SO ORDERED.

Hon. Judge_____

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARQUIMEDES FOORCHUE ALMONTER, Petitioner, v. KRISTI NOEM, in her Official Capacity, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, in her Official Capacity, Attorney General of the United States; CAMMILLA WAMSLEY, in her Official Capacity, Philadelphia Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; J.L. JAMISON, in his Official Capacity as Warden of Federal Department of Corrections Philadelphia; Respondents.	Case No. (To be Assigned) Judge: Hon. _____ Magistrate Judge: _____ No request for jury trial **CERTIFICATE OF SERVICE** **EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

CERTIFICATE OF SERVICE

On February 15, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 15, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

R&G Legal Solutions
3662 N 21st Street
Philadelphia, PA 19140
215.779.6443
eric@rglegalsolutions.com