UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MEZA-FIGUEREDO, GABRIEL ALEJANDRO
[redacted]

Petitioner,

v.

Pamela BONDI, in her official capacity as U.S. Attorney General;

Marcos CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations;

Todd M. LYONS, in his official capacity as Acting Director, Immigration and Customs Enforcement;

Kristi NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security;

Respondents.

Docket No:

VERIFIED EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

PRELIMINARY STATEMENT

1. Petitioner Gabriel Alejandro Meza-Figueredo, ("Mr. Meza-Figueredo"), brings this petition for writ of habeas corpus under 28 U.S.C. § 2241 to challenge his unlawful detention at the Metropolitan Detention Center in Brooklyn, New York. Mr. Meza-Figueredo, a El Salvadoran national who filed religious persecution, has been detained without a bond hearing or a removal order since February 25, 2026.

2. Mr. Meza-Figueredo, a citizen and national of Venezuela, entered the United States on or about September 12, 2023 at or near Eagle Pass, Texas. He now faces indefinite detention without any individualized assessment of whether he poses a flight risk or danger to the community. Both the Immigration and Nationality Act, properly construed, and the Fifth Amendment forbid this result.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(3) because Mr. Meza-Figueredo is in custody in violation of the Constitution and laws of the United States.

5. Venue is proper in this district under 28 U.S.C. § 2241(d) because Mr. Meza-Figueredo is detained at the Metropolitan Detention Center in Brooklyn, which is located within the Eastern District of New York.

6. This petition presents a live case or controversy under Article III because Mr. Meza-Figueredo is currently detained without a bond hearing and seeks immediate release or, alternatively, an individualized bond hearing.

PARTIES

7. Petitioner Gabriel Alejandro Meza-Figueredo ([redacted]) is a 25-year-old native and citizen of Venezuela currently detained at the Metropolitan Detention Center in Brooklyn, New York.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She oversees ICE and its detention operations. She is sued in her official capacity.

9. Respondent Pamela Bondi is the Attorney General of the United States. She oversees the Executive Office for Immigration Review, which includes the Immigration Courts and Board of Immigration Appeals. She is sued in her official capacity.

10. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement. He is responsible for ICE's enforcement and detention operations. He is sued in his official capacity.

11. Respondent Marcos Charles is the Acting Executive Associate Director for Enforcement and Removal Operations. He oversees ICE detention facilities and operations. He is sued in his official capacity.

STATEMENT OF FACTS

12. Mr. Meza-Figueredo is a native and citizen of Venezuela who was born on [redacted].

13. On or about September 12, 2023, Mr. Meza-Figueredo entered the United States near Eagle Pass, Texas without being admitted or paroled after inspection by an immigration officer.

14. Shortly thereafter, the Department of Homeland Security ("DHS") served Mr. Meza-Figueredo with a Notice to Appear charging him as removable pursuant to INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without being admitted or paroled.

15. He was released soon after in accordance with INA § 236 pursuant to INA § 241(a)(3), 8 U.S.C. § 1231(a)(3). This release recognized that Mr. Meza-Figueredo posed neither a flight risk nor a danger to the community.

16. Following his release, Mr. Meza-Figueredo relocated to New York, where he has resided while pursuing protection from removal in immigration court proceedings.

17. Mr. Meza-Figueredo timely filed an Application for Asylum and for Withholding of Removal in immigration court, asserting that he fears persecution in Venezuela based on his political opposition to the Venezuelan government and his participation in political protests.

18. In his asylum application, Mr. Meza-Figueredo explained that he had participated in anti-government protest activity in Venezuela and was shot in the face by government agents during a demonstration in 2023.

19. Throughout the period of his release in the United States, Mr. Meza-Figueredo has complied with all immigration reporting obligations and has maintained regular contact with immigration authorities.

20. On February 25, 2026, Mr. Meza-Figueredo was pulled over by local police during a routine traffic stop. Following that encounter, he was taken into immigration custody and has remained detained by ICE since that date.

21. Mr. Meza-Figueredo has therefore been continuously detained since February 25, 2026 without bond hearing.

LEGAL FRAMEWORK

22. Congress created three distinct detention regimes for immigration cases, each serving different purposes and providing different procedural protections: a. INA § 235(b), 8 U.S.C. § 1225(b): Governs arriving aliens and recent border crossers, mandating detention without bond for those "applicants for admission" actively seeking entry at borders and ports of entry. b. INA § 236(a), 8 U.S.C. § 1226(a): Governs aliens arrested in the interior during removal proceedings, providing for discretionary detention with right to bond hearings unless subject to criminal mandatory detention under § 236(c). c. INA § 241, 8

U.S.C. § 1231: Governs post-final order detention pending removal, with time limits to prevent indefinite detention.

23. This statutory structure reflects the fundamental distinction between exclusion proceedings (for those seeking admission) and deportation proceedings (for those already present). As the Supreme Court recognized in Jennings v. Rodriguez, 583 U.S. 281 (2018), § 1225 applies at "borders and ports of entry" while § 1226 governs those "inside the United States" and "present in the country."

24. The different detention schemes reflect different governmental interests: immediate border control (§ 235), ensuring appearance at proceedings for those already present (§ 236), and effectuating removal after proceedings conclude (§ 241).

ARGUMENT

COUNT I: MR. MEZA-FIGUEREDO IS DETAINED UNDER INA § 236(A), NOT § 235(B)— THE STATUTORY MISCLASSIFICATION VIOLATES THE IMMIGRATION AND NATIONALITY ACT

23. Mr. Meza-Figueredo's continued detention violates the plain language, structure, and long-standing interpretation of the Immigration and Nationality Act ("INA"). He is not an "applicant for admission" subject to mandatory detention under INA § 235(b), but rather an individual who has been

physically present in the United States for more than two years and whose detention, if any, must be governed by INA § 236(a).

A. Federal Courts Have Uniformly Rejected the Government's Position

24. Upon information and belief, based upon extensive research, to date, every federal court to consider this issue has rejected the government's attempt to classify interior arrestees as § 235(b) detainees. As Judge Murphy explained in *Romero v. Hyde*, the government's "new interpretation is contrary to the agency's own implementing regulations; its published guidance; the decisions of its immigration judges (until very recently); decades of practice; the Supreme Court's gloss on the statutory scheme; and the overall logic of our immigration system." 2025 WL 2403827, at *9.

25. Mr. Meza-Figueredo was not arrested at or near the border. He was apprehended more than two years after his entry into the United States, while living openly in the community in Hempstead, New York, after previously being released by DHS on his own recognizance. During a routine traffic stop while operating a motorcycle, local police detained him, processed him, and transferred him to ICE custody. His circumstances therefore fall squarely within INA § 236(a), which governs the discretionary detention of noncitizens during the pendency of removal proceedings and provides the right to seek release on bond.

26. ICE's reliance on § 235(b)(2)(A) ("applicants for admission") is misplaced. As numerous federal courts have held, § 235 applies exclusively to those who are physically seeking admission at the border or port of entry. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Vazquez Perez v. Decker*, 2018 WL 6264830 (S.D.N.Y. Nov. 29, 2018); *Brito v. Garland*, 22 F.4th 240 (1st Cir. 2021). Once an individual has been released into the interior under § 236 or § 241 supervision and subsequently files an asylum application, the government cannot retroactively reclassify him as an "arriving alien."

27. Allowing the government to retroactively reclassify such individuals as "arriving aliens" would collapse the carefully structured detention framework Congress created in the INA and effectively eliminate the statutory right to a bond hearing for large categories of individuals who have long resided in the interior of the United States.

B. Arresting a Compliant Asylum Applicant Without Changed Circumstances Is Arbitrary and Contrary to Congressional Intent

28. Mr. Meza-Figueredo was not evading immigration authorities. To the contrary, he had been fully complying with all conditions imposed by DHS since his release in September 2023. He filed an asylum application within the statutory one-year deadline and was awaiting further proceedings before the Immigration Court in New York. His next hearing had been scheduled for approximately March 19, 2026 before being cancelled following his detention..

29. The government's decision to transform what appears to have been an incidental encounter with local law enforcement into the basis for prolonged immigration detention is arbitrary, capricious, and inconsistent with the statutory scheme Congress enacted. The INA's detention framework reflects Congress's expectation that individuals who comply with supervision and appear for their proceedings may remain in the community unless individualized circumstances justify detention.

30. Courts have repeatedly condemned ICE's practice of arresting compliant supervisees without changed circumstances or individualized findings. See *Doe v. McAleenan*, No. 18-cv-2133, 2019 WL 4737070 (S.D.N.Y. Sept. 27, 2019) (granting habeas where ICE detained asylum-seeker who appeared for check-in); *Calderon v. Sessions*, 330 F. Supp. 3d 944 (S.D.N.Y. 2018) (same). As those decisions explain, "ICE cannot detain an individual who has demonstrated years of compliance with supervision absent a material change in circumstances or an individualized finding of danger or flight risk."

C. Detaining Mr. Meza-Figueredo Without a Bond Hearing Violates the Fifth Amendment's Due Process Clause

31. The Fifth Amendment requires that any deprivation of liberty be preceded by an individualized determination that detention is necessary to serve a compelling governmental interest. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). By summarily arresting and detaining Mr.

Meza-Figueredo, who had never failed to appear, posed no danger, and had a pending asylum case, ICE imposed a categorical detention unsupported by any individualized assessment.

32. Here, ICE summarily detained Mr. Meza-Figueredo without any individualized determination of danger or flight risk. He had never failed to appear for any immigration proceeding, had complied with all conditions imposed by DHS, and had been residing in the community for more than two years without incident.

33. Detention under these circumstances constitutes a categorical deprivation of liberty unsupported by any individualized assessment and therefore violates due process.

34. Courts within this Circuit have consistently held that prolonged detention without a meaningful bond hearing violates the Fifth Amendment. *See Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020); *Hernandez v. Decker*, 2018 WL 3579108 (S.D.N.Y. July 25, 2018).

D. ICE's Conduct Undermines the Statutory Right to Seek Asylum and Chills Lawful Exercise of That Right

35. Section 208 of the INA, 8 U.S.C. § 1158(a)(1), guarantees that "any alien ... physically present in the United States" may apply for asylum, irrespective of status. Detaining Mr. Meza-Figueredo during the pendency of that lawful

process penalizes him for invoking a statutory right and deters other applicants from complying with ICE supervision. Courts have recognized that such actions violate due process and the INA's asylum framework. See *Aracely, R. v. Nielsen*, 319 F. Supp. 3d 110 (D.D.C. 2018) ("Detaining asylum applicants solely because they pursued protection contravenes the INA and due process.").

36. Mr. Meza-Figueredo exercised that statutory right in good faith after fleeing persecution in Venezuela and filing a timely asylum application. Detaining him while he pursues that protection penalizes him for invoking a right expressly granted by Congress and risks deterring other asylum applicants from complying with immigration supervision.

37. Courts have recognized that detention policies targeting individuals because they seek asylum undermine the statutory asylum framework and raise serious constitutional concerns. *See Aracely R. v. Nielsen*, 319 F. Supp. 3d 110 (D.D.C. 2018).

E. At Minimum, Mr. Meza-Figueredo Is Entitled to an Immediate Bond Hearing

38. Even if ICE could lawfully re-detain Mr. Meza-Figueredo, due process requires a prompt bond hearing at which the government bears the burden of proving flight risk or danger by clear and convincing evidence. *Velasco Lopez*, 978 F.3d at 855; *Sajous v. Decker*, 2018 WL 2357266 (S.D.N.Y. May 23, 2018).

His record of full compliance and a pending asylum claim preclude any rational basis for continued detention.

39. Mr. Meza-Figueredo's undisputed record of compliance, his pending asylum application, and his ties to the community demonstrate that continued detention lacks any rational justification

COUNT II: THE DETENTION SCHEME VIOLATES EQUAL PROTECTION

40. The government's detention scheme creates an irrational and unconstitutional distinction between two similarly situated groups of aliens: those who entered without inspection and those who overstayed visas. This arbitrary line-drawing violates the equal protection component of the Fifth Amendment's Due Process Clause.

41. Under the government's interpretation of *Yajure-Hurtado* that every non-citizen who entered without inspection, regardless of circumstances, compliance history, or time in the United States, faces mandatory detention without any possibility of bond. Meanwhile, aliens who entered legally but overstayed visas, even those with criminal histories or poor compliance records, remain eligible for individualized bond hearings under § 236(a).

42. This classification fails even rational basis review. The government cannot articulate any legitimate reason why Mr. Meza-Figueredo, who fled religious persecution, has perfect compliance for two years, and poses no risk,

should be categorically detained while a visa overstay with violent felonies and a history of absconding could potentially obtain release. The manner of entry two years ago bears no rational relationship to current flight risk or danger to the community.

43. At minimum, where fundamental liberty interests are at stake, classifications must be reasonable and serve legitimate government purposes. The EWI/visa overstay distinction for detention purposes fails this test. Both groups are removable, both may have ties to the community, both may pose varying degrees of flight risk or danger. Categorically detaining one group while allowing individualized assessments for the other based solely on manner of entry years earlier violates equal protection.

COUNT III: MR. MARTINEZ IS ENTITLED TO A STAY OF REMOVAL TO ANY THIRD COUNTRY

44. Should the government attempt to remove Mr. Meza-Figueredo to any country other than Venezuela, he is entitled to advance notice and a meaningful opportunity to seek withholding of removal and protection under the Convention Against Torture with respect to that country.

45. Mr. Meza-Figueredo fled persecution in Venezuela. His I-589 application and supporting evidence detail the specific persecution he suffered in that country.

46. Due process requires that before the government can remove an alien to a particular country, that alien must have notice and a meaningful opportunity to challenge removal to that destination. *See Jama v. Immigration & Customs Enforcement*, 543 U.S. 335, 348 (2005).

47. Mr. Meza-Figueredo has never been informed of any potential third country removal destination. He has had no opportunity to investigate conditions in such countries, gather evidence of potential persecution or torture there, or present such claims to an Immigration Judge. To remove him to an unspecified third country without such process would violate fundamental fairness.

48. Venezuela's documented practice of repression makes this issue particularly acute. The Venezuelan government has repeatedly pursued, threatened, and secured the return of dissidents from third countries. Mr. Meza-Figueredo could face persecution or refoulement from countries that maintain deportation agreements with Venezuela.

49. This Court should enter an order staying any removal to a third country until Mr. Meza-Figueredo receives: (1) at least 30 days' advance written notice identifying the specific proposed country of removal; (2) a reasonable opportunity to gather evidence regarding conditions in that country; and (3) a hearing before an Immigration Judge on any withholding or CAT claims specific to that country.

COUNT IV: MR. MARTINEZ IS ENTITLED TO A STAY OF OUT-OF-DISTRICT TRANSFER

50. Respondents should be immediately enjoined from transferring Mr. Meza-Figueredo from the Metropolitan Detention Facility in Brooklyn to a facility outside this judicial district while this habeas petition remains pending.

51. Federal courts have inherent authority to preserve jurisdiction over pending matters and ensure effective relief can be granted. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) (recognizing importance of maintaining custody within court's jurisdiction for habeas proceedings).

52. ICE has a documented pattern of transferring immigration detainees to frustrate habeas proceedings, moving petitioners across the country to remote facilities far from counsel and outside the jurisdiction of courts poised to grant relief. Such tactics cannot be permitted to defeat constitutional rights.

53. Transfer would severely prejudice Mr. Meza-Figueredo's ability to pursue this petition. His counsel, familiar with his case and the persecution he fled, is presumably located in this region. Transfer to a distant facility would disrupt attorney-client communications, impede case preparation, and potentially force Mr. Meza-Figueredo to proceed pro se or start fresh with new counsel unfamiliar with his circumstances.

54. Moreover, transfer could moot this Court's jurisdiction entirely. If ICE moves Mr. Meza-Figueredo outside this district, the government could argue

this Court lacks jurisdiction over his immediate custodian, forcing Mr. Meza-Figueredo to refile in a new district and restart litigation while remaining detained. This game of jurisdictional musical chairs would effectively deny habeas relief through procedural manipulation.

55. The balance of equities strongly favors a transfer stay. Mr. Meza-Figueredo faces irreparable harm from transfer—disruption of counsel, loss of jurisdiction, and continued unconstitutional detention while relitigating in a new forum. The government faces no prejudice from maintaining Mr. Meza-Figueredo at his current facility while this Court adjudicates his constitutional claims.

56. This Court should immediately enjoin any transfer outside this judicial district and order Respondents to provide at least 72 hours' advance notice before any attempted transfer, allowing Mr. Meza-Figueredo opportunity to seek emergency relief.

COUNT V: PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

57. Mr. Meza-Figueredo petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, the federal habeas statute that embodies the Constitution's guarantee that "[t]he privilege of the Writ of Habeas Corpus shall not be suspended." U.S. Const. art. I, § 9, cl. 2.

58. This Court has jurisdiction because: (1) Mr. Meza-Figueredo is in custody under color of federal authority; (2) his custodian is within this Court's

territorial jurisdiction; and (3) he asserts violations of the Constitution and laws of the United States. See 28 U.S.C. § 2241(c)(3); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

59. No other remedy is available or adequate. The Immigration Judge has disclaimed jurisdiction to review Mr. Meza-Figueredo's detention under Matter of Yajure-Hurtado. Administrative appeal would be futile as the BIA already decided the jurisdictional question adversely in that precedent decision. Only this Court can vindicate Mr. Meza-Figueredo's constitutional rights.

60. The Supreme Court has repeatedly confirmed that federal courts retain robust habeas jurisdiction over immigration detention, particularly where constitutional claims are raised. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001). This jurisdiction cannot be stripped by administrative decisions or statutory classifications. Where, as here, executive detention violates constitutional limits, federal courts must act.

DEMAND FOR IMMEDIATE ORDER TO SHOW CAUSE

61. Given the egregious nature of the constitutional violations presented—indefinite detention without any process based solely on manner of entry two years ago—this Court should immediately issue an order to show cause pursuant to 28 U.S.C. § 2243.

62. The statute mandates that courts "forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Nothing in this petition suggests Mr. Meza-Figueredo is not entitled to relief; indeed, his circumstances present a compelling case for habeas corpus.

63. Time is of the essence. Every day Mr. Meza-Figueredo remains wrongfully detained compounds the constitutional violation and irreparably harms his liberty interests. His asylum case proceeds while he remains imprisoned, hampering his ability to gather evidence and prepare his defense against return to persecution.

64. Pursuant to § 2243, this Court should order Respondents to show cause within three days why the writ should not be granted. Given the straightforward legal issues and clear factual record, any extension beyond the statutory minimum would be unjustified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a writ of habeas corpus and order Mr. Meza-Figueredo's immediate release from custody;

B. In the alternative, order Respondents to provide Mr. Meza-Figueredo an individualized bond hearing before an Immigration Judge within seven (7) days, at which: a. The government bears the burden of proving by clear and convincing evidence that Mr. Meza-Figueredo poses a danger to the community or flight risk; b. The Immigration Judge must consider Mr. Meza-Figueredo's individual circumstances, including his two-year perfect compliance record, lack of criminal history, asylum claim, and community ties; c. The Immigration Judge must consider alternatives to detention;

C. Enter an order staying any removal to a third country until Mr. Meza-Figueredo receives: a. At least 30 days' advance written notice of the proposed country; b. Opportunity to gather evidence regarding that country; c. A hearing on withholding and CAT claims specific to that country;

D. Enjoin Respondents from transferring Mr. Meza-Figueredo outside this judicial district while this petition remains pending, and require 72 hours' advance notice of any attempted transfer;

E. Issue an order to show cause pursuant to 28 U.S.C. § 2243 requiring Respondents to respond within three (3) days;

F. Award costs and attorneys' fees;

G. Grant such other relief as the Court deems just and proper.

Dated: March 6, 2026
New York, New York

Respectfully submitted,

s/ Theodore N. Cox

Theodore N. Cox, Esq.

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VERIFICATION

I, Theodore N. Cox, counsel for Petitioner Jing Liang Jiang, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: March 6, 2026
New York, New York

Respectfully submitted,

s/ Theodore N. Cox

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