UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

OSCAR MORALES MEJIA, Petitioner(s), v. RAUL MALDONADO, Warden, Metropolitan Detention Center; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; and PAMELA BONDI, U.S. Attorney General; Respondents(s).	)	Case No. 1:26-cv-1457

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. Noncitizens subject to administratively final orders of removal must be detained during the "removal period." *See* 8 U.S.C. § 1231(a)(2)(A).
2. If a noncitizen has been ordered removed and an appeal of the removal order is pending with the Board of Immigration Appeals ("BIA"), the "removal period" begins the date the order becomes administratively final. *See* 8 U.S.C. § 1231(a)(1)(B)(i).
3. An order of removal becomes administratively final upon dismissal of an appeal by the BIA. *See* 8 C.F.R. § 1241.1(a).
4. Petitioner Oscar Morales Mejia ([redacted]) has been detained by Immigration and Customs Enforcement ("ICE") since November 1, 2025.
5. On February 26, 2026, Petitioner was ordered removed from the United States. Petitioner appealed to the BIA on March 12, 2026. That appeal remains pending.

6. According to statistics from the Executive Office of Immigration Review, at the end of 2025, there were 202,803 appeals pending before the BIA *See* "All Appeals Filed, Completed, and Pending,"[1] Executive Office for Immigration Review (Accessed March 12, 2026).
7. Only 35,362 appeals were completed in 2025. *See id.* This is less than 20% of the appeals currently pending before the BIA. *See id.*
8. Without relief, Petitioner will be detained for an indefinite amount of time while his appeal remains pending.
9. Because Petitioner has a pending appeal before the BIA, Petitioner cannot be detained pursuant to 8 U.S.C. § 1231. Petitioner can only properly be detained pursuant to 8 U.S.C. § 1226(a).
10. For the past three decades, 8 U.S.C. § 1226(a) has applied to noncriminal noncitizens that have been present in the United States for over two years without admission or parole. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260-1 (W.D. Wash. 2025) (discussing legislative history and longstanding agency practice behind 8 U.S.C. § 1226(a)) *quoting* H.R. Rep. No. 104-469, pt. 1, at 229 *and* 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997); *see also* 8 U.S.C. § 1225(b)(1)(B)(iii)(II) (noncitizens who have not been admitted or paroled and have not been physically present in the United States for two years are subject to mandatory detention).
11. On September 5, 2025, the Board of Immigration Appeals ("BIA") issued a decision entitled *Matter of Yajure Hurtado.* In that decision, the BIA concluded any noncitizen present in the United States who has not been admitted or paroled, is subject to detention under 8 U.S.C. § 1225(b) and may not be released from ICE custody except through

[1] https://www.justice.gov/eoir/media/1344986/dl?inline.

humanitarian parole. *See Yajure Hurtado*, 29 I&N Dec. 216, 219-220 (BIA 2025) *quoting* 8 U.S.C § 1225(b)(2)(A).

12. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that *Yajure Hurtado* is binding precedent.[2]

13. Over 350 cases decided by more than 160 different District Court judges across the United States have concluded *Yajure Hurtado* was decided in error. *See Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903 at *4 fn. 22, 23 (S.D.N.Y. Nov. 26, 2025).

14. Petitioner's detention constitutes a deprivation of his right to Due Process under the 5th Amendment.

15. Courts have broad discretion in conditioning a judgment for Habeas Corpus relief. *See* 28 U.S.C. § 2243 ("The court shall summarily hear and determine the facts, and dispose of [the application for a Writ of Habeas Corpus] as law and justice require").

16. Therefore, as law and justice require, the Court should order Petitioner's release pursuant to the Court's broad discretionary under 28 U.S.C. § 2243.

STATEMENT OF FACTS

17. Petitioner Oscar Morales-Mejia ([redacted]) is a male, native and citizen of Guatemala.

18. On or about September 12, 2021, Petitioner attempted to enter the United States. Petitioner was arrested by Customs and Border Patrol and was released into Mexico.

19. A few days later, Petitioner again entered the United States. Petitioner was not then apprehended by Customs and Border Patrol.

[2] *See* "Practice Alert:EOIR Issues Nationwide Guidance on *Maldonado Bautista*," AILA (January 16, 2026), https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista.

20. Petitioner has resided in the United States since September of 2021.

21. On November 1, 2025, Petitioner was riding his bike in Corona, New York delivering food. After making a delivery, Petitioner was surrounded by five Immigration and Customs Enforcement ("ICE") agents.

22. Two ICE agents put their hands on Petitioner's shoulders and forced him to his knees. Another ICE agent motioned towards his stun gun and told Petitioner he would use the stun gun on Petitioner if he attempted to run away.

23. The ICE agents searched Petitioner's backpack and removed Petitioner's wallet. ICE agents removed Petitioner's Guatemalan ID card from the wallet.

24. Petitioner did not consent to the search of his backpack or his wallet.

25. After the search, Petitioner was questioned regarding whether he has legal status in the United States. Petitioner admitted he did not.

26. Petitioner was detained by ICE. Petitioner was first detained in Orange County Correctional Facility.

27. Upon detention, Petitioner was served a Notice to Appear ("NTA") in removal proceedings. The NTA alleges that Petitioner is removable based on unlawful presence in the United States. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

28. On December 3, 2025, Petitioner's counsel in his immigration court proceedings submitted a motion to suppress evidence based on Petitioner's initial arrest. A declaration from Petitioner was attached to that Motion. See Exhibit A. That Motion to Suppress was ultimately denied.

29. On February 26, 2026, Petitioner was ordered removed from the United States.

30. On March 12, 2026, Petitioner appealed his order of removal to the Board of Immigration Appeals. That appeal remains pending.

31. Upon information and belief, Petitioner is currently detained in Metropolitan Detention Center at 80 29th St., Brooklyn, NY 11232.

32. Petitioner has never been arrested, charged, or convicted for a crime in the United States. Petitioner has no criminal record in the United States or any other country.

PARTIES

33. Petitioner Oscar Morales-Mejia ([redacted]) is a noncitizen from Guatemala who is currently detained by ICE. Petitioner is currently detained in Metropolitan Detention Center at 80 29th St., Brooklyn, NY 11232.

34. Defendant Raul Maldonado is the Warden of the Metropolitan Detention Center in Brooklyn. He is being sued in his official capacity. He is Petitioner's immediate custodian

35. Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is being sued in his official capacity. He is Petitioner's legal custodian.

36. Defendant Pamela J. Bondi is the United States Attorney General. She is being sued in her official capacity. She oversees Immigration Judges and the Board of Immigration Appeals. She is Petitioner's legal custodian.

JURISDICTION

37. Officials and agencies of the United States have been named as defendants. The Court has personal jurisdiction over the defendants under 28 U.S.C. § 1346(a)(2).

38. The Court has subject matter jurisdiction to hear Petitioner's request for relief under 28 U.S.C. § 2241 and Article I, § 9 cl. 2 of the United States Constitution.

39. This Court may grant relief under the Habeas Corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C § 1651.

VENUE

40. Venue is proper in the Eastern District of New York because Petitioner is confined in this district in Metropolitan Detention Center at 80 29th St., Brooklyn, NY 11232. 28 U.S.C. § 1391(b)(2); *see Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004) (the Writ of Habeas Corpus is "issuable only in the district of confinement.")

REQUIREMENTS OF 28 U.S.C § 2243

41. The Writ of Habeas Corpus provides a "swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963)
42. The Court must grant this Petition for Writ of Habeas Corpus or issue and Order to Show Cause ("OSC") to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fourth Amendment
(Unreasonable Seizure)

1. The allegations in paragraph 1 through 42 are realleged and incorporated herein.
2. In order for a 4th Amendment "seizure" to have occurred, there must have either been some application of physical force or a show of authority to which the subject yields. *See California v. Hodari D.*, 499 U.S. 621, 625 (1991).

3. The 2nd Circuit has articulated factors to aid in determination of whether an "egregious violation" of the 4th Amendment has occurred, including: (1) whether the seizure involved an "unreasonable shows of force"; or (2) whether the seizure was based on race or ethnicity. *See Zuniga-Perez v. Sessions*, 897 F.3d 114, 124 (2d Cir. 2018).
4. ICE agents' initial seizure of Petitioner on November 1, 2025 involved an unreasonable show of force and was evidently based on race or ethnicity.
5. ICE agents' initial seizure of Petitioner on November 1, 2025 was an egregious violation of the 4th Amendment's prohibition against unreasonable searches.

COUNT TWO
Violation of Fourth Amendment
(Unreasonable Search)

1. The allegations in paragraph 1 through 42 are realleged and incorporated herein.
2. To have 4th Amendment standing in the 2nd Circuit: (1) a party must have a subjective expectation of privacy in the searched place; and (2) that party's expectation must be one society accepts as reasonable. *United States v. Chuang*, 897 F.2d 646, 649 (2d Cir. 1990).
3. Petitioner had a subjective expectation of privacy in his backpack and wallet, and that expectation was reasonable.
4. No exception applies to ICE agents' search of Petitioner's backpack and wallet. *See Katz v. U.S.*, 88 S.Ct. 507, 514-15 (concluding if no exception applied to a warrantless search, that search is per-se unreasonable).
5. ICE agents' search of Petitioner's backpack and wallet violated the 4th Amendment's prohibition against unreasonable searches.

COUNT THREE
Violation of Fifth Amendment Right to Due Process
(Procedural Due Process)

1. The allegations in paragraph 1 through 42 are realleged and incorporated herein.
2. Procedural Due Process guarantees fair process. *See U.S. v. Salerno*, 481 U.S. 739, 746 (1987); *see also Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (articulating factors).
3. Petitioner is being deprived of his right to liberty, the risk of deprivation is high, and there would be great value in additional procedural safeguards.
4. The Government has little interest in Petitioner's continued detention.
5. Continued detention of Petitioner is a violation of Procedural Due Process.

COUNT FOUR
Violation of Fifth Amendment Right to Due Process
(Substantive Due Process)

1. The allegations in paragraph 1 through 42 are realleged and incorporated herein.
2. The Due Process Clause covers a substantive sphere "barring certain government actions regardless of the fairness of the procedures used to implement them." *See Matzell v. Annucci*, 64 F.4th 425, 436 (2d Cir. 2023)
3. ICE's decision to detain Petitioner is so arbitrary that it constitutes a gross abuse of government authority.
4. Even in the presence of procedural protections, the government's actions are without justification. *See Southerland v. City of New York*, 680 F.3d 127, 152 (2d Cir. 2012)
5. Continued detention of Petitioner is a violation of Substantive Due Process.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Order that Petitioner shall not be transferred out of New York;

(3) Declare that Petitioner's detention is unlawful;

(4) Issue an Order to Show Cause ordering Defendants to show cause why this Petition should not be granted within three days;

(5) Order Petitioner's release pursuant to the Court's broad discretionary under 28 U.S.C. § 2243;

(6) In the alternative, hold a bail hearing and order Petitioner's release through the Court's inherent authority under *Mapp v. Reno*, pending adjudication of this Petition;

(7) Award attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;

(8) Order any further relief this Court deems just and proper.

Respectfully submitted this 12th Day of March 2026.

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12th day of March, 2026.

/s/ Edward J. Cuccia
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