UNITED STATES DISTRICT COURT

for the

Eastern District of New York

LEON AMENDANO, Carlos Hermel
A# [redacted]

Petitioner

v.

PAMELA BONDI, in her official capacity as Attorney General,
KRISTI NOEM, in her official capacity as the Secretary of Dept. of Homeland Security,
JOSEPH CARDINALE, in his official capacity as Acting Field Office Director of the New York Field Office for ICE,
TODD LYONS, in his official capacity as Acting Ice Field Officer
RAUL MALDONADO, in his official capacity as Warden of the Brooklyn Metropolitan Detention Center *Respondent*

(name of warden or authorized person having custody of petitioner)

Case No. 26-cv-1919
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Carlos Hermel Leon Amendano

   (b) Other names you have used:

2. Place of confinement:

   (a) Name of institution: Brooklyn MDC

   (b) Address: 80 29th Street
   Brooklyn, NY 11232

   (c) Your identification number: A# [redacted]

3. Are you currently being held on orders by:

   ☑ Federal authorities ☐ State authorities ☐ Other - explain:

4. Are you currently:

   ☐ A pretrial detainee (waiting for trial on criminal charges)

   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

   If you are currently serving a sentence, provide:

   (a) Name and location of court that sentenced you:

   (b) Docket number of criminal case:

   (c) Date of sentencing:

   ☑ Being held on an immigration charge

   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☑ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other *(explain)*: _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Department of Homeland Security and U.S. Immigration and Customs Enforcement in Washington, D.C.

(b) Docket number, case number, or opinion number: Docket Date: March 13, 2026

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

Ice decision to detain Petitioner in the community after being a long-term resident in the U.S. interior; prolonged detention by local police authorities to await immigration officials to later arrest the Petitioner

(d) Date of the decision or action: 03/09/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: Futile because IJs are bound by Matter of Yajure Hurtado to decline jurisdiction over bond hearings.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody:

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: DHS and ICE detained the petitioner beyond the scope of 8 U.S.C. 1225 that congress authorized

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

ICE detained the Petitioner a long-term U.S interior resident , far away from the port of entry when he was not seeking admission

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☑ No

GROUND TWO: Fourth Amendment Unlawful Prolonging of Seizure

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Respondents detained the Petitioner after local police officials stopped him during a routine traffic stop. Rather than issuing the tickets and ending the seizure for the purposes of the alleged traffic violations, the local officers called ICE to confirm his identity. The local authorities kept the Petitioner detained for about an hour while they awaited ICE's arrival.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☑ No

GROUND THREE: Fifth Amendement Due Process (Procedural)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

As a long-term interior resident, Petitioner is entitled to a pre-deprivation/detention hearing that weighs whether he is a danger to the community/flight risk before categorical no-bond detention

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☑ No

GROUND FOUR: The repsondents' arrest of the Petitioner violates the Administrative Procedure Act as it exceeds INA statutory authority and is arbitrary and capricious

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The Respondents detained in the Petitioner under their July 2025 8 USC 1225- applicant -for-admission theory Their theory disregards 30 years of Consistent implementation, SCOTUS case law, and is in direct contravention to the statutory text and scheme

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Order the Petitioner's immediate release, or, in the alternative, order a bond hearing where the government has the burden to prove flight risk and danger by clear and convincing evidence & the IJ must consider ability to pay, render on-the record, written findings, and alternative to condition. Order no transfer during the pendency of the Habeuas adjudication. Award attorneys fees and cost under EAJA. Order expedited briefing Alternatively, order a federal bond hearing before this court.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/31/2026

_____
Signature of Petitioner

Joshua R. Pickell
_____
Signature of Attorney or other authorized person, if any