UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Giovanni VANNI VASQUEZ,

Petitioner,

v.

Kenneth GENALO, in his official capacity as Field Office Director of New York, Immigration and Customs Enforcement; Markwayne MULLIN in his official capacity as Secretary of Homeland Security; Todd BLANCHE, in his official capacity as Attorney General.

Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner Giovanni Vanni Vasquez is the latest victim of immigration authorities' lawless enforcement practices on Long Island. Mr. Vanni Vasquez, a 37-year-old resident of Queens, was detained yesterday in Hicksville as he drove his daughter, [redacted] out to eat. A Nassau County police officer pulled him over for a traffic infraction. Mr. Vanni Vasquez presented a valid New York driver's license and was initially told he would simply get a ticket—but the police appear to have profiled him and instead called immigration authorities, who arrived on the scene to detain him. His subsequent detention by immigration authorities was neither individualized nor justified. Instead, it apperas to be part of a pattern whereby immigration officers detain first and then purport to comply with the requirements for such a detention later. Despite the unlawful nature of his arrest, Mr. Vanni Vasquez remains in their custody.

Because his detention is unlawful, he asks this Court to grant his petition and order his immediate release.

PARTIES

1. Petitioner Giovanni Vanni Vasquez is resident of Queens, New York. He was detained by Respondents on April 19, 2026 and remains in their custody.

2. Kenneth Genalo is named in his official capacity as the Field Office Director of the New York Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. The ICE New York Field Office is responsible for detentions in the greater New York City area, including Nassau County. In this capacity, Mr. Genalo is also responsible for the administration of immigration laws and the execution of detention and removal determinations and is a legal custodian of Petitioner. Respondent Genalo's address is New York ICE Field Office Director, 26 Federal Plaza, 7th Floor, New York, New York 10278.

3. Respondent Markwayne Mullin is named in his official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Eastern District of New York; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a legal custodian of the Petitioner. Respondent Mullin's address is U.S. Department of Homeland Security, 2707 Martin Luther King Jr Ave SE, Washington, District of Columbia 20528.

4. Respondent Todd Blanche is named in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review ("EOIR"), pursuant to 8 U.S.C. § 1103(g). He routinely transacts business in the Eastern District of New York and is legally responsible for administering Petitioner's removal and custody proceedings and for the standards used in those proceedings. As such, he is the custodian of Petitioner. Respondent Blanche's office

is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530.

JURISDICTION

5. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by ICE. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Petitioner was detained by Respondents on June 23, 2025.

6. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas); 28 U.S.C. § 1331 (federal question); and Article I, § 9, cl. 2 of the United States Constitution. This Court has authority to grant declaratory and injunctive relief. 28 U.S.C. §§ 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651 and the Declaratory Judgment Act, 28 U.S.C. § 2201.

VENUE

7. Venue is appropriate in this district as Petitioner is currently detained here at the Nassau County Jail in East Meadow, New York.

SPECIFIC FACTS ABOUT PETITIONER

8. Mr. Vanni Vasquez is a resident of Queens, New York. He has resided in New York since 2022. He has a valid New York driver's license and, on information and belief, he does not have a criminal history.

9. On Sunday, April 19, Mr. Vanni Vasquez picked up his daughter on Long Island and was driving her and another family member to eat together in Queens. Around 12:15 p.m., a Nassau County police officer pulled him over in Hicksville.

10. The officer said that Mr. Vanni Vasquez's registration and insurance had expired. She took Mr. Vanni Vasquez's driver's license and initially told him that he would receive a ticket. However, after at least 15 minutes had elapsed, the officer stated that the car would have to be towed and gave the family the option of calling a tow truck or the officer calling. Mr. Vanni Vasquez's daughter, [redacted] who was interpreting, asked the officer to call a tow truck. At the officer's request, his daughter also called another family member to pick them up. The family believed everyone in the car would leave together, as the officer had not mentioned the possibility of Mr. Vanni Vasquez being arrested or detained.

11. Shortly thereafter, two more police cars and an unmarked vehicle arrived on the scene. When a tow truck also arrived, officers did not let Mr. Vanni Vasquez leave. Instead, a police officer informed the family that he was being arrested for immigration reasons. Mr. Vanni Vasquez's daughter began to cry.

12. Officers asked the relative who had arrived to pick up the family for *his* identification and took that back to a vehicle to run as well.

13. Multiple times during this encounter, the family observed the police officer approaching the unmarked vehicle to speak with the people inside. The windows were tinted so they could not see how many people were inside.

14. On information and belief, at no point prior to separating Mr. Vanni Vasquez from his family and stating he was being detained for immigration reasons did officers conduct an individualized inquiry into his risk of flight.

15. Mr. Vanni Vasquez's family left the scene as he remained behind with the police and unidentified officers. He called his family later that afternoon. During that call, he put an officer on the phone with his daughter; the officer explained that Mr. Vanni Vasquez was detained by

immigration at Nassau County Correctional Center in East Meadow, New York and would be there for 72 hours before moving to New York City. The officer also told his daughter that Mr. Vanni Vasquez has no criminal record and could request "voluntary departure" from a judge.

16. Mr. Vanni Vasquez called again today around 3 p.m. and was still detained there.

17. On information and belief, a Notice to Appear was issued for Mr. Vanni Vasquez after his detention on April 19, 2026 and docketed with the immigration court the next day, April 20, 2026.

LEGAL FRAMEWORK FOR CIVIL IMMIGRATION DETENTION

18. Congress has authorized civil detention of noncitizens in removal proceedings for specific, non-punitive purposes. *See Jennings v. Rodriguez*, 138 S.Ct. 830, 833 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). For individuals who are "arriving" in the U.S. or who are subject to expedited removal because they have been present under two years and meet certain other requirements, mandatory detention is authorized by 8 U.S.C. § 1225(b). For individuals who are in removal proceedings following entry without inspection and who are not subject to mandatory detention based on criminal history, detention is normally authorized by 8 U.S.C. § 1226(a). Individuals with a final order of removal may be subject to mandatory or discretionary detention pursuant to 8 U.S.C. § 1231(a).

19. Detention serves only two legitimate purposes: mitigating flight risk and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690; *Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020). Yet Respondents have begun to routinely detain noncitizens without an individualized custody determination.

20. Detention without individualized review of the necessity of such detention is a violation of the constitutional guarantee of due process. A person's liberty cannot be infringed upon without "adequate procedural protections." *Zadvydas*, 533 U.S. at 690-91. The Second Circuit has held

that the *Matthews v. Eldridge* balancing test is applicable to determine the adequacy of process in the context of civil immigration confinement. *Velasco Lopez*, 978 F.3d at 851 (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). This test requires process sufficient to mitigate the risk of erroneous deprivation of a liberty interest. Mandatory detention, without meaningful individualized review, fails to meet this threshold. *See Padilla Molina v. Deleon*, No. 25-CV-06526, 2025 WL 3718728, at *5 (E.D.N.Y. Dec. 23, 2025); *Hyppolite v. Noem*, No. 25-cv-4304, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025); *Artiga v. Genalo*, No. 25-cv-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *J.U. v. Maldonado*, No. 25-cv-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Guerrero v. Noem*, No. 25-cv-5881, 2025 WL 3214787 (E.D.N.Y. Nov. 18, 2025)); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, (S.D.N.Y. August 13, 2025); *Cuy Comes v. DeLeon*, No. 25 CIV. 9283 (AT), 2025 WL 3206491, at *5 (S.D.N.Y. Nov. 14, 2025); *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 at *4 (S.D.N.Y. June 18, 2025).

VIOLATION OF WARRANTLESS ARREST STATUTE

21. ICE officers' authority to conduct warrantless arrests is prescribed in 8 U.S.C. § 1357(a)(2). That statute requires that officers have "reason to believe" a person is in the U.S. in violation of laws *and* "is likely to escape before a warrant can be obtained for his arrest." That assessment must be individualized. In order to comport with the Fourth Amendment, it requires probable cause that each of the two criteria is met.

22. Since 2025, ICE officers on Long Island have routinely violated this statute through a campaign of detentions without administrative warrants, which result in the jailing of individuals like Petitioner without any individualized consideration of the necessity of detention as required under the statute. *See Garcia-Lanza v. Noem*, 26-cv-29, 2026 WL 585130 at *10 (E.D.N.Y. March 3, 2026) ("A groundswell of caselaw responding to the recent onslaught of immigration

enforcement efforts document troubling practices, while facts elicited in similar, ongoing cases have provided further evidence that the problems identified in these pages may be widespread.")

23. ICE often attempts to mask the warrantless nature of these detentions through issuance of an ex-post-facto administrative warrant and Notice to Appear. Many courts have condemned this practice as unlawful. *See Gopie v. Lyons*, No. 25-CV-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025) (finding reliance on an administrative warrant issued *prior* to a Notice to Appear it "had no authority to do so" and that alone "is a dispositive and independent basis to grant the writ"). Despite these condemnations, "the practice has continued unabated for months." *Parada Cruz v. Mullin*, No. 26-CV-1110-SJB, 2026 WL 1027441, at *5 (E.D.N.Y. Apr. 16, 2026); *see also Alfaro v. Mullin*, No. 26-0766 (GRB), 2026 WL 734348, at *5 (E.D.N.Y. Mar. 16, 2026) ("officers' testimony confirmed that this illegal practice has become standard procedure for ICE enforcement efforts in this district").

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

24. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

25. Petitioner's detention violates both the substantive and procedural components of the Due Process Clause. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

26. Because "[i]n this country liberty is the norm and detention 'is the carefully limited exception,'" *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (*quoting United States v. Salerno*, 481 U.S. 739, 755 (1987)), a reasoned, individualized determination is essential to ensure that detention is not an unnecessary—and thus erroneous—deprivation.

27. Petitioner was not accorded sufficient process prior to his sudden detention by ICE. On information and belief, he received neither notice nor an opportunity to be heard as to whether detention was warranted. *See Padilla Molina*, 2025 WL 3718728, at *5; *Hyppolite*, 2025 WL 2829511, at *13; *see also Cuy Comes*, 2025 WL 3206491, at *5 (ordering immediate release where "ICE summarily detained Cuy Comes without making an individualized determination as to his risk of flight or his danger to the community, let alone affording him notice or opportunity to be heard").

28. Petitioner's detention also violates his right to substantive due process. Because he poses neither a danger nor a flight risk, his detention serves no lawful purpose.

29. Respondents' actions violate Petitioner's right to due process.

COUNT TWO
VIOLATION OF THE FOURTH AMENDMENT
AND 8 U.S.C. § 1357

30. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

31. "The Fourth Amendment applies to all seizures of the person." *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975). Except at the border and its functional equivalents, the Fourth Amendment prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. *Id.* at 884. The Government bears the burden of providing "specific and articulable facts" to support reasonable suspicion. *See Terry v. Ohio*, 392 U.S. 1, 21 (1968). The race of an individual cannot itself create

reasonable suspicion, even for a temporary stop. *United States v. Brignoni-Ponce*, 422 U.S. 873, 887 (1975); *Noem v. Vasquez Perdomo*, No. 25A169, --- S.Ct. ----, 2025 WL 2585637, at *3 (Sep. 8, 2025) (Kavanaugh, J., concurring). Officers lacked reasonable suspicion to approach and question Petitioner.

32. A search or seizure requires probable cause to believe a noncitizen "is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained." 8 U.S.C. § 1357 (a)(2). "Though 8 U.S.C. § 1357(a)(2) uses the phrase 'reason to believe; as the standard for executing warrantless civil immigration arrests, 'aliens in this country are sheltered by the Fourth Amendment in common with citizens,' and therefore, to avoid running afoul of the Fourth Amendment, this statutory phrase is 'considered the equivalent of probable cause.'" *Escobar Molina*, 2025 WL 3465518, at *13 (quoting *Au Yi Lau v. U.S. Immigr. & Naturalization Serv.*, 445 F.2d 217, 222-23 (D.C. Cir. 1971)); *see also United States v. Rodriguez*, 532 F.2d 834, 838 (2d Cir. 1976) (recognizing that arrests under 8 U.S.C. § 1357(a)(2) require probable cause); *English v. Sava*, 571 F. Supp. 1029, 1034 (S.D.N.Y. 1983) (construing 8 U.S.C. § 1357(a)(2) to require probable cause). Officers lacked probable cause to seize Petitioner.

33. Finally, Respondents' actions violated 8 U.S.C. § 1357, the statute governing warrantless arrests. On information and belief, no Notice to Appear was issued for Petitioner until after he was detained by ICE on the side of the road. As a result, any administrative warrant issued either concurrent to or shortly after his detention is invalid and his detention lacked any authority—which is a sufficient basis to grant the writ. *Gopie v. Lyons*, No. 25-CV-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025).

34. Moreover, on information and belief, Respondents did not conduct the individualized analysis required under 8 U.S.C. § 1357 to determine if Petitioner posed a risk of flight.

35. For the foregoing reasons, Respondents' actions violated the Fourth Amendment and 8 U.S.C. § 1357.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Enjoin Petitioner's removal from the United States and transfer from the Southern District of New York, Eastern District of New York, or District of New Jersey pending adjudication of the instant petition;
3. Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and the Administrative Procedure Act;
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner without GPS monitoring;
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
7. Grant such further relief as this Court deems just and proper.

Dated: April 20, 2026

/s/ Paige Austin
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed the events described in this Petition with Petitioner's family. On the basis of those discussions, on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 20, 2026

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