IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Michaell PINO VILLANUEVA

Petitioner,

Case No._____

: Before the Honorable

_____=

JL JAMISON, in his official capacity as warden of Federal Detention Center in Philadelphia; ~~BRIAN MCSHANE, in his official capacity as Acting Philadelphia Field Office Director, United States Immigration and Customs~~ Enforcement; TODD LYONS, in his Official capacity as Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as: Secretary of the Department of Homeland Security; THE U.S. DEPARTMENT OF HOMELAND SECURITY;TODD BLANCHE,: Acting Attorney General of the United States

No A [redacted]

Respondents.:

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Michaell PINO VILLANUEVA, submits this petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. 2241 and the Suspension Clause (Article l ,

Section 9, Clause 2) of the United States Constitution. Petitioner requests that this Court release him from detention by the Immigration and Customs Enforcement ("ICE") or, alternatively, conduct or order a bond hearing in which the Respondents bear the burden of justifying Petitioner's continued detention. Petitioner also requests that the Court set aside recent policies implemented by Respondents that are contrary to the statutory right of non-citizens like Petitioner to seek release and bail through an exercise of the Respondents' discretion.

Mr. Pino Villanueva is a native of Venezuela and has been physically present in the United States since he was paroled into the United States on or about February 16, 2024.

On or about April 24, 2026, Mr. Pino Villanueva presented himself for a previously scheduled check in with the office of Immigration and Customs Enforcement, was given a new date to appear, and as he was leaving was told that he would be detained. Attached as Exhibit A is a copy of the new date that he was provided at his check-in. This date, April 26, 2027, was provided by the electronic CART system. He was detained initially at the office at 114 North 8th Street in Philadelphia, Pennsylvania. He was thereafter transferred to the Federal Detention Center, where he is currently located.. Attached as Exhibit B is proof of his current physical presence at the FDC. Mr. Pino Villanueva has no outstanding criminal warrants or convictions, and it is believed that he was taken into custody pursuant to a directive from

headquarters setting a specific quota for apprehension. . Respondents arbitrarily detained, Mr. Pino Villanueva despite the requirement under 8 U.S.C. 1226(a) and its implementing regulations that immigration officials make an individualized custody determination. Additionally, he was detained after having been provided with a future check-in date. Moreover, Respondents have adopted policies enshrined in administrative decisions by the Board of Immigration Appeals ("BIA") that subject non-citizens like Mr. Pino Villanueva to mandatory detention in violation of Section 1226(a).

Mr. Pino Villanueva is presently detained at Federal Detention Center in Philadelphia Pennsylvania.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. 1651 (All Writs Act); 28 U.S.C. 1331 (federal question); 5 U.S.C. 702 (Administrative Procedures Act); U.S. Const. amend. V (Due Process Clause); and U.S. Const. art. I, 9, cl. 2 (Suspension Clause).

2. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. 1391(b) and 28 U.S.C. 2241(d), because at the time of filing his Petition for Writ of Habeas Corpus (Doc. 1), Mr. Arnao Bravo is imprisoned at the Federal Detention Center ("FDC") in Philadelphia, Pennsylvania.

PARTIES

3. Petitioner Michaell Pino Villanueva is a native of Venezuela who has been present in the United States for approximately two (2) years and is the beneficiary of a pending application for asylum. Attached as Exhibit C is proof of the pending asylum application in the form of his employment authorization issued under category C-8. Unfortunately, the Petitioner had taken his papers with him to the check-in that he voluntarily attended on April 24, 2026 and it is believed that they are currently in the custody of the Office of Immigration and Customs Enforcement, so no copy of the actual asylum application is available. As noted supra, he is detained at the Federal Detention Center in Philadelphia, PA.

4. Respondent JL Jamison is named in his official capacity as the Warden of Federal Detention Facility in Philadelphia, PA, which detains individuals suspected of civil immigration violations. Respondent Jamison is the immediate physical custodian responsible for the detention of Petitioner.

5. Respondent Brian McShane is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity he is responsible for the custody of all noncitizens detained by ICE at FDC, Philadelphia, where the Petitioner is currently detained, and has the authority to order the release Pino Villanueva or transfer him to a different

facility. He is one of Mr. Pino Villanueva's immediate custodians and is sued in his official capacity.

6. Respondent Todd Lyons is the Acting Director of ICE. In this capacity he is responsible for enforcing immigration laws, and as such is a legal custodian of Mr. Pino Villanueva. He is sued in his official capacity.

7. Respondent Markwayne Mullin is Secretary of Homeland Security. In this capacity she runs the Department of Homeland Security, and is charged pursuant to 8 U.S.C. 1 103(a)(l) with administering and enforcing immigration laws. He is the ultimate legal custodian of Mr. Pino Villanueva, and is sued in his official capacity.

8. The Department of Homeland Security ("DHS") is the agency of the federal government responsible for enforcing the immigration laws. DHS is also Mr. Pino Villanueva's legal custodian.

9. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice, which encompasses the Board of Immigration Appeals ("BIA") and immigration courts, known collectively as the Executive Office of Immigration Review ("EOIR"). Mr. Blanche shares responsibility for the implementation and enforcement of immigration laws along with

Respondent Noem. Mr. Blanche is a legal custodian of Mr. Pino Villanueva. He is sued in his official capacity.

LEGAL FRAMEWORK

10. For non-citizens attempting to the enter the United States, the INA provides under 8 U.S.C. 1225(b)(2)(A) that "in the case of [a non-citizen] who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." "A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled 'for urgent humanitarian reasons or significant public benefit' pursuant to 8 U.S.C. 1182(d)(5)(A)." Gomes v. Hyde, 25 Civ. 11571, 2025 WL 1868288, at *2 (D. Mass. July 7, 2025) (quoting Jennings v. Rodriguez, 583 U.S. 281, 300 (2018)).

11. In contrast, the Supreme Court has found that "U.S. immigration law authorizes the Government to detain certain [non-citizens] already in the country pending the outcome of removal proceedings under 1226(a) and (c)."

Jennings, 583 U.S. at 288-89.

12. Section 236 of the INA provides in relevant part as follows:

> (a) Arrest Detention and Release. On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on

whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, the Attorney General—

(l) may continue to detain the arrested alien; and

(2) may release the alien on—

(A) bond of at least $1 ,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole ...

13. The Supreme Court has interpreted similar "may" language in other provisions of the INA to require "some level of individualized determination." I.N.S. v. Nat'l Ctr. For Immigrants ' Rights, 502 U.S. 183, 194 (1991). The regulation implementing Respondents' authority to arrest non-citizens present in the United States reads:

"Any officer authorized to issue a warrant ofarrest may, in the officer's discretion, release an alien not described in [8 U.S.C. § 1236(c)(l)] of the Act, under the conditions at section [8 U.S.C. § 1236(a)(2) and (3)]; provided that the alien must demonstrate to the satisfaction ofthe officer that such release would not pose a danger to property or persons, and that the alien is likely to appearfor any future proceeding.„

8 U.S.C.1236.1

14. Noncitizens may request a review of an initial custody determination before an Immigration Judge ("IJ"). 8 C.F.R. 1236. I (d)(l); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision "upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [non-citizen] or the [government]." 8 C.F.R. 1003.19(d)•, see also Matter of Guerra, 24 1&N

Dec. 37, 39 (BIA 2006). Non-citizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8

C.F.R. 1236. I(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA").

15. For the first time in nearly three decades, Respondents have taken the position through a series of precedential decisions by the Board of Immigration Appeals that non-citizens residing in the interior of the United States are not entitled to a custody redetermination (a "bond hearing") before an Immigration Judge.

16. First, in Matter of Q. Li, 29 Dec. 66 (BIA 2025), the BIA held that a non-citizen who had been apprehended at the border and subsequently released into the United States is subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that "an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [J, and is ineligible for any subsequent release on bond under section [1226(a)]." Q. Li, 29 Dec. at 74.

17. Then in Matter of Yajure Hurtado, 29 1&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b), regardless of

how long they have been residing in the U.S. and absent any prior interaction with immigration authorities.

FACTS AND PROCEDURAL HISTORY

18. Mr. Pino Villanueva is a native of Venezuela;

19. On or about February 16, 2024, Mr. Pino Villanueva entered the United States via the US Border, was detained and then was and was paroled into the United States;

20. Prior to April 24, 2026, Mr. Pino Villanueva had never had any contact with agents of the Department of Homeland Security other than his initial entry and parole, as well as his check-ins with ICE, including the most recent one to which he voluntarily presented himself;

21. Mr. Pino Villanueva settled into the Philadelphia area, where he has been living at the following address: [redacted]. He has been gainfully employed, and has employment authorization, proof of which was attached at Exhibit C, supra, as proof of his pending asylum application;

22. As noted supra, Mr. Pino Villanueva is also the beneficiary of a pending asylum application, proof of which has already been submitted with this filing;

23. As noted supra, on or about April 24, 2026, Mr. Pino Villanueva voluntarily appeared at an ICE check-in, was provided with a new date next year in 2027 to appear again, when he was apprehended and detained by agents of the Immigration and Customs Enforcement at the office at 114 North 8th Street in Philadelphia, Pennsylvania. He was thereafter transferred to the Federal Detention Center, where he is currently located..

CLAIM FOR RELIEF

COUNT ONE VIOLATION

OF DUE PROCESS, U.S.

CONST. AMEND. V

24. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

25. The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V.

26. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. See Mathews v. Diaz, 426 U.S. 67, 77 (1976); Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Specifically, "[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in

deportation proceedings. Reno v. Flores, 507 U.S. 292, 306 (1993); see also Abdulai v. Ashcroft, 239 F.3d 542, 549 (3d Cir. 2001) ("[Non-citizens] facing removal are entitled to due process"); Calderon-Rosas v. Atty ' Gen., 957 F.3d 378, 386 (3d Cir. 2020) ("In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.").

27. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. "First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." Mathews v. Eldridge, 424 U.S.
319, 335 (1976).

28. First, Mr. Pino Villanueva faces "the most significant liberty interest there is—the interest in being free from imprisonment." Velasco Lopez v. Decker, 978 F.3d 842, 851 (2d Cir. 2020) (citing Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Pino Villanueva of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Pino Villanueva was a danger or flight risk. In fact, there had been a determination that he was not, in fact, a flight risk given

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the fact that he had been given a new date to appear a year from the date that he voluntarily appeared at his check-in, so there does not appear to be a significant government interest in detaining him, particularly since he was paroled into the United States, has a pending application for relief and has been gainfully employed since his last admission'

29. An application of these factors requires that Mr. Pino Villanueva should have been provided with additional process before being detained.

COUNT TWO

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. 12260)

3 1 . Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

32. The mandatory detention provision at 8 U.S.C. 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. As, relevant here, it does not apply to those who have been residing in the United States at liberty after being briefly detained at or near the border. Such noncitizens, if detained, are done so under 1226(a), and are generally eligible release on bond.

33. Respondents' authority to detain Mr. Pino Villanueva is derived

from 8 U.S.C. 1226(a) as Mr. Arnao Bravo is already present in the United States.

34. Respondents have detained Mr. Pino Villanueva without making an individualized determination regarding whether he posed a danger or flight risk as required by 8 U.S.C. 1226(a) and its regulations.

35. Moreover, Respondents' current policies as set forth in the BIA's decisions in Matter of Q. Li and Matter of Yajure Hurtado unlawfully prevent Mr. Pino Villanueva from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

COUNT THREE

VIOLATION OF THE BOND REGULATIONS, 8 C.F.R. 236.1, 1236.1 and 1003.19

36. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

37. In 1997, after Congress amended the INA through IIRIRA, EOIR the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Non-citizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible

for bond and bond redetermination. " 62 Fed. Reg. at 10323 (emphasis added). Thus, the agencies made clear that non-citizens present in the United States would be eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. 1226 and its implementing regulations.

38. Yet, Respondents have adopted a policy and practice of applying § 1225(b)(2) to non-citizens like Mr. Pino Villanueva who are present in the United States without being admitted or paroled, or who have been apprehended, then paroled and released from custody.

39. The application of 1225(b)(2) to Mr. Pino Villanueva unlawfully mandates his continued detention in violation of 8 C.F.R. 236. l, 1236.1, and 1003.19.

COUNT FOUR

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT ("APA"), 5 U.S.C. 701, et. seq.

40. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

41. Mr. Pino Villanueva is aggrieved by agency action under the Administrative Procedure Act, 5 U.S.C. 701 et. seq. Specifically, Respondents have acted arbitrarily in detaining Mr. Pino Villanueva without conducting an individualized determination into his circumstances. In other words, Respondents have not presented any indication that Mr. Pino Villanueva's circumstances have changed such that he is

now a danger or flight risk in a way that he was not when he entered the country in 2023, and was granted release on parole;.

42. Furthermore, it is again important to note that on the date that Mr. Pino Villanueva voluntarily presented himself for a check in at ICE, he was given yet another hearing date a year in advance, which is a strong indication that the government did not believe him to be a flight risk;

43. Furthermore, he has no criminal record, and therefore there is no derogatory evidence in the record which would indicate that he is a public danger;

44. Additionally, Respondents' recent policies announced through administrative decisions issued by the BIA unlawfully withhold the right to a bond hearing under 8 U.S.C. 1226(a) to Mr. Pino Villanueva, and make any exhaustion of his remedies moot.

45. These policies are arbitrary, capricious, and not in accordance with the text of the INA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately on his own recognizance or under parole, bond

or reasonable conditions of supervision, on the ground that his continued detention by the Department of Homeland Security violates his Due Process rights;

Set aside Respondents' unlawful detention policy contained Matter of Q. Li and Matter of Yajure Hurtado under the APA, 5 U.S.C. 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right;

Issue a writ requiring an immediate, constitutionally adequate hearing before an Immigration Judge, at which: (i) DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary, and (ii) the immigration judge considers Petitioner's ability to pay a bond.

While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail;

Enter a judgment declaring that Respondents' detention of Petitioner is unauthorized by statute and contrary to law and the U.S. Constitution;

Award Petitioner reasonable costs and attorneys' fees;

Grant any further relief that this Court may deem fit and proper.

Dated: April 25, 2026

Respectfully submitted,

Christine M. Flowers, Esquire
(PA Bar 51181)
Joseph M. Rollo and Asociates PC
2527 South Broad Street
Philadelphia PA 19148
(215)271-5550
team@rollolawoffice.com
ATTORNEY FOR PETITIONER

LIST OF EXHIBITS

Ex. A. Detainee Locator Proof of Physical Presence at the FDC

Ex. C Proof of a Pending Asylum Application in the form of the EAD doucment

Exh. D. Proof of a New Check In Date being issued to the Petitioner

28 U.S.C. 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

April 25. 2026

CHRISTINE M. FLOWERS, ESQUIRE

EXHIBIT A

Official Website of the Department of Homeland Security

Search

Report

Main Menu

Search Results: 1

MICHAELL BECKHAM PINO VILLANUEVA

Country of Birth : Venezuela
A-Number: [redacted]
Status : In ICE Custody
State: PA
Current Detention Facility: Philadelphia Federal Detention Center
** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate Locator



EXHIBIT C

Joseph Rollo Law

From: Michaell Pino <michaellpino28@gmail.com>
Sent: Saturday, April 25, 2026 10:21 AM
To: Joseph Rollo Law
Subject: Fwd: Reminder - Next CART Appointment

---------- Mensaje reenviado ---------
De: <NoReplyCART@ice.dhs.gov>
Fecha: El vie, abr 24, 2026 a la(s) 1:44 p.m.
Asunto: Reminder - Next CART Appointment
Para: <MICHAELLPINO28@gmail.com>

M******* P**********
[redacted]

Participant reported on April 24, 2026.

Next Reporting Date: April 26, 2027 between 11:00 AM and 3:00 PM.

This is an automated message; please do not reply to this email.

CERTIFICATION OF SERVICE

I, Christine M. Flowers, Esquire, hereby certify that this pleading was served via the electronic filing service on all parties via CM/ECF System on April 25, 2026

Date: April 25, 2026

CHRISTINE M. FLOWERS, ESQUIRE

JS 44 (Rev. 04/21)

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

MICHAELL PINO VILLANUEVA

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

JOSEPH M ROLLO AND ASSOCIATES PC
2527 SOUTH BROAD STREET

DEFENDANTS

JL JAMISON, WARDEN FDC
TODD BLANCHE, ACTING ATTORNEY GENERAL

County of Residence of First Listed Defendant PHILADELPHIA
(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
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- ☐ 368 Asbestos Personal Injury Product Liability

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- ☐ 791 Employee Retirement Income Security Act

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- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

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- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

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- ☐ 871 IRS—Third Party 26 USC 7609

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- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
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- ☐ 430 Banks and Banking
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- ☐ 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 USC SECTION 2241

Brief description of cause:
ALIEN HABEAS 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 _____

DATE
APRIL 25, 2026

SIGNATURE OF ATTORNEY OF RECORD
Christian M. Rollo

FOR OFFICE USE ONLY

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

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: PHILADELPHIA, PA

RELATED CASE IF ANY: Case Number: N/A Judge: N/A

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.

CERTIFICATION OF SERVICE

I, Christine M. Flowers, Esquire, hereby certify that this pleading was served via the electronic filing service on all parties via CM/ECF System on April 25, 2026

Date: April 25, 2026

Christine M. Flowers

CHRISTINE M. FLOWERS, ESQUIRE

UNITED STATES DISTRICT COURT
FOR THE EASTER DISTRICT OF PENNSYLVANIA

MICHAELL PINO VILLANUEVA,
Petitioner,
v.
JL JAMISON, WARDEN.
Federal Detention Center
Respondent.
Civil Action No. _____

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

Immigration Habeas Case

INTRODUCTION

Petitioner, by and through undersigned counsel, respectfully moves this Court pursuant to **Fed. R. Civ. P. 65(b)**, **28 U.S.C. § 2241**, and **Local Civil Rule 65.1** for an **Emergency Temporary Restraining Order** to prevent imminent and irreparable harm arising from Petitioner's unlawful detention and/or removal while the accompanying Petition for Writ of Habeas Corpus is pending.

FACTUAL BACKGROUND

1. Petitioner is a citizen and a national of VENEZUELA, currently detained at the Philadelphia Federal Detention Center located at 700 Arch Street, within the jurisdiction of this Court.

3. Petitioner has a properly filed application for asylum presently pending,
4. Petitioner should be given the opportunity to present the asylum claim so that he is not forced to return to his home country to which he fears returning
5. Since he entered the U.S. on in or about February of 2024 and to this day, petitioner has not committed any crimes.
6. He has been living at the same address since 20124 over two (2) years, and is gainfully employed;
7. ICE has apprehended the petitioner and intends to remove despite the existence and the pendency of a properly filed asylum, without any of the underlying circumstances having changed;
8. Removal before adjudication of the habeas petition will cause irreparable harm, including the possibility/probability of being subjected to violence, loss of legal rights, and potential persecution.

LEGAL STANDARD

Under **Fed. R. Civ. P. 65(b)** and **E.D. Pa. Local Civil Rule 65.1**, a TRO may issue without notice to the adverse party if specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury will result before the adverse party can be heard.

The Third Circuit applies the four-factor test:

(1) likelihood of success on the merits.

(2) irreparable harm absent relief.

(3) balance of equities; and

(4) public interest. *See* **Kos Pharm., Inc. v. Andrx Corp.**, 369 F.3d 700 (3d Cir. 2004).

ARGUMENT

1. **Likelihood of Success** – Petitioner's detention/removal violates statutory and constitutional protections, including due process under the Fifth. and the Fourteenth amendments

2. **Irreparable Harm** – Deportation before judicial review would permanently deprive Petitioner of the ability to pursue lawful relief.

3. **Balance of Equities** – The harm to Petitioner outweighs any administrative burden on Respondents.

4. **Public Interest** – Upholding constitutional rights and ensuring lawful process serves the public interest.

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order Enjoining Respondents from removing Petitioner from the United States until final resolution of the Habeas petition.

2. Order Respondents to show cause why a preliminary injunction should not be issued; and

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

PROPOSED ORDER

AND NOW, this ___ day of _____, 2026, upon consideration of Petitioner's Emergency Motion for Temporary Restraining Order, it is hereby ORDERED that:

1. Respondents, and all persons acting on their behalf, are temporarily restrained from removing Petitioner from the United States pending further order of this Court;

2. Respondents shall appear before this Court on the ___ day of _____, 2026, at : _. m., to show cause why a preliminary injunction should not issue; and

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

Respectfully submitted,

Christine M. Flowers, Esquire
Joseph M Rollo & Associates P.C.
2527 South Broad Street
Phila Pa 19148
team@rollolawoffice.com
Dated :

28 U.S.C. 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition and Complaint. On the basis of those discussions, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

April 25. 2026

Christine M. Flowers

CHRISTINE M. FLOWERS, ESQUIRE

CERTIFICATION OF SERVICE

I, Christine M. Flowers, Esquire, hereby certify that this pleading was served via the electronic filing service on all parties via CM/ECF System on April 25, 2026

Date: April 25, 2026

Christine M. Flowers

CHRISTINE M. FLOWERS, ESQUIRE