UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

JOHN RICHARD JAIMES QUINTERO, PETITIONER

v. CIVIL ACTION NO. 5:26-cv-03120-JWL

TODD BLANCHE, Acting Attorney General of the United States;

MISTY MACKEY, Warden, Midwest Regional Reception Center, Leavenworth, Kansas;

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

SAMUEL OLSON Chicago Field Office Director for Detention and Removal Operations, Immigration & Customs Enforcement; and

MARKWAYNE MULLIN, Secretary U.S. Department of Homeland Security. RESPONDENTS

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

INTRODUCTION

Petitioner John Richard Jaimes Quintero petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality and constitutionality of his immigration detention:

1. Petitioner is in custody of Immigration and Customs Enforcement ("ICE") within the District of Kansas.
2. Petitioner entered the United States and was apprehended by immigration authorities on September 28, 2022. **Exhibit A, Notice to Appear.**

3. The next day, on September 29, 2022, DHS granted Petitioner interim parole through November 30, 2022, allowing him to be released from custody and to live freely in the United States. **Exhibit B, Parole Document**.
4. DHS records further reflect that Petitioner was released due to bed-space limitations and that he had no criminal history. **Exhibit C, Form I-213**.
5. Nevertheless, DHS simultaneously charged Petitioner in a Notice to Appear under 8 U.S.C. § 1182(a)(6)(A)(i) as a noncitizen "who has not been admitted or paroled." **Exhibit A, Notice to Appear**.
6. The Notice to Appear specifically alleged that Petitioner "was not then admitted or paroled after inspection by an Immigration Officer." *Id.*
7. DHS thereafter permitted Petitioner to reside openly in the United States for years while litigating his immigration case.
8. On March 15, 2023, an Immigration Judge entered an in absentia removal order against Petitioner.
9. However, on June 26, 2023, the Immigration Court granted a motion to reopen and rescinded the in absentia order.
10. Accordingly, Petitioner is not presently subject to a final order of removal.
11. On September 23, 2025, Petitioner filed an application for asylum and related relief with the Immigration Court.
12. Petitioner also completed biometrics processing in connection with his immigration proceedings. **Exhibit D, Biometrics Stamp**.

13. During the years he remained at liberty, Petitioner lived openly in the community, complied with immigration proceedings, and worked lawfully delivering Amazon packages.
14. On February 16, 2026, ICE abruptly detained Petitioner while he was walking on a sidewalk delivering an Amazon package.
15. Petitioner was not committing any crime at the time of detention.
16. DHS did not provide Petitioner with notice that any prior release or parole had been revoked before detaining him.
17. DHS also failed to provide Petitioner with any meaningful hearing before or promptly after re-detention.
18. This petition presents both constitutional and statutory questions concerning whether the government may summarily re-detain a noncitizen after years of settled liberty while simultaneously relying upon legal classifications inconsistent with its own charging document.
19. The Constitution and the Immigration and Nationality Act do not permit such arbitrary deprivation of liberty.

JURISDICTION AND VENUE

20. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241.
21. Petitioner is in custody within the District of Kansas.
22. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.
23. Petitioner challenges the legality and constitutionality of his detention and the procedures used to effectuate that detention.

24. Petitioner does not seek review of any discretionary custody determination.

25. Rather, Petitioner challenges whether Respondents possess statutory authority to detain him under the circumstances presented here and whether Respondents violated the Fifth Amendment by re-detaining him without constitutionally adequate process.

26. This petition therefore presents pure legal and constitutional questions reviewable in habeas corpus.

27. Accordingly, jurisdiction is not barred by 8 U.S.C. §§ 1226(e) or 1252(a)(2)(B).

28. Venue is proper in this District because Petitioner is detained in this District and Respondents exercise custody over him here.

PARTIES

29. Petitioner John Richard Jaimes-Quintero is a citizen of Venezuela currently detained at the Midwest Regional Reception Center in Leavenworth, Kansas.

30. Todd Blanche is the Acting Attorney General of the United States and is responsible for administration of immigration laws and immigration adjudicatory bodies. He is named in his official capacity.

31. Misty Mackey is the Warden for the Midwest Regional Reception Center in Leavenworth, Kansas. She is named in her official capacity.

32. Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement and is a legal custodian of Petitioner. He is named in his official capacity.

33. Samuel Olson is the Chicago Field Office Director for Detention and Removal Operations for ICE and exercises authority over Petitioner's detention. He is named in his official capacity.

34. Markwayne Mullin is the Secretary of the Department of Homeland Security and is responsible for enforcement of federal immigration laws. He is named in his official capacity.

FACTUAL ALLEGATIONS

35. Petitioner entered the United States on September 28, 2022. Exhibit A.

36. DHS apprehended Petitioner shortly thereafter.

37. On September 30, 2022, DHS granted Petitioner interim parole through November 30, 2022. Exhibit B.

38. DHS records, a Form I-213, further reflect that Petitioner was released because detention bed space was unavailable and because Petitioner had no criminal history. Exhibit C.

39. DHS therefore contemporaneously determined that Petitioner did not require continued detention.

40. DHS nevertheless issued Petitioner a Notice to Appear charging him under INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i). Exhibit A.

41. The Notice to Appear alleged that Petitioner was a noncitizen present in the United States without having been admitted or paroled. *Id.*

42. Specifically, DHS alleged that Petitioner "was not then admitted or paroled after inspection by an Immigration Officer." *Id.*

43. DHS has never amended those factual allegations.

44. On March 15, 2023, an Immigration Judge entered an in absentia removal order against Petitioner.

45. On June 26, 2023, the Immigration Court granted a motion to reopen and rescinded the in absentia order.

46. Accordingly, there is presently no administratively final order of removal against Petitioner.

47. Since reopening proceedings, Petitioner has actively litigated his immigration case before the Immigration Court.

48. On September 23, 2025, Petitioner filed an application for asylum and related relief with the Immigration Court.

49. On April 4, 2024, Petitioner completed biometrics processing in connection with his immigration proceedings. Exhibit D.

50. DHS permitted Petitioner to remain at liberty in the community for more than three years after his initial release.

51. During that period, Petitioner lived openly in the United States and complied with immigration proceedings.

52. Petitioner also worked delivering Amazon packages.

53. On February 16, 2026, ICE abruptly detained Petitioner while he was walking on a sidewalk delivering an Amazon package.

54. Petitioner was not committing any crime at the time of detention.

55. Upon information and belief, DHS did not provide Petitioner with notice that any prior release or parole had been revoked before taking him into custody.

56. Upon information and belief, DHS did not issue Petitioner any formal custody redetermination before re-detaining him.

57. DHS also failed to provide Petitioner with any meaningful opportunity to contest his detention before or promptly after re-detention.

58. Petitioner is not an "Arriving Alien," as outlined in his Notice to Appear. Exhibit A.

59. Petitioner is currently detained in Leavenworth, Kansas.

60. DHS now appears to justify Petitioner's detention based upon legal theories inconsistent with the allegations contained in the Notice to Appear.

61. Specifically, DHS charged Petitioner as a noncitizen who had never been paroled into the United States while simultaneously granting him interim parole and permitting him to remain at liberty in the United States for years.

62. Respondents have never reconciled those inconsistent legal positions.

63. Petitioner remains detained without a constitutionally adequate hearing before a neutral adjudicator.

CLAIMS FOR RELIEF

COUNT ONE

Detention Without Bond Determination in Violation of 8 USC 1226(a)

64. Petitioner incorporates by reference all preceding paragraphs.

65. Under 8 U.S.C. § 1226(b), judicial review is available for noncitizens who are not subject to mandatory detention.

66. Petitioner falls under 8 U.S.C. § 1226(a), as he entered the United States without inspection or parole as he entered in 2022 without being admitted.

67. Petitioner is not an Arriving Alien.

68. Kansas City Executive Office of Immigration Review is of the position that the Petitioner falls under 8 U.S.C. § 1225(b) even though Petitioner entered in 2008 without being apprehended by immigration officials. Respondents' position is categorical: once § 1225 applies, detention without any opportunity for release is permissible.

69. Petitioner's continued detention without the opportunity to seek bond determination is therefore also unlawful.

COUNT TWO

Re-Detention Without Constitutionally Adequate Process Violates the Fifth Amendment

70. Petitioner incorporates by reference all preceding paragraphs.

71. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

72. Noncitizens physically present within the United States are entitled to due process protections. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens.").

73. Civil immigration detention is therefore subject to constitutional limitations. Id. at 690; see also *Jennings v. Rodriguez*, 583 U.S. 281, 314 (2018) (rejecting the Ninth Circuit's statutory construction while remanding constitutional challenges for further consideration).

74. Once DHS released Petitioner into the United States and permitted him to remain at liberty in the community while litigating his immigration case, the Constitution imposed limits on the government's ability to summarily re-detain him without meaningful procedural safeguards. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (holding that due process generally requires consideration of the private interest affected, the risk of erroneous deprivation, and the government's interest).

75. Petitioner remained at liberty in the United States for more than three years while complying with immigration proceedings. During that time, the Immigration Court rescinded the prior in absentia removal order entered against him.

76. Petitioner also filed an asylum application, completed biometrics processing, and openly worked in the community delivering Amazon packages.

77. Accordingly, Petitioner possessed substantial liberty interests at the time DHS re-detained him. See *Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment lies at the heart of the liberty that Clause protects.").

78. Nevertheless, DHS abruptly re-detained Petitioner without notice, without any meaningful hearing, and without constitutionally adequate process.

79. DHS did not provide Petitioner with any meaningful opportunity to contest the basis for detention before a neutral adjudicator.

80. At minimum, due process required notice of the grounds for detention and a meaningful opportunity to be heard before or promptly after re-detention. See *Mathews*, 424 U.S. at 333.

81. Respondents' actions therefore violate the Due Process Clause of the Fifth Amendment.

COUNT THREE

Failure To Lawfully Revoke Release or Parole Renders Detention Unlawful

82. Petitioner incorporates by reference all preceding paragraphs.

83. DHS granted Petitioner interim parole pursuant to INA § 212(d)(5), codified at 8 U.S.C. § 1182(d)(5), and released him into the United States on September 30, 2022.

84. DHS subsequently permitted Petitioner to remain at liberty in the United States for years while litigating his immigration case before the Immigration Court.

85. During that period, DHS allowed Petitioner to file an asylum application, complete biometrics processing, and continue residing openly in the community.

86. Before re-detaining Petitioner, DHS did not provide notice that any release, parole, or other liberty authorization had been revoked or terminated.

87. Upon information and belief, DHS did not complete any formal revocation or termination procedures before re-detaining Petitioner.

88. Upon information and belief, DHS also failed to issue any new individualized custody determination before re-detaining Petitioner.

89. DHS further failed to provide Petitioner with any meaningful hearing concerning revocation of release or parole.

90. Although parole authority under INA § 212(d)(5) is discretionary, the Fifth Amendment nevertheless limits the government's ability to deprive a person of physical liberty without constitutionally adequate process.

91. At minimum, due process required notice and a meaningful opportunity to be heard before or promptly after DHS abruptly reversed Petitioner's settled liberty status.

92. Because DHS failed to lawfully terminate Petitioner's release or parole before re-detaining him, his current detention is unauthorized, arbitrary, and contrary to law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court grant the following:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Declare that Petitioner's detention with no opportunity for bond violates 8 U.S.C. § 1226(a)

4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;
5. Issue a Writ of Habeas Corpus ordering Respondents to immediately release petitioner from custody along with his personal effects and property confiscated from him at the time of his arrest, including all identity documents, work permit, driver's license, and passport;
6. In the alternative, order Respondents to conduct a bail hearing at which the government bears the burden to prove the petitioner is not qualified for bond
7. Enjoin Respondents from further detaining Petitioner;
8. Award Petition attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
9. Grant any further relief this Court deems just and proper.

Dated: May 18, 2026

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