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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORY

GREGORIO JIMENEZ BONILLA A/K/A JUAN ESCOBAR-ESPINOZA Petitioner, v. **Raul Maldonado, Jr.** Warden, Metropolitan Detention Center; **Markwayne Mullin**, Secretary of the U.S. Department of Homeland Security; and **Todd Blanche**, Acting Attorney General of the United States, in their official capacities, Respondents.	Case No. _____ **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. The Petitioner, Gregorio Jimenez Bonilla A/K/A Juan Escobar-Espinoza, is a citizen and native of Honduras.

2. The Petitioner, entered the United States without inspection on

3. In 1999, the Petitioner applied for Temporary Protected Status (hereinafter "TPS") as Honduran National.

4. The Petitioner maintained his TPS until September 8, 2025, when the Department of Homeland Security (hereinafter "DHS") terminated the program.

5. The Petitioner, who is *prima facie* eligible to adjust his status to that of a Legal Permanent Resident[1] was detained by Immigration and Customs Enforcement Officers, while he was at his interview for his adjustment of status.

6. On June 9, 2026, the Immigration Court Terminated proceedings against the Petitioner.

7. At the conclusion of the proceedings, the Petitioner requested his release from the Immigration Court after the Removal Proceedings were terminated.

8. The Immigration Court indicated that it no longer had the jurisdiction to release the Petitioner.

9. On that same date, the Petitioner requested his release from Immigration and Customs Enforcement, providing them with the Immigration Court's Termination Order, I-30 Receipt and I-485 Receipt.

10. Here, the Petitioner's detention is unlawful, as he had not committed a crime and has pending relief before the United States Citizenship and Immigration Services.

11. The Petitioner has resided in the United States for over a quarter of century, he had fixed and established residence in the home he owns, has established roots in his community, and is not a danger to his community nor society at large.

12. Thus, his continued detention is unconstitutional and his release is not reasonably foreseeable.

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[1] The Board of Immigration Appeals' decision in *Matter of Arrabally*, 25 I&N Dec. 771 (BIA 2012), specifically held that a departure from the United States with Advance/Humanitarian Parole does not trigger a bar for unlawful presence and is considered a legal admission for adjustment purposes. Indeed, in *Arraballay* the BIA specifically held "that an alien who has left and returned to the United States under a grant of advance parole has not made a "departure . . .from the United States" within the meaning of section 212(a)(9)(B)(i)(II) of the Act.. *Arrabally*, 25 I&N Dec. at 779. Thus, here, The Petitioner, who has a pending I-130, with a visa immediately available to him pain approval, and was legally admitted into the United States, is *prima facie* eligible for an adjustment of status within. Furthermore, the Petitioner has never committed any crime in the United States or abroad that would bar him from adjusting his status.

13. Accordingly, to vindicate Petitioner's constitutional regulatory rights, this Court should grant the instant petition for a *writ of habeas corpus*.

JURISDICTION

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

15. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (*habeas corpus*), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This Court has *habeas* authority to determine whether the Petitioner can prove by a preponderance of the evidence that he is *prima facie* eligible to become a lawful permanent resident.

16. 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

17. Venue is proper because Petitioner is detained at Metropolitan Detention Center in Brooklyn, New York, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for *writ of habeas corpus* or issue an 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.* (emphasis added).

19. Courts have long recognized the significance of the habeas statute in protecting

individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

20. The Petitioner is a Honduran National, who is currently awaiting the decision on his adjustment of status. The Petitioner is currently detained at Metropolitan Detention Center. He is in custody, and under the direct control, of the Respondents and their agents.

21. The Respondent, Raul Maldonado, Jr., is the Warden of Metropolitan Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of the Petitioner. The Respondent is a legal custodian of the Petitioner.

22. The Respondent, Markwayne Mullin, is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, the Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement the component agency responsible for the Petitioner's detention. The Respondent Mullin is a legal custodian of Petitioner.

23. The Respondent, Todd Blanche, is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals. Respondent Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

24. Petitioner is a fifty-nine (59) year-old citizen of Honduras. The Petitioner entered the United States without inspection prior to 1998.

25. In 1999, the Petitioner applied for TPS as Honduran National.

26. He renewed his TPS for a quarter of a century and maintained his status current until September 8, 2025, when the DHS terminated the program.

27. Although the program was terminated, the Petitioner, while the program waw still in effect applied for and was granted Advanced Parole.

28. As a result, on (date) the Petitioner traveled to his home country and returned on (date). Exhibit : I-94; Exhibit :Passport Stamps or I-512 Stamp.

29. Upon his entry, the Petitioner was paroled into the United States, which constituted a lawful admission, that permitted him to apply for an adjustment of status.

30. On July 24, 2025, the Petitioner's United States Citizen son, Elmer J. Jimenez Martinez filed an I-130 Petition for an Alien Relative on the Petitioner's behalf. Exhibit : Birth Certificate; Exhibit : I-130 Receipt.

31. Concurrently, the Petitioner submitted his I-485 Application to Register as a Permanent Resident or Adjust Status. See, Exhibit : I-485 Receipt.

32. On or about April 24, 2026, the Petitioner and his son received a notice from USCIS indicating that they were scheduled for interviews on May 15, 2026, at 8:30 am in the Long Island Field Office. See, Exhibit : Interview Notice.

33. The Petitioner and his son appeared for the interview at the Long Island Field Office located at 30 Barretts Avenue, Holtsville, NY 11742.

34. The Petitioner was not represented by counsel at the time of the interview.

35. During the interview, the Petitioner was asked questions about his previous entry in the United States.

36. At the conclusion of the interview, the interviewing officer stepped out of her office, and ICE agents walked into the office and detained the Petitioner.

37. On May 15, 2026, the Petitioner was served with a Notice to Appear, scheduling him to appear before the New York City Immigration Court on June 24, 2026. See, Exhibit 6: Notice to Appear.

38. On June 9, 2026, the Immigration Court Terminated proceedings against the Petitioner.

39. Despite the Petitioner's detention, on May 15, 2026, USCIS has not denied I-130 Petition filed by the Petitioner's son or the I-485 Application.

40. Indeed, as reflected on the USCIS Caser Status online portal, both applications are stil pending before USCIS. See, Exhibit 7: USCIS Case Status Online Print-out.

CLAIMS FOR RELIEF

COUNT ONE

41. The allegations in the contained in paragraph "1" through "37" above paragraphs are realleged and incorporated herein.

42. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution

43. For these reasons, the Petitioner's continued detention, while his immigration proceedings have been terminated, his is not a flight risk, nor a danger to society and is *prima facie* eligible to become a Legal Permanent Resident violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

44. Petitioner re-allege the allegations contained in paragraph "1" through paragraph "40" as if fully set forth herein.

45. Petitioner's arrest was unlawful as made without probable cause to believe that he is an alien and without probable cause to believe that he is a flight risk, as required by 8 U.S.C. 1357(a)(2) and C.F,R, 287.8(c)(2)(ii); *Ramirez Ovando, et al. v. Noem, et al.*, No. 1:25-cv-03183-RBJ, 2025 U.S. Dist LEXIS 234204 (Judge R. Brooke Jackson, D. Colo. Nov. 25, 2025).

46. For these reasons, the Petitioner's continued detention, while his immigration proceedings have been terminated, his is not a flight risk, nor a danger to society and is *prima facie* eligible to become a Legal Permanent Resident violates the Due Process Clause of the Fifth Amendment.

COUNT THREE

47. . Petitioner re-allege the allegations contained in paragraph "1" through paragraph "43" as if fully set forth herein.

48. Petitioner's detention is unlawful because he is not subject to detention pursuant to 8 U.S.C. § 1225.

COUNT FOUR

49. Petitioner re-allege the allegations contained in paragraph "1" through paragraph "45" as if fully set forth herein.

50. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

51. Petitioner is prima facie eligible for an adjustment of status, which is still pending with USCIS. While at his adjustment of status interview, the Petitioner was unlawfully arrested and detained in violation of law.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to 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 violates the Due Process Clause of the Fifth Amendment, and 8 U.S.C. § 1225;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release the Petitioner immediately;

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

(6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

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Attorneys for Petitioner

Counsel for Petitioner

Dated: June 12, 2026

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

I represent Petitioner, and submit this verification on his 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 12 day of June, 2026.

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