Milton J. Viquez Rozo
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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MILTON J. VIQUEZ ROZO and Ingrid K. Mozo as next friend
Petitioners/Plaintiffs,

v.

RAUL MOLDANADO, JR., in his official capacity as Warden, Brooklyn Metropolitan Detention Center, New York
WILLIAM JOYCE, in his official capacity as Acting New York Field Office Director for U.S. Immigration and Customs Enforcement;
MARCOS CHARLES, in his official capacity as acting Executive Associate Director, Enforcement and Removal Operations;
TODD M. LYONS, in his official capacity as Acting Director Immigration and Customs Enforcement;
MARKWAYNE MULLIN, in his official capacity as Secretary, U.S. Department of Homeland Security; and
ATTORNEY GENERAL, in their official capacity as Attorney General

Respondents/Defendants.

*** EMERGENCY ***

Civil Action No.:

Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241

DeArcy Hall

26-cv-03761-LDH

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INTRODUCTION

1. MILTON J. VIQUEZ ROZO (hereinafter "Petitioner") is a 37 year old man from Colombia. In 2022, Petitioner sought protection in the United States for the purpose of

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seeking asylum. Since that time, Petitioner has conscientiously pursued his immigration case by filing for asylum, and applying for and receiving employment authorization.

2. Nevertheless, Petitioner was arrested on June 15, 2026 in his car while he was driving for Uber. Upon information and belief, his car was stopped, he obeyed all of the instructions given to him, and he was arrested. Despite the fact that Petitioner had not been accused of a crime and had no criminal record, ICE agents detained him without cause. He never returned home to his partner and their 11 year old daughter. Presently, upon information and belief, he is incarcerated at the Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232.
3. Since Petitioner was initially granted parole in 2022, there have been no changes in Petitioner's individual facts and circumstances that could justify his re-detention as either a flight risk or a danger to the community. To the contrary, Petitioner has diligently pursued his asylum claims, received lawful employment, and continued to build community ties in the United States.
4. Petitioner has been detained in immigration custody even though no neutral decisionmaker, whether a federal judge or an immigration judge, has conducted a hearing to determine whether this incarceration is warranted based on danger or flight risk.
5. Petitioner's unlawful and continued detention without any individualized determination as to why detention is appropriate, has caused immense and ongoing harm to Petitioner. Petitioner brings this petition to enforce his rights under the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act ("INA") and to seek his immediate release.

6. Accordingly, this Court should declare ICE's actions unlawful, enjoin his transfer outside of this District, and order his immediate release.

PARTIES

7. Petitioner, Milton J. VIQUEZ ROZO, is a 37 year-old individual who has lived in the United States since 2022. Petitioner is detained at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232. Petitioner is in the custody and direct control of Respondents and their agents.

8. Petitioner, and Next Friend, Ingrid K. MOZO (hereinafter his "partner") is the partner of the Petitioner. Petitioner and his partner have been together for 18 years and have a daughter together.

9. Respondent RAUL MALDONADO JR. is named in his official capacity as Warden of MDC Brooklyn, a person in charge of the facility holding the Petitioner. Respondents' address is Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232.

10. Respondent WILLIAM JOYCE, is named in his official capacity as Acting New York Field Office Director for U.S. Immigration and Customs Enforcement, as such, is responsible for the administration of immigration laws and the execution of detention and removal determinations, is a custodian of petitioner, and routinely transacts business in the Eastern District of New York. Respondent's address is 26 Federal Plaza, 9th Floor, New York, NY 10278.

11. Marcos CHARLES, is named in his official capacity as acting Executive Associate Director, Enforcement and Removal Operations, and as such leads ERO in arrest and removal operations and routinely transacts business in the Eastern District of New York.

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This respondent's address is Immigration and Customs Enforcement, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

12. Respondent Todd LYONS is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; 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 custodian of the Petitioner. This respondent's address is Immigration and Customs Enforcement, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

13. Respondent Markwayne MULLINS is 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 Section 103(a) of the INA, 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 detain and remove the Petitioner; and as such is a custodian of the Petitioner. The Secretary of Homeland Security's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.5.

14. Respondent ATTORNEY GENERAL is the Attorney General of the United States. In this capacity, he/she routinely transacts business in the Eastern District of New York; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(g)(2007); and as such is a custodian of the Petitioner. This respondent's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530- 0001.

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Jurisdiction and Venue

15. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless, when in Cases of Rebellion or Invasion, the public safety may require."). The Suspension Clause protects the right to the writ of habeas corpus where no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008).
16. This Court also has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus); 28 U.S.C. § 1331 (Federal Question); 28 U.S.C. § 1651 (the All-Writs Act); and 5 U.S.C. § 701 (the Administrative Procedure Act).
17. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act), to grant injunctive and declaratory relief.
18. Administrative exhaustion is unnecessary as it would be futile.
19. Venue is proper in the U.S. District Court for the Eastern District of New York because Respondents are officers of United States agencies, and at the time of filing, Petitioner is detained at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232, which is within the jurisdiction of the Eastern District of New York. A substantial part of the events or omissions giving rise to these claims occurred in Brooklyn, New York, and there is no real property involved in this action. *See* 28 U.S.C. § 1391(e)(1).

RELEVANT FACTS AND PROCEDURAL HISTORY

I. Petitioner's Entry into the United States and Application for Protection

20. Petitioner is a citizen and national of Colombia. On or about August 8, 2022, he entered the United States in order to seek safety from persecution in Colombia. (TAB A - Parole

Stamp). Respondents exercised their authority to parole him into the United States for the purpose of seeking asylum in the United States.

21. After he entered the United States, he filed USCIS Form I-589 "Application for Asylum and for Withholding of Removal". (TAB B - I-589) Since that time, Petitioner has conscientiously pursued his immigration case by applying for and receiving employment authorization. He was granted his work authorization on April 17, 2024, valid for a 5 year period. (TAB C - EAD)

22. To the best of Petitioner's knowledge and understanding, since his entry into the United States, Petitioner has complied with all requirements of the parole and asylum process.

II. Petitioner's Arrest and Detention

23. On information and belief, Petitioner was arrested on June 15, 2026 in his car while he was driving for Uber. Upon information and belief, he was stopped, he obeyed all of the instructions given to him, and he was arrested, despite no negative material changes in Petitioner's individual circumstances since his release on parole.

24. On information and belief, there was no warrant for Petitioner's arrest. Petitioner was not asked any questions about his ties to the community or criminal history.

25. On information and belief, Respondents did not make a lawful, individualized custody assessment within 48 hours of arresting Petitioner without a warrant, have not made such an individualized determination since then, and certainly have not made an individualized revocation of Petitioner's release on parole.

26. Upon information and belief, Petitioner is currently being held in immigration detention at Metropolitan Detention Center Brooklyn, 80-29th St, Brooklyn, NY 11232. (TAB D-Detainee Locator)

27. Petitioner is not a flight risk, because of his past history, his family ties and his community ties. Since entering the United States, he has followed every instruction that he was given by the U.S. government. He filed for asylum and received his Employment Authorization Document. He has set up a life for himself, and was living with his partner and their [redacted] daughter at [redacted]. He has many reasons to continue to appear for all his court hearings and continue to follow the process towards seeking asylum in the United States.
28. Petitioner has an [redacted] daughter. Petitioner has a very good relationship with her. He brings her to school, plays with her, takes her to the doctor, and takes care of her. Petitioner's partner and daughter rely on him for financial, physical and emotional support.
29. Petitioner has work authorization and Petitioner is a hard worker. He has a valid work permit, and is driving for Uber to support his family.
30. Petitioner is a weekly churchgoer at St. Fidelis Parish in College Point, NY.
31. Petitioner is not a danger to the community. Petitioner has been a peaceful and productive member of society. On information and belief, he has not been arrested or charged with any crime in the United States or in any other country. On information and belief, he did not resist arrest when approached by ICE.
32. Petitioner's ongoing detention has caused enormous harm by separating him from his family, his friends, and his community and risks further harm if not remedied.
33. Petitioner's detention has also placed undue burden on his ability to search for or consult with counsel with limited access to meaningful access to non-profit organizations.

34. ICE.'s actions violate Petitioner's rights under the Fifth Amendment of the U. S. Constitution, the INA, the Administrative Procedure Act and its own federal regulations.

LEGAL FRAMEWORK

I. Detaining Petitioner is arbitrary and capricious in violation of due process

35. Petition must be allowed to seek his claim for asylum and demands that an independent authority decide if he should be at liberty. ICE has arbitrarily and capriciously detained Petitioner depriving him of his basic due process rights.

36. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." 28 U.S.C. § 2243 (emphasis added).

37. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

38. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

39. The Court's ruling in *Zadvydas* is rooted in due process's requirement that there be

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"adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S.

A. Defendants' Pattern of Illegal Conduct Is Officially Sanctioned

40. Defendants' unlawful arrests, denial of access to counsel and deplorable holding conditions are the predictable result of directives from top officials to agents and officers.

41. In January 2025, the administration gave ICE field offices an arrest quota of 75 arrests a day.[1] As offices attempted to carry out such a mandate, workplace raids increased,[2] ICE check-ins became traps, and courthouse arrests surged.[3] Also, to help meet the quota, the administration granted agencies outside of DHS immigration enforcement powers.[4]

42. Meanwhile, the administration began systematically dismantling internal accountability mechanisms and restraints on immigration agents' and officers' conduct. The administration shut down multiple oversight agencies (retaining only a version of their former selves after the administration was sued).[5] Investigations were closed. Officers no

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[1] Nick Miroff & Maria Sacchetti, Trump Officials Issue Quotas to ICE Officers to Ramp Up Arrests, The Washington Post (last updated Jan. 26, 2025), https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump- quota/.
[2] Marianne LeVine, et al., ICE is Arresting Migrants in Worksite Raids. Employers are Largely Escaping Charges, The Washington Post (June 30, 2025), https://www.washingtonpost.com/immigration/2025/06/30/ice-raids-arrests-workers-companies/ (noting an April announcement by ICE officials that the agency had arrested more than 1,000 workers during Trump's first 100 days and collecting stories of workplace raids across the country); Mark Moran, ICE Detains More than 530 People in Workplace 'Raids' in U.S. Northeast, United Press International (Jan. 23, 2025), https://www.upi.com/Top_News/US/2025/01/23/ice-details-538-ion- workplace-raids/7811737692376/.

[3] Julia Ainsley, Trump admin tells immigration judges to dismiss cases in tactic to speed up arrests, NBC News (June 11, 2025), https://www.nbcnews.com/politics/national-security/trump-admin-tells-immigration-judges-dismiss-cases-tactic-speed-arrest-rcna212138; Luis Ferré- Sadurni, Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations, N.Y. Times (June 12, 2025).
[4] Press Release, DHS, Statement from a DHS Spokesperson on Directive Expanding Immigration Law Enforcement to Some Department of Justice Officials (Jan. 23, 2025), https://www.dhs.gov/news/2025/01/23/statement-dhs-spokespersondirective-expanding-immigration-law-enforcement.
[5] Nicolae Viorel Butler, Court Forces DHS to Preserve Immigrant Rights Offices, Migrant Insider (May 27, 2025), https://migrantinsider.com/p/court-forces-dhs-to-preserve-immigrant?utm_source=CLINIC%2BMail&utm_campaign=f9e1ee6428-tips-6-2-25&utm_medium=email&utm_term=0_-663ab9ab77- 284225192

longer had to abide by enforcement priorities.[6] Long-standing guidance restricting enforcement operations in sensitive locations—schools, hospitals, places of worship and public demonstrations—was rescinded.[7]

43. But these changes were not enough, according to the administration. In late May, Deputy Chief of Staff Stephen Miller summoned 25 ERO Field Office Directors and 25 HSI Special Agents to a meeting to demand that "everybody" be targeted.[8]

44. Under Miller's directive, agents no longer needed to develop vetted target lists of individuals suspected of being in the United States unlawfully. ICE agents were instructed in an email to "aggressively "push the envelope," including by pursuing "collaterals"—individuals that by definition would not have warrants. [9]

45. The administration set a new arrest quota of 3,000 arrests per day and reportedly threatened job consequences if officials failed to meet arrest quota.[10]

46. The overriding message to agents and officers carrying out immigration operations on the ground was to prioritize arrest numbers, regardless of the law. Agents and officers were granted sweeping discretion to achieve this goal.

B. Defendants' Illegal Conduct Will Continue if Not Enjoined

47. The federal government has repeatedly made clear its intent to continue its operations and unlawful detentions. Defendants have been candid about their determination to continue

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[6] Press Release, DHS. Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole (Jan. 21, 2025), https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse

[7] Marisa Kabas, ICE agents get green light to make unjustified warrantless arrests, The Handbasket (June 12, 2025), https://www.thehandbasket.co/p/ice-warrantless- arrests-castanon-nava.

[8] Stuard Anderson, Stephen Miller's Order Likely Sparked Immigration Raids and Protests, Forbes, Jun. 9, 2025, https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order- likely-sparked-immigration-arrests-and-protests/.

[9] José Olivares, US immigration officers ordered to arrest more people even without warrants, The Guardian (June 4, 2025). https://www.theguardian.com/us- news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests.

[10] Elizabeth Findell, et al., supra note 2; Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigration-reshape-federal-lawenforcement-rcna193494

pursuing these unlawful policies and practices, unless this Court enjoins them from doing so.

48. While immigration enforcement may be done lawfully, these statements demonstrate a commitment to continue operations at any cost, including at the expense of individuals' constitutional and legal rights. Plaintiffs have already been harmed, and they face a reasonable likelihood of continuing harm, as a result of Defendants' unlawful policies and practices described herein.

49. Plaintiffs have no plain, adequate, or complete remedy at law to address the wrongs described herein. Injunctive and declaratory relief is necessary to redress their ongoing injuries.

D. Defendants' Illegal Conduct Will Continue if Not Enjoined

58. The federal government has repeatedly made clear its intent to continue its operations and unlawful detentions. Defendants have been candid about their determination to continue pursuing these unlawful policies and practices, unless this Court enjoins them from doing so.

59. While immigration enforcement may be done lawfully, these statements demonstrate a commitment to continue operations at any cost, including at the expense of individuals' constitutional and legal rights. Plaintiffs have already been harmed, and they face a reasonable likelihood of continuing harm, as a result of Defendants' unlawful policies and practices described herein.

60. Plaintiffs have no plain, adequate, or complete remedy at law to address the wrongs described herein. Injunctive and declaratory relief is necessary to redress their ongoing injuries.

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CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROCEDURAL DUE PROCESS

61. The allegations in the above paragraphs are realleged and incorporated herein.

62. Petitioner is being detained without cause and in violation of his Constitutional right to Due Process under the Fifth Amendment.

63. The Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. Mathews v. Eldridge, 424 U.S. at 319, 333 (1976).

64. Respondents provided Petitioner with no notice or opportunity to be heard prior to detaining him.

65. Respondents have offered Petitioner no meaningful opportunity to be heard or challenge his detention since incarcerating him

66. Petitioner's detention thereby deprives him of Petitioner's rights to Due Process under the Fifth Amendment of the United States Constitution.

67. Petitioner has no adequate remedy at law.

COUNT TWO

VIOLATION OF THE OF THE FIRST AND FIFTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

68. Petitioner realleges and incorporates by reference the paragraphs above.

69. U.S. citizens and noncitizens alike are guaranteed the right to due process under the Fifth Amendment to the United States Constitution, which includes the rights to access courts.

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U.S. citizens and noncitizens alike are guaranteed the right of petition under the First Amendment to the U.S. Constitution, which includes the right to petition the Government for a redress of grievances. This right to petition includes the right to access courts and to participate in court proceedings as a witness, party or complainant.

70. As a result of Respondents' unlawful arrest and detention of Petitioner, his rights were violated, and he has and continues to suffer prejudice.

71. Petitioner has no adequate remedy at law.

COUNT THREE

RELEASE ON BAIL PENDING ADJUDICATION

72. Petitioner realleges and incorporates by reference the paragraphs above.

73. This Court has the "inherent authority" to grant release or bail to habeas petitioners like this. See Vega v. United States, 514 F. Supp. 2d 767, 770 (W.D. Pa. 2007) (citing Johnston v. Marsh, 227 F.2d 528, 531 (3d Cir.1955)); see also Mapp v. Reno, 241 F.3d 221, 230 (2d Cir. 2001).

74. Release on bail pending habeas is appropriate when a petitioner raises "substantial constitutional claims upon which he has a high probability of success, and also when extraordinary or exceptional circumstances exist which make the grant of bail necessary to make the habeas remedy effective." Landano v. Rafferty, 970 F.2d 1230, 1239 (3d Cir. 1992).

75. Petitioner meets this standard here. This petition raises constitutional claims on which he has a high probability of success. And Petitioner's immediate release is necessary to make this remedy effective. As long as Petitioner remains detained, his physical and

mental health is at continued, serious risk, and his ability to litigate <Pn3>> asylum and immigration claims is jeopardized.

COUNT FOUR:

VIOLATION OF THE INA, REGULATIONS THEREUNDER, AND THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE

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

77. Respondents' presumed basis for detaining Petitioner is unknown. As discussed above, he was released after crossing the border. In the intervening time, petitioner has applied for asylum and built a productive life in the United States.

78. Under the terms of the INA and the governing regulations, Petitioner's detention is unlawful.

COUNT FIVE:

VIOLATION OF 8 U.S.C. § 1357(A)(2) WARRANTLESS ARRESTS WITHOUT PROBABLE CAUSE OF FLIGHT RISK

79. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

80. 8 U.S.C. § 1357(a)(2) requires that arrests without a warrant be accompanied by "reason to believe" that an individual is "likely to escape before a warrant can be obtained for [their] arrest."

81. Respondents have a policy, pattern, and practice of making arrests without any warrant without making an individualized determination of flight risk. They have no mechanism for ensuring compliance with the statutory limits of agents' and officers' warrantless

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arrest authority and do not provide guidance to agents and officers on how to make an individualized determination of likelihood of escape. Respondents permit agents and officers to make warrantless arrests carte blanche in violation of law.

82. Respondents' policy, pattern, and/or practice of making warrantless arrests without the required individualized flight risk analysis is "final agency action" that is "in excess of statutory jurisdiction, authority, or limitations" under 8 U.S.C. § 1357(a)(2). 5 U.S.C. §§ 704, 706(2)(C).

83. Separate from the APA, Respondents' policy, pattern, and practice of making warrantless arrests without the required individualized flight risk analysis is ultra vires.

COUNT SIX:

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT – 5 U.S.C. § 706(2)(A), THE IMMIGRATION AND NATIONALITY ACT, AND FEDERAL REGULATIONS NOT IN ACCORDANCE WITH LAW, IN EXCESS OF STATUTORY AUTHORITY, ABUSE OF DISCRETION (UNLAWFUL REVOCATION OF PAROLE AND RE-DETENTION)

84. Petitioner restates and realleges all paragraphs as if fully set forth here. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion.

85. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." Nat'l Ass'n of Home Builders v. Defs. of Wildlife, 551 U.S. 644, 658 (2007) (quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)).

86. To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made."

Dep't of Com. v. New York, 139 S. Ct. 2551, 2569 (2019) (citation omitted). The INA provides that Respondents may, as they did more than three years ago in Petitioner's case, parole an individual into the United States "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." See 8 U.S.C. § 1182(d)(5). Federal regulations specify that where parole has been granted under 8 U.S.C. § 1182(d)(5), upon its expiration, it may be revoked "upon the accomplishment of the purpose for which parole was authorized" or if "neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen] in the United States." 8 C.F.R. §§ 212.5(e)(1), (2)(i).

87. Petitioner's asylum proceedings remain pending before the immigration court, and he has diligently complied with the requirements of his court case.

88. On information and belief, Respondents have made no finding that the purpose of Petitioner's parole has been satisfied.

89. On information and belief, Respondents have made no individualized determination that Petitioner's parole is no longer justified by humanitarian reasons or public benefit. Even if Respondents had lawfully terminated Petitioner's parole, Respondents may only re-detain Petitioner if his individual facts and circumstances demonstrate that he is a flight risk or a danger to the community. 8 U.S.C. § 1226(a); 8 C.F.R. § 236.1(c)(8).

90. Respondents have made no finding that Petitioner is a flight risk. Respondents have made no finding that Petitioner is a danger to the community. Through his initial release on parole in 2022, Respondents have already considered Petitioner's facts and circumstances and determined that Petitioner was not a flight risk or danger to the community. At the

current time, his asylum proceedings remain pending before the immigration court. There have been no changes to the facts that now justify Petitioner's detention.

91. By categorically detaining Petitioner without individualized revocation of his parole and without consideration of Petitioner's individualized facts and circumstances, Respondents have violated the INA, implementing regulations, and the APA.

92. By detaining Petitioner categorically, Respondents have further abused their discretion because, since the agency made its initial determination to parole Petitioner into the United States, there have been no changes to Petitioner's facts or circumstances that support detention.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act; Section 1225(b)(1)(A) of the Immigration and Nationality Act; the First Amendment, and the Rehabilitation Act;
3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
4) Order that Petitioner not be transferred outside the Eastern District of New York except to be released;
5) Order that Petitioner shall not be re-detained without notice and an opportunity to be heard at a pre-deprivation bond hearing before a neutral decisionmaker, where Respondents will have the burden of showing that his detention is authorized;

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6) Order that Respondents are directed to return to Petitioner any and all funds or property seized from Petitioner at the time of his arrest upon his release;

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

Respectfully submitted,



Ingrid K. Mozo, Next friend Petitioner

22nd day of June 2026

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

I am the Next Friend Petitioner, Ingrid K. Mozo, and submit this verification on my own behalf. I hereby swear under penalty of perjury 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 22nd day of June, 2026.

Name: Ingrid K. Mozo

Signature: 