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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOSE MOISES NOLASCO-ALEMAN, *Petitioner,* v. TODD BLANCHE, *Acting Attorney General of the United States*, MARKWAYNE MULLIN, *Secretary of the Department of Homeland Security,* DAVID VENTURELLA, *Acting Director, United States Immigration and Customs Enforcement,* BRIAN FLANAGAN, *Acting Deputy Field Office Director for ICE in New York City Area, in their official capacities,* *Respondents.*	Case No. **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Jose Moises Nolasco-Aleman ("Petitioner"), **A** [redacted] is a native of El Salvador who has lived in the United States since 2016. He is a resident of Suffolk County.
2. Petitioner entered the United States without inspection or admission in 2016 along with his twin brother. Petitioner and his brother were classified as Unaccompanied Alien Children ("UACs"), and placed in Office of Refugee Resettlement ("ORR") custody. They were thereafter reunified with their older brother.
3. Petitioner has not criminal history whatsoever. He has never been arrested for or convicted of a crime anywhere in the world.

4. On July 6, 2017, Petitioner was detained by ICE, and placed back into ORR custody.
5. Despite the fact that Petitioner was a minor, and ORR does not have the right to hold minors punitively, ORR refused to release him, stating that he was being detained for allegedly associating with gang members at his school.
6. Petitioner was held without access to a neutral decision maker until Respondent was provided a hearing before an Immigration Judge pursuant to *Flores v. Sessions*, 2:85-CV-04544 (C.D. Cal. Jan. 20, 2017), and the settlement in *Saravia v. Barr*, 3:17-cv-03615 (N.D. Cal Sept. 17, 2020).
7. Petitioner was provided a hearing on November 28, 2017 before the Honorable Judge Loprest of the New York Immigration Court. ORR did not present Petitioner for the hearing that day, but it went forward regardless. The Immigration Judge held that under Saravia, there were "insufficient changed conditions" to justify the July 2017 re-arrest. Respondent was then once again reunified to the care of his older brother after having been detained five months.
8. Petitioner sought Special Immigrant Juvenile Status ("SIJ"), which was granted. He filed a Form I-360, Self-Petition for Special Immigrant Juvenile Status, with USCIS, on February 5, 2019. It was granted on June 13, 2022. He was granted deferred action by USCIS along with his SIJ grant and issued a category (c)(14) Employment Authorization Document.
9. Removal proceedings against Petitioner were terminated on June 15, 2022 upon a joint motion with the Department of Homeland Security.

10. As soon as his priority date was current according to the visa bulletin, Petitioner filed a Form I-485, Application for Adjustment of Status, with USCIS. That application was filed on June 7, 2024, and remains pending.

11. Petitioner received notice from USCIS on June 10, 2024, that USCIS had his biometrics, and it was not necessary for him to appear for a biometrics appointment, however, he was issued a biometrics appointment in relation to his employment authorization request. In light of the fact that USCIS admitted that it already had Petitioner's biometrics, that appointment appears to be a ruse for his detention.

12. Today, June 24, 2026, Petitioner appeared at the USCIS Biometrics Office at 330 Wheeler Road, Hauppauge, NY 11788, for his appointment. Petitioner was taken into custody and issued a new Notice to Appear at that appointment.

13. Petitioner called undersigned counsel from the USCIS Office to advise that he was being detained. Upon information and belief, he is currently being held on Long Island. He does not appear in the online detainee locator system.

14. The only changes in Petitioner's situation since he was last released from detention are that removal proceedings against him were terminated, he was granted Special Immigrant Juvenile Status and Deferred Action, and he now has a pending application for Adjustment of Status with USCIS.

15. Petitioner has never been arrested for or charged with a crime anywhere in the world.

JURISDICTION & VENUE

16. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension

Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

17. 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.

18. A district court's authority includes jurisdiction to hear habeas challenges to immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

19. Venue is proper in this district pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) as Petitioner is detained on Long Island.

REQUIREMENTS OF 28 U.S.C. § 2243

20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Petitioners "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 Petitioners to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

21. 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

22. Petitioner is a resident of Suffolk County and is currently detained by ICE on Long Island.

23. Todd Blanche is the Acting Attorney General of the United States. He oversees the immigration court system, which is located within the Executive Office for Immigration Review ("EOIR") and includes all Immigration Judges and the Board of Immigration Appeals ("BIA"). He is sued in his official capacity.

24. Markwayne Mullin is the is the Secretary of DHS, which oversees ICE, and is responsible for administering and enforcing the immigration laws. He is the ultimate custody of Petitioner. He is sued in his official capacity.

25. David Venturella is the Acting Director of United States Immigration and Customs Enforcement, the agency which detained Petitioner. He is sued in his official capacity.

26. Brian Flanagan is the Acting Deputy Field Office Director for ICE in the New York City Area. He is sued in his official capacity.

NONCITIZEN'S DUE PROCESS RIGHTS

27. The Due Process Clause of the Fifth Amendment entitles noncitizens to due process of law. *Reno v. Flores*, 507 U.S. 292, 306 (1993). As clearly enunciated by the Supreme Court, the protection of the Due Process Clause applies to noncitizens in the United States "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001) (citations omitted).

28. Stated simply, "while [DHS] might want to enforce this country's immigration laws efficiently, it cannot do that at the expense of fairness and due process." *Ceesay v.*

Kurzdorfer, No. 25-CV-267, 2025 WL 1284720, at *1 (W.D.N.Y. May 2, 2025) (citing *United States ex. rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954)).

29. Further, noncitizens are entitled to procedural due process protections, even in the face of policy shifts between administrations. While a "new administration can change the rules . . . it cannot change them and make up new rules as it goes along when the new rules abridge constitutional rights." *Velasquez v. Kurzdorfer*, No. 25-CV-493, 2025 WL 1953796, at *14 (W.D.N.Y. Jul. 16, 2025).

30. In the context of immigration detention due process claims, the Second Circuit has applied the three-factor balancing test set forth in *Mathews v. Eldridge* to determine what due process requires. These factors are: (i) "the private interest that will be affected by the official action"; (ii) "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 (iii) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020).

31. Under the *Mathews* rubric, freedom from imprisonment, physical restraint, or other forms of government custody is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *Lopez Benitez*, 2025 WL 2371588, at *9 ("[Petitioner] invokes the most significant liberty interest there is—the interest in being free from imprisonment") (quoting *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)) (citing *Hamdi*, 542 U.S. at 529); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. Nov. 22, 2019) (noncitizens in immigration custody had an

arguably even greater liberty interest in remaining out of detention than criminal parolees who required due process protection).

32. With respect to the second *Mathews* factor, given the strong liberty interest at stake, the Fifth Amendment's guarantee of due process requires at least some notice and an opportunity to be heard before a person can be placed in immigration detention. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). Further, due process requires that "notice must be afforded within a reasonable time and in such manner as will allow [noncitizens] to actually seek . . . relief[.]" *Id.*

33. For the third *Mathews* factor, "the Attorney General's discretion to detain individuals under 8 U.S.C. § 1226(a) is valid where it advances a legitimate government purpose." *Velasco Lopez*, 978 F.3d at 854. The recognized government interests in immigration detention are "ensuring the appearance of [noncitizens] at future immigration proceedings" and "preventing danger to the community." *Zadvydas*, 533 U.S. at 690. Absent evidence in the record that a noncitizen is dangerous, and in situations when the noncitizen has appeared for immigration proceedings, district courts have held that the government cannot demonstrate a significant interest in their detention. *See Lopez Benitez*, 2025 WL 2371588, at *13; *Valdez*, No. 25-CV-4627, 2025 WL 1707737, at *4 (S.D.N.Y. Jun. 18, 2025).

34. Recent decisions by federal courts in various jurisdictions confirm that due process requires the government to make individualized determinations to detain noncitizens and give them notice and a meaningful opportunity to be heard when challenging their detention. Further, if a noncitizen does not receive individualized consideration pre-deprivation, his due process rights are irrevocably violated, and no amount of

procedure provided post-detention can remedy that violation. *See, e.g.*, *Lopez Benitez*, 2025 WL 2371588, at *14 ("Given the nature of the constitutional violation Mr. Lopez Benitez sustained here—i.e., Respondents' failure to conduct any kind of individualized assessment before detaining him—any post-deprivation review by an immigration judge would be inadequate."); *see also Chipantiza-Sisalema*, 2025 WL 1927931, at *3 (finding bond "hearing is no substitute for the requirement that ICE engage in a deliberative process prior to, or contemporaneous with, the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause.") (citation modified); *Kelly*, 2025 WL 2381591, at *3 (same).

35. As a result, courts have ordered a noncitizen's immediate release where their pre-detention due process rights have been violated. Here, immediate release is appropriate because an Immigration Judge has already determined that Petitioner is not a danger to the community, and there has been no material change in his circumstances since, but for changes in his favor: a grant of Special Immigrant Juvenile Status and Deferred Action, and Petitioner's filing of an Application for Adjustment of Status, which is pending with USCIS.

36. Petitioner's detention violates the both the substantive and procedural components of the Due Process Clause. *See Garcia Lanza v. Noem*, 822 F. Supp. 3d 326, 335 (E.D.N.Y. 2026) (finding detention of a young person with valid SIJS violated his right to due process). Petitioner was determined not to pose danger or flight risk when he was released from custody on November 28, 2017. There is no reason to now conclude Petitioner poses a danger or flight risk. He was not accorded sufficient process prior to his sudden re-detention by ICE on June 24, 2026. The mandatory detention of a SIJS holder who was

previously released by the government and granted deferred action by the same government, does not satisfy the three-prong test under *Mathews.*

37. Petitioner did not receive notice or an opportunity to be heard as to whether a change in custody status was warranted. *See Rodriguez-Acurio v. Almodovar,* 811 F. Supp. 3d 274, 316 (E.D.N.Y. 2025), *appeal dismissed,* No. 26-219, 2026 WL 1208948 (2d Cir. Feb. 25, 2026) (finding a due process violation where noncitizen was redetained at a USCIS Asylum Office); *Lopez v. Sessions*, No. 18 CIV. 4189 (RWS), 2018 WL 2932726, at *12 (S.D.N.Y. June 12, 2018) ("Petitioner's re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment"); *see also Chipantiza-Sisalema*, 2025 WL 1927931, at *3; *Valdez*, 2025 WL 1707737, at *4.

THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT ("TVPRA")

38. The TVPRA governs the detention of unaccompanied minors. *See generally* 8 U.S.C. § 1232; *see also Lopez v. Sessions*, No. 18-CV-4189 (RWS), 2018 WL 2932726, at *5 (S.D.N.Y. June 12, 2018) (discussing Section 1232); *see also R.A.R.R. v. Almodovar,* No. 25-CV-6597 (PKC), 2026 WL 323040, at *5-6 (E.D.N.Y. Feb. 6, 2026) (discussing legal framework around Section 1232). It provides, in relevant part, that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of [HHS]," 8 U.S.C. § 1232(b)(1); that "an unaccompanied alien child in the custody of the Secretary of [HHS] shall be

promptly placed in the least restrictive setting that is in the best interest of the child," taking into consideration "danger to self, danger to the community, and risk of flight," id. § 1232(c)(2)(A); and that "if a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight," *id.* § 1232(c)(2)(B).

39. Respondents violated the TVPRA by re-detaining Petitioner even though he falls squarely within the protections afforded by the TVPRA. At the time of his entry into the United States, Petitioner was designated an "unaccompanied minor." As a result, he was placed in the legal custody of ORR and thereafter placed in the care of his brother pursuant to the TVPRA. Nonetheless, Respondents re-detained Petitioner despite identifying no change in his circumstances and without considering whether doing so was "the least restrictive setting available." *See R.A.R.R.*, 2026 WL 323040, at *7.

FOURTH AMENDMENT

40. "The Fourth Amendment applies to all seizures of the person." *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975). Except at the border and its functional equivalents, the Fourth Amendment prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. *Id.* at 884. The Government bears the burden of providing "specific and articulable facts" to support reasonable suspicion. *See Terry v. Ohio*, 392 U.S. 1, 21 (1968). The race of an individual cannot itself create reasonable suspicion, even for a temporary stop. *United States v. Brignoni-Ponce*, 422 U.S. 873, 887 (1975); *Noem v. Vasquez Perdomo*,

No. 25A169, --- S.Ct. ----, 2025 WL 2585637, at *3 (Sep. 8, 2025) (Kavanaugh, J., concurring). The government lacks any reasonable suspicion to detain Petitioner, as he was found by an Immigration Judge to not be a flight risk.

41. Respondents' actions also violate 8 U.S.C. § 1357, the statute governing warrantless arrests. Any administrative warrant issued either concurrent to or shortly after his detention is invalid and his detention lacked any authority—which is a sufficient basis to grant the writ. *Gopie v. Lyons*, No. 25-CV-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025).

42. Because Petitioner does not pose a flight risk, Respondents had no lawful basis to detain him without a valid warrant. *Garcia Lanza v. Noem*, 822 F. Supp. 3d 326, 333 (E.D.N.Y. 2026) ("far from a circumstance in which the officers had some cause to effect an arrest, with respect to Garcia Lanza, who was legally authorized to live and work in the United States, the agents had *no* cause to arrest and imprison him").

CLAIMS FOR RELIEF

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

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

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

45. Petitioner's detention violates the both the substantive and procedural components of the Due Process Clause. *See Garcia Lanza v. Noem*, 822 F. Supp. 3d 326, 335 (E.D.N.Y. 2026) (finding detention of a young person with valid SIJS violated his right to due process). Petitioner was determined not to pose danger or flight risk when he was released from custody on November 28, 2017. There is no reason to now conclude Petitioner poses a danger or flight risk. He was not accorded sufficient process prior to his sudden re-detention by ICE on June 24, 2026. The mandatory detention of a SIJS holder who was previously released by the government does not satisfy the three-prong test under *Mathews.*

46. Petitioner did not receive notice or an opportunity to be heard as to whether a change in custody status was warranted. *See Rodriguez-Acurio v. Almodovar,* 811 F. Supp. 3d 274, 316 (E.D.N.Y. 2025), *appeal dismissed,* No. 26-219, 2026 WL 1208948 (2d Cir. Feb. 25, 2026) (finding a due process violation where noncitizen was redetained at a USCIS Asylum Office); *Lopez v. Sessions*, No. 18 CIV. 4189 (RWS), 2018 WL 2932726, at *12 (S.D.N.Y. June 12, 2018) ("Petitioner's re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment"); *see also Chipantiza-Sisalema*, 2025 WL 1927931, at *3; *Valdez*, 2025 WL 1707737, at *4.

47. Respondents will also now contend that Petitioner is ineligible for bond under *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

48. But that determination is contradicted by Respondents' prior determinations in Petitioner's case and the text and structure of the detention statutes. Mandatory detention without access to a bond hearing violates Petitioner's right to due process. That is

particularly true given that he has Special Immigrant Juvenile Status and deferred action and is immediately eligible to adjust status and was in the process of doing so when unlawfully detained.

49. Respondents' actions also violate Petitioner's right to substantive due process as there is no reason to conclude he poses either a danger or a flight risk and therefore no lawful basis to detain him. *See Zadvydas*, 533 U.S. at 690–91 (noting that immigration detention aims to ensure the detainee's appearance at immigration proceedings and protect the community from dangerous individuals).

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

COUNT TWO

VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT ("TVPRA")

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

52. The TVPRA governs the detention of unaccompanied minors. *See generally* 8 U.S.C. § 1232; *see also Lopez v. Sessions*, No. 18-CV-4189 (RWS), 2018 WL 2932726, at *5 (S.D.N.Y. June 12, 2018) (discussing Section 1232); *see also R.A.R.R. v. Almodovar*, No. 25-CV-6597 (PKC), 2026 WL 323040, at *5-6 (E.D.N.Y. Feb. 6, 2026) (discussing legal framework around Section 1232). It provides, in relevant part, that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of [HHS]," 8 U.S.C. § 1232(b)(1); that "an unaccompanied alien child in the custody of the Secretary of [HHS] shall be

promptly placed in the least restrictive setting that is in the best interest of the child," taking into consideration "danger to self, danger to the community, and risk of flight," id. § 1232(c)(2)(A); and that "if a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight," *id.* § 1232(c)(2)(B).

53. Respondents violated the TVPRA by re-detaining Petitioner even though he falls squarely within the protections afforded by the TVPRA. At the time of his entry into the United States, Petitioner was designated an "unaccompanied minor." As a result, he was placed in the legal custody of ORR and thereafter placed in the care of his brother pursuant to the TVPRA. Nonetheless, Respondents re-detained Petitioner despite identifying no change in his circumstances and without considering whether doing so was "the least restrictive setting available." *See R.A.R.R.*, 2026 WL 323040, at *7.

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

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

55. "The Fourth Amendment applies to all seizures of the person." *United States v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975). Except at the border and its functional equivalents, the Fourth Amendment prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. *Id.* at 884. The Government bears the burden of providing "specific and articulable facts" to support reasonable suspicion. *See Terry v. Ohio*, 392 U.S. 1, 21 (1968). The race

of an individual cannot itself create reasonable suspicion, even for a temporary stop. *United States v. Brignoni-Ponce*, 422 U.S. 873, 887 (1975); *Noem v. Vasquez Perdomo*, No. 25A169, --- S.Ct. ----, 2025 WL 2585637, at *3 (Sep. 8, 2025) (Kavanaugh, J., concurring). Officers lacked reasonable suspicion to detain Petitioner, as he was already found to not be a danger by an Immigration Judge.

56. Respondents' actions also violate 8 U.S.C. § 1357, the statute governing warrantless arrests. Undersigned counsel has not seen any warrant for his arrest, and is not aware of any having been issued prior to his arrest. As a result, any administrative warrant issued either concurrent to or shortly after his detention is invalid and his detention lacked any authority—which is a sufficient basis to grant the writ. *Gopie v. Lyons*, No. 25-CV-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025).

57. Because Petitioner does not pose a flight risk, Respondents had no lawful basis to detain him without a valid warrant. *Garcia Lanza v. Noem*, 822 F. Supp. 3d 326, 333 (E.D.N.Y. 2026) ("far from a circumstance in which the officers had some cause to effect an arrest, with respect to Garcia Lanza, who was legally authorized to live and work in the United States, the agents had *no* cause to arrest and imprison him").

58. Petitioner's re-arrest based solely on the fact that he may be subject to removal proceedings, despite removal proceedings having been terminated years ago— is unreasonable and violates the Fourth Amendment and 8 U.S.C. § 1357.

COUNT THREE
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

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

60. The Administrative Procedure Act prohibits agency action which is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

61. 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)). An 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).

62. Respondents' decision to detain Petitioner as part of their coordinated campaign and policy of detaining individuals attending immigration court, USCIS appointments, or routine ICE check-ins, irrespective of the individual circumstances in their case, and then to subject them to mandatory detention, is arbitrary and capricious.

COUNT FOUR
RELEASE PENDING ADJUDICATION

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

64. Pursuant to *Mapp v. Reno*, this Court has the "inherent authority" to set bail pending the adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make the grant of bail necessary to make the habeas remedy effective." 241 F.3d 221, 226 (2d Cir. 2001).

65. Petitioner presents substantial claims. Moreover, extraordinary circumstances are also present, given the unjustified nature of his current confinement.

66. Petitioner requests immediate release pending adjudication of the instant petition.

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) Issue an Order Preventing Respondents from transferring Petitioner outside of the New York City metropolitan area to allow him to meaningfully participate in these proceedings;

(4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the TVPRA, the Fourth Amendment, and the APA;

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner;

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

Respectfully submitted,

/s/ Carolyn M. Corrado, Esq.

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Dated: June 24, 2026

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

I represent Petitioner, Jose Moises Nolasco-Aleman, 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.

June 24, 2026

/s/ Carolyn M. Corrado