UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

JHONDER RAFAEL ROBLES ESCALONA

A# [redacted]

Petitioner, Pro Se,

v.

WARDEN, MDC BROOKLYN,

Respondent.

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CV 26- 3920

PETITION FOR WRIT OF HABEAS CORPUS

DONNELLY, J.

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner, **Jhonder Rafael Robles Escalona**, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his continued immigration detention.

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He did not attempt to flee or evade immigration authorities.

Before his detention, Petitioner maintained employment, financially supported his household, paid rent, maintained health insurance for his family, and filed federal income tax returns.

His partner is pregnant, and he intends to continue appearing for all future immigration proceedings.

These facts demonstrate that Petitioner has substantial ties to the community and intends to comply with all lawful immigration requirements.

VII. DUE PROCESS VIOLATION

The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law.

Petitioner has remained detained without receiving an individualized bond hearing to determine whether his continued detention is necessary.

No Immigration Judge has considered Petitioner's lack of criminal history, his voluntary appearance before ICE, his employment history, his tax history, his financial support of his family, or the hardship his detention imposes upon his pregnant partner.

Petitioner respectfully submits that his continued detention without such an individualized determination violates the Due Process Clause of the Fifth Amendment.

VIII. SUPPORTING EVIDENCE

Petitioner does not have a final order of removal, has never been convicted of any criminal offense, and has never been provided an individualized bond hearing before an Immigration Judge to determine whether his continued detention is justified.

Petitioner respectfully requests that this Court review the legality of his detention and order his immediate release or, alternatively, require the Government to provide him with an expedited individualized bond hearing.

II. FACTUAL BACKGROUND

Petitioner is a citizen of Venezuela.

He entered the United States on September 8, 2022.

Since his arrival, Petitioner has complied with immigration authorities and has attempted to resolve his immigration matters through lawful means.

On May 19, 2026, Petitioner voluntarily appeared at his scheduled appointment with ICE at Federal Plaza in New York.

Rather than attempting to evade immigration authorities, he appeared as instructed and was immediately taken into ICE custody.

He was subsequently transferred to Delaney Hall Detention Facility in Newark, New Jersey, and on May 27, 2026, was transferred to the Metropolitan Detention Center (MDC Brooklyn), where he remains detained.

Petitioner has never been convicted of any criminal offense.

He has no criminal history.

He has no history of violence.

He has no pending criminal charges.

He does not have a final order of removal.

Since being detained, Petitioner has never been provided with an individualized bond hearing before an Immigration Judge.

III. PETITIONER IS A PERSON OF GOOD MORAL CHARACTER

Before his detention, Petitioner worked continuously to support himself and his family.

He possesses valid employment authorization issued by the United States Government.

He has consistently filed federal income tax returns, including for tax years 2024 and 2025.

Petitioner has completed professional training and earned certificates in Automotive Mechanics and Electromechanical Systems.

These accomplishments demonstrate his commitment to lawful employment and his desire to be a productive member of society.

IV. FAMILY HARDSHIP

Petitioner lives with his partner.

His partner is currently pregnant with their child.

Medical records confirming the pregnancy are attached as exhibits.

Before his detention, Petitioner financially supported his household.

He paid the family's rent and maintained health insurance covering both his partner and their unborn child.

Since his detention, his family has experienced significant financial and emotional hardship.

His continued detention has deprived his pregnant partner of his financial, emotional, and daily support during an important stage of her pregnancy.

V. PETITIONER DOES NOT PRESENT A DANGER TO THE COMMUNITY

Petitioner has never been convicted of any crime.

He has no criminal history.

He has no history of violence.

There is no evidence that he presents a danger to the community.

VI. PETITIONER IS NOT A FLIGHT RISK

Petitioner voluntarily appeared at his scheduled ICE appointment on May 19, 2026.

Attached as exhibits are the following documents:

Exhibit A – Employment Authorization Document (Work Permit) and Social Security Card

Exhibit B – Medical records and prenatal examination confirming Petitioner's partner's pregnancy

Exhibit C – Health insurance documentation covering Petitioner's partner and unborn child

Exhibit D – 2024 Federal Income Tax Return

Exhibit E – 2025 Federal Income Tax Return

Exhibit F – Automotive Mechanic Certificate

Exhibit G – Electromechanical Certificate

Exhibit H – Rent payment receipt

IX. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody, or alternatively order an expedited individualized bond hearing before an Immigration Judge;
3. Require the Government to demonstrate that Petitioner's continued detention is legally justified;
4. Consider Petitioner's lack of criminal history;

5. Consider Petitioner's voluntary appearance before ICE;
6. Consider Petitioner's employment authorization, employment history, tax records, professional certifications, and financial support of his family;
7. Consider the medical evidence confirming his partner's pregnancy and the hardship caused by his continued detention; and
8. Grant such other and further relief as this Court deems just and proper.

X. DECLARATION

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

JHONDER RAFAEL ROBLES ESCALONA

A# [redacted]

MDC Brooklyn

Brooklyn, New York

Date: 06-24-2026