United States District Court
For the Eastern District of New York

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Jose Adalberto Chicas Gutierrez,

Petitioner,

v.

Dkt No:

Markwayne Mullin,
And Officer Sanon,

Initials:

Respondents.

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Verified Petition for a Writ of Habeas Corpus

Submitted by:

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Attorney for Petitioner

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BB 8381

Verified Petition for a Writ of Habeas Corpus

1. Petitioner, Jose Adalberto Chicas Gutierrez, is currently in ICE custody, upon information and belief, at 100 Federal Plaza, Central Islip, NY.

2. Upon information and belief, his immigration A-number is: [redacted].

3. Mr. Chicas brings this petition for a writ of habeas corpus seeking his immediate release under 28 U.S.C. 2241.

4. Mr. Chicas' home address is: [redacted].

Respondents

5. Respondent, Markwayne Mullin is Secretary of the United States Department of Homeland Security with an address at 245 Murray Lane SW, Washington DC 20528.

6. Respondent, Officer Sanon, is an ICE Officer with an address at 201 Varick St Rm 1219 New York, NY 10014. Upon information and belief Officer Sanon is the Officer with responsibility for Mr. Chicas.

Facts

7. Mr. Chicas is a native and citizen of El Salvador who, upon information and belief, first came to the United States sometime around 2011 with no valid documents. He was detained at the border in the Southwest and he agreed to leave the United States voluntarily. His initial motivation at that time for leaving El Salvador was to escape the violence there.

8. Upon information and belief, Mr. Chicas returned to the United States in 2020 with no valid documents and has been living in the United States since that time.

9. Mr. Chicas has a son, [redacted], who was born in El Salvador. [redacted] came to the United States in 2026 with valid documents. He is [redacted] years of age. [redacted] has been detained for several months, in all likelihood by the Department of Health and Human Services [HHS].

10. Mr. Chicas was informed that he had an appointment at 100 Federal Plaza, Central Islip, NY on July 1 to pick up his son, [redacted].

11. When Mr. Chicas arrived at 100 Federal Plaza, his son was not there and Mr. Chicas was detained by ICE. Upon information and belief, he remains detained somewhere at 100 Federal Plaza.

12. Upon information and belief, Mr. Chicas was detained without a warrant and without any determination as to whether he was a flight risk.

13. Mr. Chicas now respectfully submits this petition seeking his immediate release from ICE custody.

First Claim

14. Petitioner repeats and realleges all facts in paragraphs 1 through 13.

15. Mr. Chicas' arrest was unlawful because it was made without probable cause to believe he is an alien and without probable cause to believe he is a flight risk, as required by 8 U.S.C. 1357(a)(2) and 8 C.F.R. 287.8(c)(2)(ii). See, Refugio Ramirez Orlando v Noem, 2025 U.S. Dist LEXIS 234204 (Dist CO, J. Brook Jackson, Nov 25, 2025).

Second Claim

16. Petitioner repeats and realleges all facts in paragraphs 1 through 13.

17. Mr. Chicas's detention is unlawful because he is not subject to detention under 8 U.S.C. section 1225. da Cunha v Freden, 175 F.4th 61 (2d Cir. 2026).

Third Claim

18. Petitioner repeats and realleges all facts in paragraphs 1 through 13.

19. Mr. Chicas' detention is unlawful because his detention is contrary to due process of law.

Fourth Claim

20. Petitioner repeats and realleges all facts in paragraphs 1 through 13.
21. Mr. Chicas' detention is unlawful because he is not subject to detention under any provision of 8 U.S.C. 8 U.S.C. section 1231. Parra v Favro, 2026 U.S. Dist LEXIS 83965, 2026 WL 1030870 (N.D.N.Y 2026); Li Qun Chen v Noem, 2026 U.S. Dist LEXIS 28872 (S.D.N.Y. 2026); Diallo v Joyce, 2025 U.S. Dist LEXIS 265532, 2025 WL 3718477 (S.D.N.Y. 2025).

WHEREFORE, it is respectfully requested that Mr. Chicas' transfer outside the Eastern District of New York be stayed; that his removal be stayed; and that he be ordered released from custody on his own recognizance.

Attorney Verification

I, Bruno J Bembi, attorney at law, affirm that the above statements are true, except for those made upon information and belief, and as to those, I have a reasonable, good faith basis to believe they are true.

Respectfully submitted,

Dated: July 2, 2026

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