U.S. DISTRICT COURT – N.D. OF N.Y.
FILED
Aug 27 - 2026
John M. Domurad, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AMY ABRANDA PERU,

Petitioner,

v.

CRAIG D. APPLE, in his official capacity as Sheriff of Albany County;

CHRISTOPHER J. AMOIA, in his official capacity as Acting United States Marshal for the Northern District of New York;

PHILIP RHONEY, in his official capacity as Acting Field Office Director, Buffalo Field Office, U.S. Immigration and Customs Enforcement;

DAVID J. VENTURELLA, in his official capacity as Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security;

TODD BLANCHE, in his official capacity as United States Attorney General,

Respondents.

Case No. 9:26-cv-1650 BKS

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Immigration No. [redacted]

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS

PRELIMINARY STATEMENT

1. Petitioner Amy Abranda Peru is a lawful permanent resident who is presently confined at the Albany County Correctional Facility on a United States Marshals Service hold. She does not challenge that criminal custody in this action. She plans to seek release on

pretrial supervision. An active immigration detainer, however, directs that she be delivered immediately to U.S. Immigration and Customs Enforcement ("ICE") rather than released.

2. ICE has already shown what it will do when that detainer is executed. After Ms. Peru completed her New York sentence, ICE took her into custody, flew her to Louisiana, and placed her removal case before the Oakdale Immigration Court. The United States Marshals Service later returned her to New York only because of a separate federal matter. Her Oakdale case is administratively closed, not terminated. Unless this Court preserves the status quo, ICE can take her directly from the Albany County jail and again transport her outside this District before counsel can obtain judicial review.
3. The threatened detention and transfer are not speculative. DHS's own filing in the Oakdale Immigration Court says that the location of the case determines its outcome. DHS charges Ms. Peru as removable solely because of a New York conviction that is presently on direct appeal. In this Circuit, that conviction is not final and cannot support removability. *Brathwaite v. Garland*, 3 F.4th 542, 552-55 (2d Cir. 2021); *Matter of Brathwaite*, 28 I&N Dec. 751, 754-56 (BIA 2023). In the Fifth Circuit, by contrast, a conviction remains effective for immigration purposes even while a direct appeal is pending. *Garcia-Maldonado v. Gonzales*, 491 F.3d 284, 291 (5th Cir. 2007). DHS expressly invoked that geographic difference when opposing Ms. Peru's motion to terminate in Oakdale.
4. This Petition does not ask the Court to terminate removal proceedings, vacate the Notice to Appear, or enter a final determination of removability. It challenges distinct, imminent injuries: civil imprisonment under a mandatory-detention provision that does not apply to

Ms. Peru; execution of a detainer without any pre-deprivation opportunity to contest the legal basis for that imprisonment; and immediate transportation across the country to a forum selected to apply law that is contrary to binding Second Circuit precedent.

5. The requested relief is correspondingly narrow. Ms. Peru asks the Court to prohibit Respondents from taking her into immigration custody or removing her from the Northern District of New York until this Court can determine whether any lawful detention authority exists and what process is constitutionally required. If ICE takes custody before the Court can act, she asks that the writ issue to restore the status quo or, at minimum, require an immediate custody hearing in this District under the law of this Circuit.

PARTIES

6. Petitioner Amy Abranda Peru is a citizen of Guyana and a lawful permanent resident of the United States. She adjusted to lawful permanent resident status on July 8, 2010. Her A-number is [redacted]. She is presently confined at the Albany County Correctional Facility in Albany County, New York.

7. Respondent Craig D. Apple is the Sheriff of Albany County and is sued solely in his official capacity. Sheriff Apple is Ms. Peru's immediate physical custodian at the Albany County Correctional Facility.

8. Respondent Christopher J. Amoia is the Acting United States Marshal for the Northern District of New York and is sued solely in his official capacity. The United States Marshals Service presently exercises legal control over Ms. Peru's federal criminal custody and the conditions under which she will be released or transferred.

9. Respondent Philip Rhoney is the Acting Field Office Director for ICE's Buffalo Field Office and is sued solely in his official capacity. He exercises authority over ICE detainers, arrests, detention, and transfers arising within this District.

10. Respondent David J. Venturella is the Senior Official Performing the Duties of the Director of ICE and is sued solely in his official capacity. He exercises supervisory authority over ICE detention and transfer policy.

11. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security and is sued solely in his official capacity. He has ultimate responsibility for the Department and ICE.

12. Respondent Todd Blanche is the United States Attorney General and is sued solely in his official capacity. He has supervisory responsibility for the administration of the immigration laws and removal proceedings.

13. Under Federal Rule of Civil Procedure 25(d), the successor to any public officer named here is automatically substituted.

JURISDICTION, CUSTODY, VENUE, AND RIPENESS

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Ms. Peru is in custody and faces imminent additional custody in violation of the Constitution and laws of the United States. The Court also has jurisdiction under 28 U.S.C. § 1331 over the federal constitutional and statutory questions presented and authority under 28 U.S.C. § 1651(a) to preserve its jurisdiction and the efficacy of the writ.

15. Ms. Peru is presently in physical custody within this District. Although the existing criminal custody is not challenged, the ICE detainer secures a second, consecutive restraint that will begin when the Marshals Service releases her. The Supreme Court has

held that a person serving one sovereign's sentence is "in custody" for habeas purposes under a future restraint when another sovereign has lodged a detainer to ensure transfer at release. *Maleng v. Cook*, 490 U.S. 488, 493-94 (1989); see also *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 488-89 (1973); *Peyton v. Rowe*, 391 U.S. 54, 67 (1968).

16. Article III is independently satisfied. ICE has not disclaimed an intent to detain Ms. Peru. It has lodged an active detainer, previously executed the same course of custody and transfer, and maintains an administratively closed removal case in Oakdale. The Second Circuit has held that a live controversy remains where ICE has not disclaimed renewed detention and the petitioner is therefore threatened with an actual injury redressable by a favorable decision. *Black v. Decker*, 103 F.4th 133, 136 n.1 (2d Cir. 2024). The proof here is materially stronger because a detainer already directs the transfer of custody.

17. Venue is proper under 28 U.S.C. § 1391(e) and the immediate-custodian rule because Ms. Peru is confined in Albany County, her immediate custodians are located in this District, the detainer will be executed in this District, and a substantial part of the threatened injury will occur here. See *Rumsfeld v. Padilla*, 542 U.S. 426, 442, 447 (2004).

18. The claim is ripe because the threatened injury is certain enough to permit adjudication and withholding review would expose Ms. Peru to immediate civil imprisonment and cross-country transportation before any court can act. No further contingency is necessary: only the timing of the federal criminal release remains uncertain, and that release may occur at any time.

19. This is not a second or successive habeas petition. Ms. Peru has not previously sought federal habeas relief concerning the threatened execution of this detainer, her return to ICE custody, or her threatened transfer from this District.

FACTUAL ALLEGATIONS

Ms. Peru's Lawful Permanent Residence and New York Conviction

20. Ms. Peru was born in Guyana on [redacted]. She became a lawful permanent resident on July 8, 2010, in classification AS8, derivative child of an asylee who has adjusted status to lawful permanent residence. Her current permanent resident card expires in 2033.
21. Ms. Peru has called the United States home for nearly her entire life. She came to this country from Guyana at only five years old after her family sought safety in the United States following a traumatic event in her home country.
22. Now 31 years old, Ms. Peru has spent approximately 25 years growing up, attending school, working, and building her life in the United States.
23. Ms. Peru graduated from high school and later pursued a career as a pharmacy technician. Through her work, she assisted with the preparation, packaging, and distribution of medications serving hospitals, nursing homes, correctional facilities, and other institutions. Her employment allowed her to contribute to the community while developing a stable and productive life.
24. Family has also played an important role in Ms. Peru's life. She devoted significant time to helping care for her grandparents as they grew older. She also supported her father in developing and operating his construction business, assisting with administrative and secretarial responsibilities and helping the family business wherever she was needed.

25. Ms. Peru's path toward becoming a United States citizen was interrupted by extremely difficult circumstances. She was the victim of a violent robbery during which she was struck with a firearm, her vehicle was taken, and her personal belongings, including her passport and green card, and vital documents were stolen. The experience was traumatic and caused significant disruption in her life, including setbacks in obtaining and organizing important documents for her naturalization interview.

26. Shortly afterward, the COVID-19 pandemic created additional obstacles to replacing those vital documents. Government offices, businesses, and many everyday services were disrupted, making it substantially more difficult for Ms. Peru to replace documents and move forward with matters relating to her immigration and citizenship process.

27. Despite these hardships, Amy has continued to regard the United States as her home. She arrived here as a young child, was educated here, established her career here, and developed deep family and community ties here. The overwhelming majority of her memories, relationships, responsibilities, and adult life have been in the United States.

28. On July 27, 2023, the Schenectady County Court entered judgment after Ms. Peru pleaded guilty to Grand Larceny in the Second Degree, in violation of New York Penal Law § 155.40(1). The court imposed a sentence of one to three years and restitution of $85,174.95.

29. Ms. Peru filed a direct appeal in the New York Supreme Court, Appellate Division, Third Department, docketed as *People v. Peru*, No. CR-23-1744.

30. On April 7, 2026, the Appellate Division dismissed the appeal by default for failure to prosecute. The dismissal was not an adjudication on the merits.

31. On June 4, 2026, the Appellate Division granted Ms. Peru's motion to vacate the dismissal, vacated the April 7 order, and extended the time to perfect the direct appeal to August 3, 2026.

32. Upon information and belief, appointed appellate counsel timely perfected the appeal by the extended deadline. The appeal remains pending, and no court has adjudicated it. The judgment of conviction has therefore not attained finality through exhaustion or waiver of direct appellate review.

DHS Charged Removability Solely from the Nonfinal Conviction

33. On April 30, 2026, DHS issued Ms. Peru a Notice to Appear in immigration court. The Notice recognized that she had been admitted to the United States and had adjusted to lawful permanent resident status.

34. The Notice charged Ms. Peru under 8 U.S.C. § 1227(a)(2)(A)(iii) on two aggravated-felony theories, both arising exclusively from the July 27, 2023 New York judgment: first, an alleged theft offense under 8 U.S.C. § 1101(a)(43)(G); and second, an alleged fraud or deceit offense involving a loss exceeding $10,000 under 8 U.S.C. § 1101(a)(43)(M)(i).

35. The Notice identifies no other independent ground of removability. Without a final conviction, DHS cannot sustain either charge.

36. The Notice directed Ms. Peru to appear at the Batavia Immigration Court on May 21, 2026. DHS instead transported her to Louisiana and docketed or continued the removal proceedings at the Oakdale Immigration Court.

37. Ms. Peru moved to terminate the removal proceedings because her New York direct appeal was pending.

38. On June 15, 2026, DHS filed a written opposition in Oakdale. DHS acknowledged that Ms. Peru sought termination because her direct appeal was pending. It further acknowledged that finality depends on the law of the federal circuit where the removal case arises.

39. DHS then stated the dispositive reason for keeping the case in Oakdale: "In the Fifth Circuit, the rule is that a criminal conviction counts for immigration purposes even if a direct appeal of the conviction is still pending, and immigration courts generally proceed on that basis."

40. The Fifth Circuit rule invoked by DHS is stated in *Garcia-Maldonado*, 491 F.3d at 291, which holds that a conviction remains valid for immigration purposes regardless of a pending direct appeal.

41. The Second Circuit rule is the opposite. In *Brathwaite*, the court held that a conviction may not trigger deportation until appellate review has been waived or exhausted and rejected the BIA's restrictive treatment of New York direct appeals. 3 F.4th at 552-55.

42. On remand, the BIA applied that holding and terminated removal proceedings. It held that a respondent with a pending New York direct appeal does not have a final conviction for immigration purposes and that DHS may initiate conviction-based charges only after the convictions become final. *Matter of Brathwaite*, 28 I&N Dec. at 754-56.

43. The geographic transfer thus changes more than Ms. Peru's place of confinement. DHS has admitted that it changes the substantive rule applied to the only asserted ground of removability.

The Active Detainer Makes Renewed ICE Custody and Transfer Imminent

44. Before the Oakdale Immigration Court could complete the next scheduled hearing, the United States Marshals Service took Ms. Peru into federal criminal custody and returned her to New York. The Oakdale removal proceedings were administratively closed because she was no longer in ICE custody.

45. Ms. Peru is now confined at the Albany County Correctional Facility on the Marshals Service hold. She faces a one-count criminal complaint in case number 1:26-mj-00123-PJE. Upon information and belief, Pretrial Services has opposed her release on pretrial supervision based primarily on the existence of the ICE detainer, which would cause her to be taken out of the jurisdiction and complicate further adjudication of the matter.

46. Pretrial services and the Assistant United States Attorney have confirmed that ICE has lodged an active detainer. The detainer directs the custodial authorities not to release Ms. Peru into the community but instead to notify ICE and maintain custody so that ICE can assume physical control.

47. Because Ms. Peru is eligible for release on pretrial supervision, the detainer may be executed without additional notice at any time. Neither Ms. Peru nor undersigned counsel can know the precise day or time when custody will change.

48. ICE previously transported Ms. Peru from New York to Louisiana promptly after taking custody. ICE has not withdrawn the detainer, terminated the Oakdale proceedings, agreed to keep Ms. Peru in New York, or disclaimed renewed reliance on Fifth Circuit law.

49. Once ICE takes physical custody, it can move Ms. Peru beyond the territorial jurisdiction of this Court within hours. That transfer would separate her from counsel, family, the

New York criminal appellate record, and the federal court in the only Circuit whose precedent recognizes that her conviction is nonfinal.

LEGAL FRAMEWORK

50. Section 1226(a) supplies the default authority for detention pending a decision on removal. It permits arrest on an administrative warrant and allows release on bond or conditional parole. 8 U.S.C. § 1226(a); *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

51. Section 1226(c) is narrower. It mandates detention only for a noncitizen who falls within one of the specified categories, including a person who "is deportable by reason of having committed" an aggravated felony covered by 8 U.S.C. § 1227(a)(2)(A)(iii). 8 U.S.C. § 1226(c)(1)(B).

52. For an admitted noncitizen, DHS bears the burden of proving deportability by clear and convincing evidence. 8 U.S.C. § 1229a(c)(3)(A). A conviction-based charge requires a qualifying "conviction" under 8 U.S.C. § 1101(a)(48)(A). In this Circuit, that term preserves the longstanding finality requirement: a conviction cannot trigger deportation until direct appellate review has been exhausted or waived. *Brathwaite*, 3 F.4th at 552-53.

53. The Due Process Clause protects every person within the United States, including noncitizens, from arbitrary physical restraint. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020). A lawful permanent resident's interest is particularly weighty. See *Landon v. Plasencia*, 459 U.S. 21, 32-34 (1982).

54. Procedural due process ordinarily requires notice and an opportunity to be heard at a meaningful time before the Government takes liberty. *Fuentes v. Shevin*, 407 U.S. 67, 80-82 (1972). The required procedures are evaluated under *Mathews v. Eldridge*, 424 U.S.

319, 335 (1976), by considering the private interest, the risk of error and value of safeguards, and the Government's interest.

55. Ms. Peru does not ask this Court to decide the ultimate charge of removability, terminate the Oakdale proceedings, or review any removal order. Those matters remain for the immigration courts and, if necessary, a petition for review.

56. The Petition instead challenges the statutory framework and procedures for threatened detention and transfer. The Supreme Court has held that 8 U.S.C. § 1252(b)(9) does not bar claims that are collateral to and independent of removal proceedings, including challenges to detention without bond hearings. *Jennings*, 583 U.S. at 293, 295 (plurality opinion).

57. The Second Circuit's recent decision in *Mahdawi v. Trump*, No. 25-1113, slip op. at 28 n.14 (2d Cir. July 21, 2026), distinguishes claims attacking the Government's basis for removal from "detention-specific" claims. It identifies as detention-specific a challenge to the statutory framework that permits detention without bail. This Petition falls on that side of the line: the requested judgment need not cancel the NTA or bind the immigration judge on ultimate removability; it determines whether Respondents may imprison and transfer Ms. Peru now, without a prior custody determination, under a mandatory provision whose factual trigger is absent.

58. Section 1226(e) likewise does not bar review. Ms. Peru does not ask the Court to second-guess a discretionary judgment about flight risk or danger. She raises legal and constitutional questions about the scope of detention authority and the process required before custody begins. *Demore*, 538 U.S. at 516-17; *Jennings*, 583 U.S. at 295; *Velasco Lopez*, 978 F.3d at 850.

59. Any overlap between the detention predicate and the administrative charge does not convert the requested relief into termination of removal proceedings. Courts routinely decide which detention statute applies and what process it requires without adjudicating ultimate removability. The Court can grant complete relief here by restricting detention and transfer while leaving the NTA and administrative case untouched.

60. No administrative remedy is presently available. Ms. Peru is not in ICE custody, and the immigration case is administratively closed. She cannot obtain a bond or Joseph hearing before ICE executes the detainer.

61. Once the detainer is executed, the injury will already have occurred and transfer may precede any administrative hearing. Administrative review therefore provides no genuine opportunity for adequate pre-deprivation relief, immediate judicial relief is necessary to prevent irreparable injury, and DHS's written reliance on Fifth Circuit law makes further resort futile. See *Washington v. Barr*, 925 F.3d 109, 118 (2d Cir. 2019).

62. The Petition presents predominantly legal questions requiring no agency fact development: the existence of the detainer, the pendency of the direct appeal, the contents of the NTA, and the opposing circuit rules are documented. Exhaustion should therefore be excused to the extent it is prudentially required.

GROUND ONE: THE FIFTH AMENDMENT REQUIRES A PRE-DEPRIVATION OPPORTUNITY TO CONTEST THIS DETENTION

63. Ms. Peru incorporates the preceding allegations.

64. The private interest is freedom from civil imprisonment and involuntary transfer across the country. That interest lies at the core of the Due Process Clause. *Zadvydas*, 533 U.S. at 690. The injury includes not only incarceration, but loss of access to counsel, family,

the criminal appellate record, and the ability to obtain judicial review before the transfer is complete.

65. The risk of erroneous deprivation is extraordinary. DHS proposes to execute the detainer without any neutral review, even though the only asserted conviction is on direct appeal and DHS's own filing demonstrates that its legal theory succeeds only by moving the case to a circuit that rejects controlling Second Circuit law – a circuit where Petitioner has no prior residence or other ties and was chosen solely as a matter of "forum shopping" by DHS.

66. The relevant facts are objective and readily verifiable: the Appellate Division vacated the dismissal; the appeal was perfected and remains pending; the NTA lists no ground other than the conviction; and Second Circuit and BIA precedent state the resulting legal consequence.

67. A pre-deprivation hearing would have substantial value. It would permit a neutral decisionmaker to determine whether § 1226(c) applies, whether any warrant and discretionary authority under § 1226(a) exist, and whether custody or alternatives are warranted before physical liberty is taken.

68. The Government's burden is minimal. Ms. Peru is already in a secure facility and subject to federal criminal-process supervision. Respondents can give notice and obtain an expedited determination without losing the ability to enforce any lawful custody order. Keeping her within this District while the issue is adjudicated imposes no material enforcement cost.

69. The Second Circuit applies the *Mathews* framework to immigration detention and requires the Government to justify continued detention by clear and convincing evidence

once additional process is due. *Black*, 103 F.4th at 142-43; *Velasco Lopez*, 978 F.3d at 855-56. The same framework weighs even more strongly in favor of process where the legal predicate for mandatory detention is facially absent and the deprivation has not yet occurred.

70. The facial holding in *Demore v. Kim*, 538 U.S. 510 (2003), does not authorize this threatened custody. *Demore* addressed brief mandatory detention of a person properly included in § 1226(c). It also reaffirmed jurisdiction over constitutional challenges to the statutory framework. Id. at 516-17. Ms. Peru contests whether she belongs to the mandatory class at all.

71. Executing the detainer first and offering a later custody proceeding is constitutionally inadequate on these facts. By then, ICE can have moved Ms. Peru to Louisiana, reinstated the Oakdale case, and accomplished the very forum manipulation that makes the legal error outcome-determinative.

72. Respondents' threatened seizure without any pre-deprivation opportunity to contest statutory authority violates the Fifth Amendment.

GROUND TWO: MANDATORY DETENTION UNDER 8 U.S.C. § 1226(C) IS UNAUTHORIZED WHILE THE DIRECT APPEAL IS PENDING

73. Ms. Peru incorporates the preceding allegations.

74. Section 1226(c)(1)(B) applies only if Ms. Peru "is deportable" by reason of an offense covered by § 1227(a)(2)(A)(iii). The only asserted predicate is the July 27, 2023 New York judgment.

75. Under binding Second Circuit law, the judgment is not a final conviction while the direct appeal remains pending. *Brathwaite*, 3 F.4th at 552-55. The BIA has applied that holding

to conclude that an accepted and pending New York direct appeal prevents conviction-based removability and requires termination without prejudice. *Matter of Brathwaite*, 28 I&N Dec. at 754-56.

76. The vacatur of the April 7 dismissal restored the direct appeal. The Appellate Division's June 4 order eliminated the only interval on which DHS could contend that appellate review had been waived or exhausted. The appeal's continued pendency prevents the judgment from satisfying § 1101(a)(48)(A)'s finality requirement in this Circuit.

77. Because Ms. Peru is not presently deportable by reason of a final aggravated-felony conviction, § 1226(c)'s mandatory-detention command does not apply. At most, any custody must proceed under § 1226(a), with its statutory availability of bond or conditional parole and with constitutionally adequate process. However, since Petitioner holds lawful permanent residency, she is not subject to detention under that section either.

78. Detention under an inapplicable statutory provision is custody "in violation of the Constitution or laws or treaties of the United States" within the meaning of 28 U.S.C. § 2241(c)(3). The writ therefore lies to prevent or remedy that unlawful restraint.

GROUND THREE: THE COURT SHOULD PRESERVE ITS JURISDICTION AND PROHIBIT TRANSFER FROM THIS DISTRICT

79. Ms. Peru incorporates the preceding allegations.

80. A habeas petition challenging physical custody is properly filed in the district of confinement against the immediate custodian. *Padilla*, 542 U.S. at 442, 447. This Petition satisfies that rule at filing.

81. Respondents should not be permitted to defeat meaningful review by moving Ms. Peru after the Petition is filed. A custodian's transfer of a habeas petitioner does not eliminate jurisdiction where an appropriate respondent remains within the court's reach. *Ex parte Endo*, 323 U.S. 283, 306 (1944). The All Writs Act also empowers the Court to issue orders necessary to prevent frustration of its prospective jurisdiction. 28 U.S.C. § 1651(a).

82. A no-transfer order is necessary here because the threatened movement is not geographically neutral. DHS has expressly tied the substantive validity of its sole removal charge to the Fifth Circuit's contrary finality rule. Physical transfer would facilitate immediate continuation of the Oakdale proceedings under *Garcia-Maldonado* and would inflict the precise injury this Petition seeks to prevent.

83. Maintaining Ms. Peru in the Northern District during expedited adjudication will not prevent DHS from litigating removal in the proper administrative forum, from seeking a lawful custody determination, or from acting if the New York conviction later becomes final. It merely preserves this Court's ability to decide the legality of detention before the Executive changes both custody and forum.

84. The threatened loss of liberty, access to counsel, and meaningful review is irreparable. The balance of hardships and public interest favor adherence to controlling law and preservation of judicial review.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

85. Assume jurisdiction and issue an immediate Order to Show Cause;

86. Pending adjudication, enjoin Respondents and all persons acting in concert with them from transferring Ms. Peru from the custody of the United States Marshals Service to ICE without advance notice to the Court and counsel;

87. Enjoin Respondents from removing Ms. Peru from the Northern District of New York while this Petition and any appeal remain pending;

88. Declare that 8 U.S.C. § 1226(c) does not authorize Ms. Peru's mandatory detention while her New York direct appeal remains pending;

89. Enjoin Respondents from taking Ms. Peru into civil immigration custody without a constitutionally adequate pre-deprivation opportunity to contest the legal basis for custody;

90. If ICE assumes custody before the Court acts, issue the writ directing Ms. Peru's immediate release from immigration custody or, at minimum, an immediate custody hearing in this District at which the Government bears the burden of establishing lawful detention and necessity by clear and convincing evidence, with consideration of ability to pay and less restrictive alternatives;

91. Award reasonable costs and attorney's fees to the extent authorized by law; and

92. Grant such other and further relief as the Court deems just and proper.

Dated: August 27, 2026

Respectfully submitted,
/s/ Matthew K. Borowski
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Verification by someone acting on Petitioner's behalf pursuant to 28 U.S.C. § 2242

I represent Petitioner and submit this verification on Petitioner's 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: August 27, 2026

/s/ Matthew K. Borowski

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EXHIBIT INDEX

Exhibit A: Lawful Permanent Resident Card

Exhibit B: Notice to Appear dated April 30, 2026

Exhibit C: Certified Criminal Disposition

Exhibit D: Appellate Division Order dated April 7, 2026

Exhibit E: Appellate Division Order dated June 4, 2026

Exhibit F: DHS Opposition to Motion to Terminate dated June 15, 2026