

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUISA ANNETTE ALVAREZ FELIX
IN REPRESENTATION OF JOAN ALBERTO
ZORRILA-LORA
Petitioners,

v.

Civil No. 3:26-cv-_____

REBECCA GONZÁLEZ RAMOS, Special Agent in Charge of Homeland Security Investigations in San Juan, **GARRET J. RIPA** is Miami Field Office Director for U.S. Immigration and Customs Enforcement, overseen Puerto Rico's Immigration and Removal Operations, ICE Office in GSA Guaynabo Detention Facility; **TODD LYONS** in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of Homeland Security; **PAMELA BONDI**, United States Attorney General; **W. STEPHEN MULDROW**, US District Attorney for the District of Puerto Rico; **ROBERTO VAQUERO** Director of Field Operations Customs and Border Protection; *all in their official capacities*

PETITION FOR A WRIT OF
HABEAS CORPUS

**URGENT MOTION TO STAY
TRANSFER OF PETITIONER
TO OTHER JURISDICTION**

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This is an emergency petition for a writ of habeas corpus filed on behalf of Joan Alberto Zorrilla-Lora, seeking relief to remedy his unlawful detention. On January 15, 2026, Respondents detained Petitioner, a non-citizen that is married to a USC, with an approved Petition for Alien Relative (I-130) and a pending Application for Provisional Unlawful Presence Waiver (I 601-A), all steps required by the Immigration and Nationality Act (“INA”) and regulations to legalize his immigration status, and after payment and processing of required filing fees. To date, Petitioner is detained without any valid legal basis, facing imminent removal from the jurisdiction of the Commonwealth of Puerto Rico.

Mr. Zorrilla-Lora is not a flight risk or danger to the community. Prior to his detention, he had an

approved I-130, a pending I-601 A waiver and came into the US Border Patrol (“BP”) purview per Carolina Municipal Police Officer Bahamundi Requena’s Badge 074 phone call to BP Officers. Regarding the immigration process see Exhibits 1-11.

On January 13, 2026 Carolina Municipal Police Officer Bahamundi Requena requested Mr. Zorrilla-Lora on to appear at his workplace on January 15, 2026 at 1:00 pm instead of a 2:00 pm, as indicated in his scheduled Municipal citation because he had another matter to attend at 2:00 pm and had to leave sooner, thus he needed to personally hand Mr. Zorrilla-Lora the new citation. On that same date of January 15, 2026, Carolina Municipal Officer Bahamundi-Requena called Mr. Zorrilla-Lora in the morning to remind him to appear at 1:00 pm because of his “other matter he needed to be at 2:00 pm.” At the time of the telephone call of January 15, 2026, Municipal Police Officer Bahamundi-Requena requested to know if Mr. Zorrilla-Lora was going to be attending to the Municipal Police Station accompanied to wit Mr. Zorrilla-Lora indicated he was going to be accompanied by his USC spouse and Petitioner in the case at bar. Mr. Zorrilla-Lora committed no crimes and appeared at the Carolina Municipal Facility located at Road 887 Km 1.0 Bo. Martin, Carolina, Puerto Rico Bahamundi-Requena’s at 12:30 pm, that is, half an hour before the new scheduled time set by Bahamundi-Requena.

Mr. Zorrilla-Lora’s detention took place only and exclusively because Carolina Municipal Police Officer Bahamundi-Requena intervened with him on January 8, 2026, during a traffic stop for alleged violations of Municipal Ordinance 17 Series 2022-2023-03 and he handed his Puerto Rico’s Driver’s License number 7320367 showing a distinctive purple bar assigned exclusively for non-citizens of the United States, pursuant to Puerto Rico Law 97 dated August 7, 2013 in which the Commonwealth of Puerto Rico’s Legislative Branch “recognized that since the non-citizen population is part of our society and thus established this measure to give this population the right to request a provisional driver’s license.”

The intervention was racially motivated, as many other cases, a conduct prohibited by the US Constitution. Following that arrest, he was transferred to CBP station in Base Ramey in Aguadilla under

the US Immigration and Customs (“ICE”) where he remains since January 15, 2026.

Petitioner submits that his detention is a violation of his constitutional rights to due process and is no longer justified under the US Constitution and Immigration and Nationality Act (INA). He came forward to immigration authorities and sought the very process prescribed by law for protection. Detaining him now, after years of compliance, payment of required fees by the United States Citizenship and Immigration Service (“USCIS”) an agency under the Department of Homeland Security (“DHS”) command, serves no legitimate purpose. It is a waste of government resources and inflicts an unbearable emotional and psychological burden on Mr. Zorrilla-Lora, who is the father of a 2-year-old US citizen and whose wife is in her ninth-month pregnancy with an expected delivery date of February 26, 2026. Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering his immediate release.

II. CUSTODY

On January 15, 2026, Petitioner was arrested by BP agents at the Carolina Municipal Police Station located on Road 887 Km 1.1 Carolina, Puerto Rico. He is currently in the physical custody of Respondents at the Aguadilla Processing Center located within this judicial district, under the direct control of Respondents particularly ICE whose website locator tool indicates he is in “ICE custody” and to know the “Current Detention Facility” you need to “Call ICE For Details”. Since Petitioner is in Aguadilla, Puerto Rico, at the Ramey Base, Roberto Vaquero and Garret J. Ripa are the administrative agencies determined Special Agents in Charge in Puerto Rico.

III. JURISDICTION AND VENUE

This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28

U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

Venue is proper because Petitioner is detained at Aguadilla Processing Center in Ramey Base, Aguadilla, Puerto Rico which is within the jurisdiction of this District. In addition, Venue is proper in this District because Respondents are officers, employees, or agencies of Puerto Rico and of the United States. Moreover, the District of Puerto Rico is the judicial district in which the events giving rise to his unlawful detention occurred. 28 U.S.C. § 1391(e).

IV. PARTIES

JOAN ALBERTO ZORRILA-LORA, a national and citizen of the Dominican Republic, who entered Puerto Rico on or about October 13, 2021, without undergoing proper admission procedures. He is currently being detained by Respondents in Puerto Rico.

LUISA ANNETTE ALVAREZ-FELIX is a United States Citizen spouse immigration, mother of United States Citizen son Liam Albeni Zoriilla Alvarez who is nine-month into her pregnancy and has an expected delivery date of February 26, 2026, and appears as a petitioner in representation of her spouse **JOAN ALBERTO ZORRILLA-LORA**.

Respondent **Rebecca González Ramos** is the Special Agent in Charge of Homeland Security Investigations in San Juan, Puerto Rico. She performs duties in connection with the enforcement of immigration laws and has supervisory authority over operations in Puerto Rico. Accordingly, she is the immediate and legal custodian of Petitioner and his immediate custodian at the moment of the filing of this habeas petition. She is named in her official capacity.

GARRET J. RIPA, is the Miami Field Office Director for U.S. Immigration and Customs Enforcement. That office **oversee** Puerto Rico's Immigration and Removal Operations, and ICE Office

in GSA Guaynabo Detention Facility; absent an immediate custodian, he would be the person considered the proper Respondent in this case at the time this habeas petition was filed; *in his official capacity*.

TODD LYONS in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement, is also considered a legal custodian of Petitioner, 500 12th St., SW, Washington, D.C. 20536.

KRISTI NOEM is the Secretary of the United States Department of Homeland Security (DHS). As a head of DHS, she has ultimate authority over ICE and its detention operations. She is a legal custodian of Petitioner and is named in her official capacity.

W. STEPHEN MULDROW, US District Attorney for the District of Puerto Rico, although not a proper Respondent has been included out of caution to comply with all notifications requirements; *in his official capacity*.

PAMELA BONDI is the Attorney General of the United States and the head of the Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

ROBERTO VAQUERO is the Director of Field Operations for the United States Customs and Border Protection in Puerto Rico; *in his official capacity*.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Petitioner has exhausted all available administrative remedies to the extent required by law. The constitutional violations are ongoing, and the thread of transfer is imminent. No administrative remedy can provide the immediate relief necessary to prevent the irreparable harm of detention and the violation of his constitutional rights. Habeas corpus is his sole and proper judicial remedy.

VI. STATEMENT OF FACTS

On or about October 13, 2021, Mr. Zorrilla-Lora, entered the United States at or near Mayaguez, Puerto Rico. On August 20, 2022, he married Ms. Luisa Annette Alvarez Feliz, a US citizen by birth in Carolina, Puerto Rico. The couple are the parents of United States Citizen Liam Albeni Zorrilla Alvarez

born on September 12, 2023, in San Juan, Puerto Rico and are expecting their second child whose anticipated delivery date is February 26, 2026. Based on the indisputability of the bona-fides of this marriage, USCIS approved the I-130 without interview on September 13, 2024. On June 3, 2025, USCIS recognized receipt of Mr. Zorrilla-Lora's I-1601 A waiver and issued a receipt on June 12, 2025, recognizing the payment of a \$795.00 filing fee and assigning such waiver receipt number YSC2590037159. On July 3, 2025, Mr. Zorrilla-Lora appeared before USCIS to be fingerprinted in connection with his I 601 A waiver. Mr. Zorrilla-Lora's I 601 A waiver is currently pending adjudication before USCIS. His present detention serves no legitimate government interest. Respondents' decision is arbitrary and capricious, and there is no better time for this Court to consider the merits of Petitioner's request for release.

This is Not a Case of Mandatory Detention:

Pursuant to the Immigration and Nationality Act (INA), a noncitizen should be subject to mandatory detention under three different circumstances: (a) people with certain criminal convictions (8 USC § 1226(c)); (b) people who are subjected to expedited removal (8 USC § 1225(b)(1)); and, (c) people who have been previously ordered removed from the United States (8 USC § 1231).

None of these circumstances are present the Petitioner's case. Moreover, alternatives conditions to detention already exists and are being currently used by ICE that are least restrictive, such as ankle monitor or the digital face recognition monitor systems. Recently, in *Maldonado Bautista et. al.*, a case from the Central District Court of California, certified a class of immigration detainees who are eligible for bond, which include all noncitizens without lawful status who: (1) have entered without inspection; (2) were not apprehended upon arrival; and, (3) are not subject to mandatory detention, as defined in 8 USC § 1226(c), § 1225(b)(1), and §1231. *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al*, (C.D. of California, Case No. :25-cv-01873-SSS-BFM) The Petitioner is not a case of mandatory detention and is protected by the class recently certified.

Deplorable Conditions Across ICE's Detention Centers

On January 16, 2026, Respondents served Mr. Zorrilla-Lora a Notice to Appear (“NTA”) indicating that he “currently residing at: 18201 SW 12TH ST Miami, Florida 331942700” and that he was “ORDERED to appear before an immigration judge of the United States Department of Justice at: 3535 Lawton Road, Suite 200, Orlando FL 32803 on October 30, 2023 at 10:00 am ...” The specific facility where they intend to detain Petitioner, has been denounced innumerable in the nationwide pattern of dangerous and inhumane conditions that exists across the network of detention centers operated by or for ICE. This pattern has been extensively documented by human rights organization, investigative journalists, and is reflected in the desperate account of those trapped inside.¹ The systemic failures consistently documented across the ICE detention system render any placement into ICE custody an immediate threat to a detainee’s life, health, and constitutional rights.

The ICE detention system is critically over capacity, holding tens of thousands more individuals than it was designed for.² As a testament of the above, Mr. Zorrilla-Lora has been held at the Ramey Base in Aguadilla, Puerto Rico since January 15, 2026. This has led to reports of detainees being held for days in temporary “hold rooms” in violation of ICE’s own policies, forced to sleep on bare concrete floors or with cardboard boxes as mattresses³ to overcrowding conditions. In some facilities, individuals are confined in chain-link cages and subjected to sensory deprivation, unable to see daylight or know the time of day, enduring torturous like conditions.⁴

Across facilities in multiple states, detained have reported chronic hunger, food shortages, and

¹ John Holmes, “*You Feel Like Your Life is Over*”, Human Rights Watch (July 21, 2025), <https://www.hrw.org/report/2025/07/21/you-feel-like-your-life-is-over/abusive-practices-at-three-florida-immigration>.

² Miriam Jordan & Jazmine Ulloa, Concerns grow over dire conditions in immigrant detention, The New York Times (July 2, 2025), <https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html>.

³ Casey Tolan & Isabelle Chapman, Immigrants spend days in ‘miserable’ ICE hold rooms, violating longstanding policy, CNN US (September 8, 2025), <https://www.cnn.com/2025/09/08/us/detainees-ice-immigrants-hold-rooms>.

⁴ Peter Charalambous & Laura Romero, ‘It’s like you’re dead alive’: Families, advocates allege inhumane conditions at ‘Alligator Alcatraz’, ABC News (August 14, 2025), <https://abcnews.go.com/US/youre-dead-alive-families-advocates-allege-inhumane-conditions/story?id=124645763>.

being served spoiled or inedible food, leading to sickness and weight loss.⁵ These conditions are compounded by a lack of basic hygiene, with some detained going a week or more without access to showers.⁶

There is a well-documented history of inadequate health standards and insufficient medical care within ICE facilities.⁷ Detainees with chronic conditions like diabetes and high blood pressure are often denied their necessary medications.⁸ In other cases, individuals with fevers and serious infections have been refused treatment.⁹ The psychological toll of this neglect, combined with family separation and indefinite confinement, has fueled a mental health crisis, leading to a surge in suicidal ideation and deaths by suicide in ICE custody.¹⁰

Therefore, the act of transferring Petitioner into ICE custody is not a transfer to a neutral holding facility. It is a forced entry into a demonstrably broken and dangerous system where their health, safety, and fundamental human dignity will be at immediate and irreparable risk, regardless of the specific destination.

VII. LEGAL FRAMEWORK

“Freedom from imprisonment—from government custody, detention, or other forms physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas v. Davis*, 533 U.S. at 690. Indefinite detention, in particular, raises a “serious constitutional problem” and violates the Due Process Clause *Id.* at 689–90.

⁵ Didi Martinez et al., *Immigrants in overcapacity ICE detention say they’re hungry, raise food quality concerns*, NBC News (July 14, 2025), <https://www.nbcnews.com/news/us-news/immigrants-overcapacity-ice-detention-say-hungry-raise-food-quality-co-rcna214193>.

⁶ *Id.* Note 2

⁷ Akash Pillai et al., *Health Issues for Immigrants in Detention Centers*, KFF (September 30, 2025), <https://www.kff.org/racial-equity-and-health-policy/health-issues-for-immigrants-in-detention-centers/>.

⁸ *Id.* Note 2.

⁹ Jasmine Garsd, *In recorded calls, reports of overcrowding and lack of food at ICE detention centers*, NPR (June 6, 2025), <https://www.npr.org/2025/06/05/nx-s1-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving>.

¹⁰ Patricia Caro, *Conditions at ICE detention centers are fueling a surge in suicide attempts*, El País (September 22, 2025), <https://english.elpais.com/usa/2025-09-22/conditions-at-ice-detention-centers-are-fueling-a-surge-in-suicide-attempts.html>.

Accordingly, the Due Process Clause protects Mr. Zorrilla-Lora liberty, and deprivation of his liberty must be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”).

Mr. Zorrilla-Lora was illegally detained and abducted in Puerto Rico. If no action is taken Mr. Zorrilla-Lora will be transferred from a Puerto Rico detention center to Aguadilla or General Processing Center to the mainland within 72 hours from as there is “allegedly” no formal immigration detention center in the island. This would be detrimental to his constitutional rights of substantive and procedural due process, effective access to counsel, unconstitutional conditions of confinement that tantamount to inhuman and degrading treatment, among other rights.

The Petitioner Qualifies for Bond Release:

According to INA, section 237, a “deportable alien” is someone who:

1. at the time of entry is found inadmissible;
2. has committed certain criminal offenses;
3. has falsified documents;
4. has engaged in activities with security related grounds;
5. has become a public charge after being in the country for a certain amount of time, and;
6. is an unlawful voter

See 8 U.S.C § 1227.

The Petitioner, as we have stressed from the beginning, is not under any of these categories.

Detention of noncitizens

It is important to understand the difference between detention under Section 1225 and 1226. Federal courts, including the Supreme Court, have long held that detention under Section 1225 applies to those at the border while Section 1226 applies to those already admitted in the United States.

In *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018), the Supreme Court held that Section 1225 authorizes the Government “to detain certain [noncitizens] seeking admission into the country,” while

Section 1226 “authorizes the Government to detain certain [noncitizens] already in the country.” 583 U.S. at 289.

To justify the detention immigrants, the Government is referring to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 218 (BIA 2025). In *Yajure Hurtado*, the Board of Immigration Appeals (BIA) determined that immigration judges lacked jurisdiction to see bond hearings because, under section 1225, all noncitizens seeking admission were subjected to mandatory detention. But the Government and immigration judges are failing to apply a decision from the Central District Court of California, that on December 18, 2025, issued a Final Summary Judgment certifying a class action, and determined that noncitizens present in the United States without admission **are not applicants for admission and cannot be subjected to mandatory detention**. See *Maldonado Bautista*, 5:25-cv-01873-SSS-BFM. The Court stated that to be part of the bond eligible class: "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." Id. See also *Lopez-Lugo v. Bondi*, 2025 U.S. Dist. LEXIS 256892, *Francisco T. v. Bondi*, 2025 U.S. Dist. LEXIS 227338.

According to dockets 101 and 102 of *Maldonado Bautista*, some ultra vires instructions had been issued to ignore the class certification and continue to deny bond hearings to the class members, as the Petitioner. Therefore, the exhaustion of administrative remedies available under NIA are futile at this moment.

The Plaintiff in the instant case is a beneficiary of the class and not a mandatory detention case. Therefore, he is entitled to his bond hearing in Puerto Rico. See *Pablo Lora Salazar v. Garret J. Ripa et als*, Civil No. 26-cv-1014 (MAJ); *Cruz v. González*, Civil No. 26-cv-1028 (GMM); and *Cruz v. González*, Civil No. 26-cv-1036 (PAD).

VIII. CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution

Petitioner alleges and incorporates by reference all preceding paragraphs.

Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

Petitioner's detention and the lack of adequate judicial review violate the Suspension Clause of the U.S. Constitution, which guarantees the right to habeas corpus unless formally suspended by Congress.

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. "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. *Zadydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 506 U.S. 715, 738 (1972)). Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690–91.

ICE has provided Mr. Zorrilla-Lora with no procedural protection to guard him against the deprivation of his liberty. Thus, petitioner's detention violates both substantive and procedural due process. The Petitioner has the right to be release under bond.

COUNT TWO

**Violation of the Fifth Amendment:
Access to Counsel**

Petitioner alleges and incorporates by reference all preceding paragraphs.

Individuals detained in immigration operations have a right to counsel rooted in the Due Process Clause of the Fifth Amendment. See *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990). The government cannot impose restrictions on access to attorneys that undermine the opportunity to obtain or communicate with retained counsel.

Upon information and belief, Respondents have a policy, pattern, and practice at the detention facility in Puerto Rico of impeding detainees' access to legal counsel. These impediments include, but are not limited to, turning away attorneys, failing to provide a means for confidential legal consultations by phone, and creating other unreasonable barriers to communication with clients. As soon as yesterday we were informed that any communication with detainees at Aguadilla should be canalized through the Dominican Republic Consulate in Puerto Rico which is absurd.

This lack of access to counsel has severe consequences, forcing Petitioners to interact with federal immigration officials and navigate critical stages of their detention without the benefit of legal advice. Navigating the immigration system "without an attorney is a Herculean task." *Usubakunov v. Garland*, 16 F.4th 1299, 1300 (9th Cir. 2021).

In Puerto Rico this effect is exacerbated if the detainee is transferred to the US mainland because it is an archipelago. Due to its geographical isolation, local counsel attempting to represent clients face physical burdens absent in mainland United States, where access might be achieved by train or car. Instead, attorneys must frequently incur significant expense and time for air travel to reach their detained clients, in addition to the time spent locating the client and determining which detention center they've been transferred to. This fundamental constraint severely compromises the ability of Petitioners to obtain or communicate with counsel, especially if they are transferred out of district. This geographical constraint, when combined

with institutional restrictions, makes the denial of the constitutional right to counsel particularly acute, heightening the already “Herculean task” described by the Ninth Circuit. Respondents’ actions create an unconstitutional obstruction of Petitioners established right to counsel in violation of the Fifth Amendment.

COUNT THREE

Violation of the Fifth Amendment: Conditions of Confinement

Petitioner alleges and incorporates by reference all preceding paragraphs.

The conditions of Petitioners’ confinement constitute unconstitutional punishment. As civil detainees, they have a right to “adequate food, shelter, clothing, and medical care,” and their conditions of confinement become unconstitutional if they “amount to punishment.” *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Conditions are punitive when the harm they cause “significantly exceed[s], or [is] independent of, the inherent discomforts of confinement[.]” *Demery v. Arpaio*, 378 F.3d 1020, 1030 (9th Cir. 2004).

Upon information and belief, Petitioners that are transferred to the mainland are being subjected to deplorable conditions that amount to punishment. These conditions include, but are not limited to, overcrowding, inadequate sleeping accommodations, failure to provide basic necessities like sufficient food, water, and hygiene facilities, and a lack of adequate medical care.

These conditions are not reasonably related to any legitimate governmental objective. Instead, they serve only to punish Petitioners and create a coercive environment designed to pressure them into abandoning their legal rights. Such treatment violates the Fifth Amendment’s prohibition on depriving any person of liberty without due process of law.

COUNT FOUR

STATUTORY CLAIM UNDER APA

Petitioner alleges and incorporates by reference all preceding paragraphs.

Respondents’ decision to detain Petitioners is an agency action that is arbitrary, capricious, an abuse of discretion, absent any arrest warrant and/or reasonable suspicious, and otherwise not in

accordance with law, in violation of the APA, 5 U.S.C. § 706(2).

The decision to detain is arbitrary due to the racial motives of the intervention and because it fails to consider crucial factors, including Petitioner's pending application(s), his lack of a criminal record, his strong ties to the community and the availability of less restrictive alternatives to detention. The decision appears based on impermissible punitive motives rather than a reasoned application of statutory criteria.

The detention of the Petitioner without a bond hearing infringe his procedural due process rights.

COUNT FIVE

If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that considering that jurisdiction and venue remain with this Court and that the Petitioner is not a case of mandatory detention and qualifies to bond release (*Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al*) this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue and immediate Temporary Restraining Order prohibiting Respondents, their agents, and employees from transferring Petitioner out of the District of Puerto Rico pending a ruling on this petition and a bond hearing;
3. Issue an order directing Respondents to show cause, on an expedited basis, why the writ of habeas corpus should not be granted;
4. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from their custody. In the alternative, should the Court find that some form of security is required, order Petitioners released upon the posting of a reasonable bond or reasonable conditions of supervision show;

5. Award Petitioners reasonable costs and attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and,
6. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

s/ Fermín L. Arraiza-Navas
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Dated: January 23th, 2026

CERTIFICATE OF SERVICE : I hereby certify that, on January 23th, 2026, I electronically filed the foregoing document with the United States District Court of Puerto Rico by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

VERIFICATION OF COUNSEL

I, Fermin L. Arraiza Navas, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

Dated this 23th day of January, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name