

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

**YARIMA GONZALEZ CRESPO
IN REPRESENTATION OF ALBETO
PIERRE**

Petitioner,

v.

No. 3:25-cv-01696 (CVR)

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, oversee Puerto Rico's Immigration and Removal Operations, ICE Office in GSA Guaynabo Detention Facility; **SUSAN QUINTANA**, Field Office Director, Enforcement and Removal Operations U.S. Immigration and Customs Enforcement, supervise Broward Transitional Center; **WARDEN**, Broward Transitional Center; **TODD LYONS** in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement; **CALEB VITELLO**, Senior Official Performing the Duties of the Director, United States 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; *all in their official capacities*

**PETITION FOR A WRIT OF
*HABEAS CORPUS***

Respondents.

SECOND AMENDED PETITION FOR WRIT OF *HABEAS CORPUS*

Come now the Petitioners, through the undersigned counsel and very respectfully state, allege and pray as follow:

I. INTRODUCTION

This is a **Second Amended Petition for a Writ of *Habeas Corpus*** filed on behalf of Albeto Pierre, seeking relief to remedy his unlawful detention and transfer to a different jurisdiction. On

December 24, 2025, Respondents unlawfully detained Petitioner, father of a one-year-old U.S. citizen child, and consensual partner of Marine Nunez Rosario, a green card holder, who is pregnant, currently in her second trimester. (Exhibit C (Dkt. 1)) Mr. Pierre have fully cooperated with immigration authorities since he first arrived in the United States. His detention took place in the community of Barrio Obrero, San Juan, Puerto Rico, while accompanying Marine to her pre-scheduled pre-natal medical appointment. To date, Petitioner is still detained without a valid legal basis, and he has been removed from the jurisdiction of the Commonwealth of Puerto Rico in violation of his constitutional rights.

Mr. Pierre is not a flight risk or danger to the community. Prior to his detention, he had a pending Temporary Protected Status application filed, was in full compliance with immigration laws, and had committed no crimes. His detention is the culmination of a pattern of punitive actions by ICE, which began when agents arrested Mr. Pierre in Barrio Obrero, in a racial profiling operation while driving his partner Marine to a medical appointment.

Petitioner submits that his detention was motivated by racial motives and is violation of his constitutional rights to due process and family integrity. His detention is no longer justified under the Constitution of the United States and Immigration and Nationality Act (INA). The INA clearly states the conditions under which a non-citizen should be subjected to mandatory detention, none of which applies to Mr. Pierre's case. Mr. Pierre lawfully applied for a Temporary Protected Status, following the process prescribed by law. (Exhibit B (Dkt. 1)) Detaining him now serves no legitimate purpose. It is a waste of government resources and inflicts an unbearable emotional and psychological burden on his family, who have been traumatically separated from him. Petitioner seeks an order from this Court declaring his continued detention and transfer out of the jurisdiction of Puerto Rico unlawful and ordering his immediate return and release.

The original *habeas corpus* petition was filed on December 29, 2025 (Dkt. 1), before Respondents transferred Petitioner to Florida. Defendants' summons service started on December 30, 2025 after the

Court issued all summons (Dkt. 4). Following the *Habeas Petition*, an *ex-parte* Emergency Motion for a Temporary Restraining Order (TRO) was filed and denied by this Court. (Dkt. 5) An Amended Petition for Writ of Habeas Corpus was filed together with a Renew Motion for TRO. Although the TRO motion was denied by the Court, an Order to Show Cause was issued and the Respondents complied in January 12, 2026. (Dkt. 20)

On December 30, 2025 *El Nuevo Día* and *Metro*, Puerto Rican news reported about the *habeas* petition. (<https://www.metro.pr/noticias/2025/12/30/aclu-de-puerto-rico-presenta-demanda-para-exigir-liberacion-del-inmigrante-haitiano-albeto-pierre/> <https://holanews.com/piden-liberar-a-haitiano-detenido-en-puerto-rico-al-ir-al-medico-con-su-mujer-embarazada/> <https://www.elnuevodia.com/noticias/locales/notas/aclu-de-puerto-rico-acude-al-tribunal-federal-para-que-se-libere-a-haitiano-arrestado-en-vispera-de-navidad/>)

That same day, December 30, the Court denied our emergency request for a TRO and the Respondents transferred Mr. Pierre to “Alligator Alcatraz”, an improvised detention center known for its inhuman and unconstitutional conditions of detention. Petitioners hereby implore the intervention of this Court without further delay. Mr. Pierre endures irreparable physical and emotional harm without adequate food, no access to physical hygiene, deplorable conditions of confinement and being separated from his family in Puerto Rico.

Mr. Pierre was not transferred to Krome Detention Facility as informed by ICE in the NTA but to Alligator Alcatraz in Florida. This **Second Amended Petition for Writ of *Habeas Corpus*** is filed to substituted officers named John Does 1 and 2 with additional Respondents, out of caution. The additional Respondents to the ones already properly named in the Petition (Dkt. 1) are: **Garret J Ripa**, Miami Field Office Director for U.S. Immigration and Customs Enforcement, oversee Puerto Rico’s Immigration and Removal Operations, ICE Office in GSA Guaynabo Detention Facility; **Susan Quintana**, Field Office Director, Enforcement and Removal Operations U.S. Immigration and Customs Enforcement, supervise Broward Transitional Center; **WARDEN**, Broward Transitional Center; and **W. STEPHEN MULDROW**, US District Attorney for the District of Puerto Rico; *all in their official capacities*.

II. CUSTODY

On December 24, 2025 (Christmas Eve), Petitioner was arrested by ICE agents near the medical clinic of Health Pro-Med, at 2020 Ave. Borinquen, Bo. Obrero, Santurce, PR. Mr. Pierre was in the physical custody of Respondents at a federal center operated by General Services Administration (GSA) nicknamed “la neverita” (the icebox), in Guaynabo, PR, located within this judicial district, under the direct control of Respondents and their agents until December 30, 2025 when upon information or belief he was transferred to “Alligator Alcatraz” after the filing of the instant Habeas Corpus Petition and an Emergency Request of an Ex-Parte TRO. Upon information and belief Mr. Pierre is currently illegally detained at Broward Transitional Center in Florida.

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 was arrested in Puerto Rico and was detained at Guaynabo, city of 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 events giving rise to his unlawful detention occurred. 28 U.S.C. § 1391(e).

The same day the Court issued summons in this case (December 30, 2025) the Respondents

transferred Mr. Pierre to “Alligator Alcatraz”. This Court retains venue and jurisdiction to try this habeas petition. See *Ozturk v. Trump*, Case No. 25-cv-10695-DJC; (2nd Cir. 25-1019) (A federal court of appeals ordered the Trump administration to comply with a lower court order that requires it to transfer Tufts Ph.D. student, Rumeysa Ozturk, from a detention facility in Louisiana to Vermont. The Court also ruled on the venue issue concluding that the proper venue is in the Vermont Court where Rumeysa was originally detained at the moment the Habeas Petition was filed, naming the proper respondents). This will be properly addressed in the next sections.

IV. PARTIES

Albeto Pierre, a national of Haiti, entered United States sometime in 2018, and at the time of filing the Petition for Writ of Habeas Corpus (December 29, 2025) was detained by Respondents in Puerto Rico. **Yarima González** is his immigration attorney who had tried to avoid Petitioner removal from Puerto Rico in violation of his statutory and constitutional rights. See Exhibit A (Dkt. 1).

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 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*.

Susan Quintana, Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, supervise Broward Transitional Center, were the Petitioner upon information and belief is currently detained; *in her official capacity*.

WARDEN, Broward Transitional Center; were the Petitioner upon information and belief is currently detained; *in his official capacity*.

Respondent **Caleb Vitello** is the Acting Director of U.S. Immigration and Customs Enforcement (ICE). He is responsible for the overall administration of ICE, including detention decisions and enforcement of immigration law. He is a legal custodian of Petitioner, and is named in his official capacity.

Respondent **Kristi Noem** is the Secretary of the United States Department of Homeland Security (DHS). As 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.

Respondent **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.

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.

W. STEPHEN MULDROW, US District Attorney for the District of Puerto Rico, who has been included, out of caution, *in his official capacity*, representing respondents.

The accumulation of additional respondents in the Second Amended Petition for Writ of Habeas Corpus is not a waiver to our jurisdictional arguments.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

No administrative remedy can provide the immediate relief necessary to prevent the irreparable harm of family separation and the violation of their constitutional rights that the detention and transfers of the Petitioner is provoking. The constitutional violations are ongoing, and the thread of transfer is already a reality. *Habeas corpus* is their sole and proper judicial remedy to claim respect for substantive and procedural due process under the U.S. Constitution.

VI. STATEMENT OF FACTS

Mr. Albeto Pierre entered the United States in 2018. (Exhibit B (Dkt. 1)) Mr. Pierre is a 28-year-

old citizen and national of Haiti, who has been living in Puerto Rico since 2022. He is the father of a one-year-old U.S. citizen who was born in Puerto Rico. His consensual partner is Marine Nunez Rosario, a Green Card holder, who is six months pregnant with their second child. She suffers from high blood pressure, for which she needs close medical attention. Due to her delicate medical condition, Mr. Pierre regularly accompanies Ms. Nunez to all pre-natal medical appointments. Mr. Pierre is the sole bread winner of his family. He is well respected in his community and holds no criminal record in his country, Puerto Rico or in the U.S.

On December 24, 2025 (Christmas Eve), Petitioner was arrested by ICE agents near the medical clinic of Health Pro-Med, at 2020 Ave. Borinquen, Bo. Obrero, Santurce, P.R. in a racial profiling ICE operation. At the time of his arrest, he was accompanying Ms. Nunez to a pre-scheduled pre-natal appointment. Mr. Pierre dropped her in front of the medical clinic and was arrested right after he parked his car near the medical facility. He was immediately taken to the Enforcement and Removal Operations (ERO) Office in Guaynabo, a city of Puerto Rico, where he was processed. After that, he was detained at “la neverita”, where he was housed until December 30, 2025 when ICE transferred him to “Alligator Alcatraz”. Upon information and belief Mr. Pierre is currently detained at Browards Transitional Center, a detention center in Miami.

ICE is using as an excuse to justify family separation that there is no immigration detention center in Puerto Rico. According to the documents provided by ICE, Mr. Pierre was likely to be transferred to Krome detention center. See Dkt. 1, Exhibit C (Notice of Appearance) However, upon information and believe he was transferred to a different facility, “Alligator Alcatraz” and then to a different location in Florida making difficult the contact of Mr. Pierre with his lawyer. His detention and transfer 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. As a non-citizen that do not qualify for mandatory detention, Mr. Pierre has the right to a bond hearing that should have been scheduled

in Puerto Rico.

VII. Deplorable Conditions Across ICE’s Detention Centers

A nationwide pattern of dangerous and inhumane conditions exists across the network of detention centers operated by or for U.S. Immigration and Customs Enforcement (ICE). This pattern has been extensively documented by human rights organizations and 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. Petitioner was transferred to one of the worst scenarios, “Alligator Alcatraz”.

The ICE detention system is critically operating at maximum capacity, holding tens of thousands more individuals than it was designed for.² 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 mattresses.³ 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, detainees have reported *chronic hunger, food shortages, and 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 These are the conditions of detention the Mr. Pierre have to endured while we draft this amended

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>.

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

habeas petition.

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 in ICE custody.¹⁰ According to NPR news, “Immigration and Customs Enforcement has recorded its deadliest year since the early 2000s as agency officials push to increase the number of people in its custody.”¹¹ Data shows that by October, 2025, at least 20 people had died under ICE custody. At the end of 2025 the number increased to 32.

In addition, immigration rights organizations have denounced a pattern by ICE of disappearing detainees from the online detainee locator system once they have been transferred to a different jurisdiction. (*Mr. Pierre case has been no exception to this after his removal from Puerto Rico*) This situation not only affects the emotional wellbeing of the detainee and their loved ones but impedes the possibility of continuing adequate legal representation.

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

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>.

¹¹ Ximena Bustillo, “It’s the deadliest year for people in ICE custody in decades; next year could be worse”, NPR news (October 23, 2025), available at: <https://www.npr.org/2025/10/23/nx-s1-5538090/ice-detention-custody-immigration-arrest-enforcement-dhs-trump>

VIII. 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. The Due Process Clause applies to all persons in the U.S., including noncitizens, “whether their presence here is lawful, unlawful, temporary or permanent”. *Id.* at 693. Indefinite detention raises a “serious constitutional problem” and violates the Due Process Clause *Id.* at 689–90.

Accordingly, the Due Process Clause protects Mr. Pierre’s 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. Pierre was illegally detained and abducted in Puerto Rico. Petitioner was transferred from a Puerto Rico detention center to the continental United States jeopardizing his constitutional rights. ***The transfer occurred after this lawsuit was on place.*** *See Ozturk v. Trump*, Case No. 25-cv-10695-DJC; (2nd Cir. 25-1019) (A federal appeals court ordered the Trump administration to comply with a lower court order that requires it to transfer Tufts Ph.D. student Rumeysa Ozturk from a detention facility in Louisiana to Vermont. The Court also ruled on the venue issue concluding that the proper venue is in the Vermont Court where Rumeysa was originally detained).

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 in Mr. Pierre’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) Mr. Pierre is protected by the class recently certified.

A. JURISDICTION IN THE US COURT FOR THE DISTRICT OF PUERTO RICO

When this habeas was filed, Mr. Pierre was detained in Puerto Rico. He was not received at the Alligator’s facility until the next day, so that warden or the one at Broward is an unlikely custodian. Respondents do not assert that any other person was the immediate custodian at the time of filing. Brief control of the detainee is not enough. *See Yacob v. Achim*, No. 06-cv-2432, 2007 WL 1238918, at *2 (N.D. Ill. Apr. 27, 2007) (custodian “must not merely exercise control over the Petitioners *at the moment of filing*; rather, the proper respondent must exercise day-to-day control over the Petitioner at the time of filing.”) (emphasis in original). In this case ICE and Homeland Security represented by Rebecca González where the *immediate custodian* of Mr. Pierre since his detention on December 24, 2025 until the filing of the Habeas Petition on December 29, 2025.

It was difficult for Pierre’s immigration attorney to communicate with him or receive accurate information of his process because Respondents’ systems did not enable to accurately know and confirm the detainee location at the time of the filing on December 29, 2025. The unique circumstances of this situation could have called for the applicability of exceptions to the immediate custodian rule.

In particular, the Supreme Court has held that when a prisoner is held “in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules.” *Padilla*, 542 U.S. at 450 n.18. Yet it cannot be the case that individuals are barred from seeking habeas corpus for hours or days until they reach a new destination; that would not only

frustrate the purpose of the writ, but it would also be inconsistent with its history. 3 W. Blackstone, Commentaries *131 (“[T]he sovereign is at all times entitled to have an account, why the liberty of any of her subjects is restrained,” “not only in term-time, but also during the vacation”); *Khalil v. Joyce*, 777 F. Supp. 3d 369, 410 (D.N.J. 2025) (“The implication of not applying the unknown custodian exception” in such circumstances would be that “the Petitioner, detained in the United States, would not have been able to call on any habeas court.”).

In *Roman v. Ashcroft* the Sixth Circuit found that “historically, the question of who is the custodian, and therefore the appropriate respondent in a habeas suit, depends primarily on who has power over the petitioner and on the convenience of the parties and the court.” *Roman v. Ashcroft*, 340 F.3d 314, 319 (6th Cir. 2003) (citation modified).

A “detained [noncitizen] filing a habeas corpus petition *should generally* name as a respondent the person exercising daily control over his affairs.” *Id.* at 320. (Emphasis added). The Court then went on to “conclude that although the warden of each detention facility technically has day-to-day control over [noncitizen] detainees, the INS District Director for the district where a detention facility is located ‘has power over’ [noncitizen] habeas corpus petitioners.” *Id.* In this case the Special Agent in charge in Puerto Rico is **Rebecca González**. The next supervisory custodian would be **Garret J. Ripa**, Miami Field Office Director for U.S. Immigration and Customs Enforcement, overseen Puerto Rico’s Immigration and Removal Operations ICE Office in Guaynabo and ERO, GSA Guaynabo Detention Facility.

The Court noted, “It is clear that the INS does not vest power over detained aliens in the wardens of detention facilities because the INS relies on state and local governments to house federal INS detainees. Whatever daily control state and local governments have over federal INS detainees, they have that control solely pursuant to the direction of the INS.” *Id.* Therefore, the Court held that for purposes of federal immigrant detainees, the immediate custodian for habeas corpus purposes is the INS District Director. *See id.* at 321. For that reason in the present case the Petitioners have no necessity to look into the

administrators of a GSA property called “la Neverita” in Puerto Rico because the immediate custodian in these circumstances is the head of the HSI and ICE Office in Puerto Rico, Rebecca González Ramos.

The current-day equivalent to an INS District Director is the ICE Field Office Director. *See Romero Garcia v. Raycraft*, No. 25-cv-13407, 2025 WL 325226, at *2 n.2 (E.D. Mich. Nov. 21, 2025). In this case, the relevant ICE Field Office is located in Puerto Rico and Rebecca González is the Special Agent in charge. *See id.* Therefore, it is unequivocally clear that under Sixth Circuit precedent, the Puerto Rico ICE Field Office Director or Special Agent in charge of HSI is the immediate custodian for federal immigrant detainees under its area of responsibility. Because the Puerto Rico ICE Field Office is located within the District of Puerto Rico, this Court has proper venue and jurisdiction over this habeas petition, filed before the detainee, Mr. Pierre, was transferred to Florida.

The government’s argument that the proper respondent should be the warden of a Detention Center in Florida, “boils down to an issue that has been addressed previously by [other circuits]: whether *Rumsfeld v. Padilla*, 542 U.S. 426 (2004) superseded *Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003).” *Romero Garcia v. Raycraft*, No. 25-cv-13407, 2025 WL 325226, at *2. The district court in *Romero Garcia* acknowledged that in *Padilla*, the Supreme Court created a general default rule that the proper respondent in a habeas petition is the warden of the facility. *Id.* However, the district court also noted that the application of this default rule to “petitioners facing deportation” “was explicitly left open by *Padilla*.” *Id.*

Specifically, in *Padilla*, the Supreme Court held that “in habeas challenges to present physical confinement-‘core challenges’-the default rule is that the proper respondent is the warden of the facility where the prisoner is being held.” *Rumsfeld v. Padilla*, 542 U.S. at 435. But the Supreme Court explicitly stated that it was not extending this default rule to noncitizens “detained pending deportation” because that issue was not before it and so the Court “again decline[d] to resolve it.” *Id.* at 435 n.8. The Supreme Court acknowledged the Sixth Circuit’s decision in *Roman v. Ashcroft* when it declined to

resolve the issue. *See id.* If the Supreme Court intended to overrule the holding in *Roman* or at least cast doubt on its continued validity, it could have said so in the footnote. But it explicitly declined to do so. Therefore, the district court in *Romero Garcia* properly held that like other courts in this district and circuit, “for habeas proceedings with petitioners facing deportation, *Roman*’s rule still applies.” *Romero Garcia v. Raycraft*, No. 25-cv-13407, 2025 WL 325226, at *2 (citing to other cases holding the same); *see also Gimenez Gonzalez v. Raycraft*, No. 25-CV-13094, 2025 WL 3006185, at *5 (E.D. Mich. Oct. 27, 2025); *Mauricio Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106, at *1 (E.D. Mich. Nov. 12, 2025) (detained at North Lake, finds ICE Field Office Director is proper Respondent); *Hurtado-Medina v. Raycraft*, No. 25-CV-13248, 2025 WL 3268896 (E.D. Mich. Nov. 24, 2025) (granting habeas for petitioners detained at North Lake); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *2 (E.D. Mich. Sept. 9, 2025) (detained at Calhoun County Correctional Facility in WDMI); *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796, at *1 (E.D. Mich. Oct. 17, 2025) (group petition for individuals detained at North Lake, Monroe County, and the Corrections Center in Northwest Ohio).

In the “unknown custodian” context, many courts permit naming the ultimate custodian, rather than the immediate custodian. *See, e.g., United States v. Moussaoui*, 382 F.3d 453, 465 (4th Cir. 2004) (citing *Demjanjuk v. Meese*, 784 F.2d 1114, 1116 (D.C. Cir. 1986) (Bork, J., in chambers)). In that circumstance, Respondent Rebecca González (Special Agent in Charge of Homeland Security Investigations in San Juan) is the custodian. *See Ozturk, supra*, concerning the name of the Special Agent in Charge as a proper respondent. That is because at the time of the initiation of the habeas matter with this Court, removal proceedings were pending against Pierre in Puerto Rico; he had been arrested in Puerto Rico; agents of the ICE in Puerto Rico were transporting Pierre elsewhere; and he was finally transferred on December 30, 2025. As the Puerto Rico Special Agent in Charge, Rebecca González was the one person with the most direct control over Mr. Pierre at that point. Respondents have

suggested no other individual with a stronger claim to be custodian. Therefore, the court with jurisdiction is the US District of Puerto Rico.

IX. 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.

Mr. Pierre detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

Petitioner's detention based on racial motives, and transfer to other jurisdiction, as well as 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. Administrative judges do not have authority to address constitutional violations.

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. *Zadvydas*, 533 U.S. 678, at 690 (2001) (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. Pierre with no procedural protection to guard him against the deprivation of his liberty and his transfer out of Puerto Rico, violating several fundamental rights. Thus, petitioner's detention violates both substantive and procedural due process.

Mr. Pierre alleges racial motivations for his arrest, that he is detained without a bond, and transferred to other jurisdiction in the United States in violation of the due process clause. 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. All people within the territorial bounds of the United States enjoy due process rights, regardless of citizenship. See e.g., *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (“[T]here are literally millions of [noncitizens] within the jurisdiction of the United States...[and] the Fifth Amendment...protects every one of these persons.”) (internal quotation marks omitted); *Yick Wo v. Hopkins*, 118 U.S. 356, 368-69 (1886). These protections apply equally to non-citizens facing deportation proceedings. *Demore v. Kim*, 538 U.S. 510, 523 (2003); see also *Zadvydas*, 533 U.S., supra (“[B]oth removable and inadmissible [non-citizens] are entitled to be free from detention that is arbitrary and capricious.”) (Kennedy, J., dissenting).

Due process thus requires “adequate procedural protections” to ensure that the government’s asserted justification for incarceration “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690. Individuals with prior removal orders are entitled to procedural safeguards against prolonged detention. See *Padilla-Ramirez v. Bible*, 882 F.3d 826, 830 (9th Cir. 2017) (citing *Diouf v. Napolitano*, 634 F.3d 1081,1084 (9th Cir. 2011)).

Mr. Pierre was arrested without the right to have a bond hearing. Due to lack of an open docket number, a formal petition of bond could not be filed and the habeas corpus is the only legal recourse he has to avoid transfer to other jurisdiction and to have his bond hearing in Puerto Rico where his family resides.

The denial a bond hearing in Puerto Rico is illegal. In 2025 the U.S. District Court for the Central District of California issued an order in the case of Maldonado *Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM, certifying a class action of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government’s allegation that they entered the United States without

admission or inspection. The Court granted declaratory relief to the entire class, holding that the government is unlawfully subjecting them to mandatory (meaning no-bond) detention and that class members are eligible for release on bond under the immigration laws. The bond hearing must be held in Puerto Rico and nowhere else.

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 facilities across the United States 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, creating other unreasonable barriers to communication and even failing to provide proper documentation, like the Notice to Appear (NTA) in a timely manner. 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 when noncitizens are moved to a different jurisdiction. 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 when 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. See *Ozturk v. Trump*, supra.

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).

Petitioner is being held in inadequate conditions of detention. “Alligator Alcatraz” is not an immigration detention center but an improvised concentration camp, were the Petitioner is subjected to deplorable conditions that amount to inhumane treatment and torture in violation to the US Constitution and the *UN Convention Against Torture* (CAT) ratified by the United States of America in October 1994. These conditions include, but are not limited to, overcrowding, inadequate sleeping accommodations, failure to provide basic necessities like adequate food, water, and hygiene facilities, lack of proper medical care, and could even be subjected to physical and psychological abuse and forced labor.

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

Mr. Pierre is not an inmate, prisoner or a convicted felon. His detention is a civil detention pending an administrative process before the Immigration Court. As such, any claim of unconstitutional conditions of confinement affecting his physical and emotional integrity can be challenged exclusively with an immigration habeas corpus. Prisoners Litigation Reform Act (PLRA) and the exigency of exhaustion of administrative remedies applies only to criminal detainees.

COUNT FOUR

STATUTORY CLAIM UNDER APA

Petitioner alleges and incorporates by reference all preceding paragraphs.

Respondents' decision to detain Petitioner is an agency action that is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation of the APA, 5 U.S.C. § 706(2).

The decision to detain is arbitrary because it fails to consider crucial factors, including Petitioners' pending applications, his lack of a criminal record, his strong ties to the community, the profound and irreparable harm of separating him from his U.S. citizen children, and the availability of less restrictive alternatives to detention. The decision appears based on impermissible racist and punitive motives rather than a reasonable application of statutory criteria. Racial profiling and discrimination is still prohibited under the United States Constitution.

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 (*Ozturk v. Trump, supra*) and that Mr. Pierre 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 an immediate Temporary Restraining Order ex-parte or after listening to all parties, requesting Respondents, their agents, and employees to return Petitioner to the jurisdiction of the District of Puerto Rico pending a ruling on this petition;
3. 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 Petitioner released upon the posting of a reasonable bond or reasonable conditions of supervision show;
4. Declare the arrest and detention without warrant based of racial motives unconstitutional;
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
FERMIN L. ARRAIZA NAVAS
#215705 (US District Court Puerto Rico)

Annette Martínez-Orabona
Executive Director
American Civil Liberties Union
Puerto Rico Chapter
Union Plaza, Suite 1105
416 Avenida Ponce de León
San Juan, Puerto Rico 00918
(787) 753-9493
(646) 740-3865
farraiza@aclu.org *Counsel for Petitioner*

s/ Rafael E. Rodríguez Rivera
RAFAEL E. RODRÍGUEZ RIVERA
USDC-PR 218603
rrodriguez@inter.juris.edu
Legal Aid Clinic
Interamerican University of Puerto Rico

Faculty of Law

s/María del R. García Miranda
MARIA DEL R GARCIA MIRANDA
Clínica de Asistencia Legal Inmigración
Escuela de Derecho UPR
USDC 304709
PO Box 10365
San Juan, Puerto Rico 00922
Tel. (787)977-2323
charitogarcia@hotmail.com

Dated: January 16, 2026

CERTIFICATE OF SERVICE : I hereby certify that, on January 16, 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 16th day of January, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name