

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

JOSE RAMON SANCH(EEZ MORALES
IN REPRESENTATION OF JUAN FRANCISCO
ARECHE MINAYA
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; **DAVID VENTURELLA** in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement; **MARKWAYNE MULLIN**, Secretary of Homeland Security; **TODD BLANCHE**, United States Attorney General; **HECTOR RAMIREZ CARBÓ**, Acting US District Attorney for the District of Puerto Rico; **ROBERTO VAQUERO** Director of Field Operations Customs and Border Protection; *all in their official capacities*
Respondents.

PETITION FOR A WRIT OF
HABEAS CORPUS

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

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This is an emergency petition for a writ of habeas corpus filed on behalf of Juan Francisco Areche Minaya, seeking relief to remedy his unlawful detention. On Tuesday, August 11, 2026, at approximately 10:00 a.m., Petitioner was waiting for Jose Ramon Sanchez Morales inside his 2003 Ford F-150, a vehicle registered in his name with the Puerto Rico Department of Transportation and Public Works (“DTOP”) (Exh. 1), while his longtime friend, USC Jose Ramon Sanchez Morales (Exh. 2), was purchasing electrical materials at Roger Electric in Ave. Central, San Juan, Puerto Rico, for a repair job in Reparto Metropolitano, Rio Piedras, Puerto Rico. While Petitioner was waiting inside his vehicle, eight (8) masked men abruptly detained him, without warning or sirens, and took him into immigration custody.

Petitioner is a native and citizen of the Dominican Republic (Exh. 3) who has been continuously and physically present in the United States for over twenty-eight (28) years. Petitioner is the son of Juana Minaya, a United States citizen residing in Puerto Rico, who has twice petitioned for Petitioner to obtain lawful permanent resident status in the United States. On August 25, 1992, Ms. Minaya filed Form I-130, Petition for Alien Relative, on Petitioner's behalf, which was approved by the former Immigration and Naturalization Service ("INS") on October 15, 1992. (Exh. 4) Thereafter, on November 13, 2015, Ms. Minaya filed a second Form I-130 on Petitioner's behalf, which was approved by the United States Citizenship and Immigration Services ("USCIS") on February 23, 2016. (Exh. 5) The approved 1992 petition provides Petitioner with a potential avenue to seek adjustment of status in the United States pursuant to Section 245(i) of the Immigration and Nationality Act ("INA"), without the need to depart from this country. In addition, Petitioner's continuous presence in the United States for over twenty-eight (28) years, his extensive family ties, and the hardship that his removal would cause to his qualifying United States citizen relatives provide him another potential relief from removal known as Cancellation of Removal under Section 240(b) of the INA.

The approved 1992 petition entails a grandfathering benefit which would allow Petitioner to pursue adjustment of status pursuant to Section 245(i) of the Immigration and Nationality Act ("INA") in the United States. In addition, Petitioner's lengthy physical presence in the United States, his extensive family ties, and the extreme hardship his removal would cause to his United States citizen mother and children (Exh. 6) constitute strong equities in support of reliefs from removal for which he is prima facie eligible and which he intends to pursue in the appropriate immigration removal proceedings. Petitioner's continued detention impairs his ability to effectively prepare and pursue such reliefs.

Mr. Areche Minaya is neither a flight risk nor a danger to the community. Prior to his detention, he had been continuously and physically present in the United States for over twenty-eight (28) years. He is the father of two United States citizen children, Darjeerling Areche Ciprian and Jhon Areche Ciprian.

(Exh. 6 and 7) Both children reside with Petitioner and are financially and emotionally dependent upon their father. Petitioner is also the son of a United States citizen mother, Juana Minaya, who depends upon him for financial and physical assistance with her medical expenses, daily needs, and transportation to medical appointments. (Exh. 8) Petitioner's extensive and longstanding family ties to Puerto Rico provide powerful incentives for him to remain within this jurisdiction and appear at all proceedings required of him.

The intervention was racially motivated, as in many other cases, which is conduct prohibited by the U.S. Constitution. At the time of the intervention, Petitioner was merely sitting inside his own vehicle, registered before the Puerto Rico Department of Transportation and Public Works ("DTOP"), waiting for Mr. Sánchez Morales to return from Roger Electric.

Petitioner submits that his detention violates his constitutional right to due process and is no longer justified under the U.S. Constitution or the Immigration and Nationality Act ("INA"). Petitioner has lived in the United States for over twenty-eight (28) years, has two approved family-based immigrant petitions, and has substantial and longstanding ties to Puerto Rico, including his United States citizen mother and two (2) United States citizen children. In addition, the Petitioner has no criminal record (Exh. 11 and 12). His detention serves no legitimate purpose, constitutes a waste of government resources, and imposes a substantial emotional and financial burden upon Petitioner and his United States citizen family members, particularly his minor son and his mother, who relies upon Petitioner for assistance with her daily and medical needs. Petitioner seeks an Order from this Court declaring his continued detention unlawful and ordering his immediate release.

II. CUSTODY

On Tuesday, August 11, 2026, Petitioner was arrested by federal agents in San Juan, Puerto Rico.

He is currently in the physical custody of Respondents at the GSA facility located at 651 Federal

Drive adjacent to Fort Buchanan, across from MDC Guaynabo, PR. (Exhibits 9 and 10)

III. JURISDICTION AND VENUE

This action arises under the Constitution of the United States and 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, Article I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. § 1331, because Petitioner is presently in custody under color of the authority of the United States, and such custody violates 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 the GSA facility in Guaynabo, 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 the United States. Moreover, the District of Puerto Rico is the judicial district in which the events giving rise to her unlawful detention occurred. 28 U.S.C. § 1391(e).

IV. PARTIES

JUAN FRANCISCO ARECHE MINAYA, a national and citizen of the Dominican Republic, who has been continuously and uninterruptedly present in Puerto Rico for over twenty-eight (28) years, without undergoing proper admission procedures. He is currently being detained by Respondent’s in Puerto Rico.

JOSE RAMON SANCHEZ MORALES is the USC friend who was present at the time approximate seven (7) masked male detained **JUAN FRANCISCO ARECHE MINAYA** and appears as a petitioner in representation of his friend.

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 oversees 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*.

DAVID VENTURELLA 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.

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

HECTOR RAMIREZ CARBÓ, Acting US District Attorney for the District of Puerto Rico, although not a proper Respondent has been included out of caution to comply with all notification requirements; *in his official capacity*.

TOD BLANCHE is the Attorney General of the United States and the head of the Department of Justice. He 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

Petitioners exhausted all available administrative remedies to the extent required by law.

Constitutional violations are ongoing, and the threat of transfer is imminent. No administrative remedy can provide the immediate relief necessary to prevent the irreparable harm of detention and the violation of Petitioner's constitutional rights. Habeas corpus is his sole and proper judicial remedy.

VI. STATEMENT OF FACTS

For more than twenty-eight (28) years, Mr. Juan Francisco Areche Minaya has been continuously and physically present in Puerto Rico. Mr. Areche Minaya is a family-oriented man whose USC mother, Juana Minaya, has twice filed Form I-130, Petition for Alien Relative, on his behalf. The first Form I-130 was filed on August 25, 1992, and approved by the former Immigration and Naturalization Service ("INS") on October 15, 1992. Thereafter, on November 13, 2015, Ms. Minaya filed a second Form I-130 on Petitioner's behalf, which was approved by the United States Citizenship and Immigration Services ("USCIS") on February 23, 2016.

Mr. Areche Minaya has longstanding family-based immigration petitions through which he has sought to legalize his immigration status in the United States. Particularly, the approved 1992 Form I-130 provides Petitioner with a potential avenue to seek adjustment of status pursuant to Section 245(i) of the Immigration and Nationality Act ("INA"). Petitioner also has substantial family ties to Puerto Rico, including his United States citizen mother and his two United States citizen children, one of whom is a minor and depends upon Petitioner financially and emotionally. 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 in 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 *Jose Arnulfo Guerrero Orellana vs Moniz*, a case from the First Circuit, certified a class of immigration detainees who are eligible for bond, and briefly highlighted "a few components of the class definition: namely, it includes noncitizens who are allegedly never admitted or paroled into the United States and excludes noncitizens subject to expedited removal orders or proceedings, as well as those subject to mandatory detention under §1226(c)."¹ This class is consistent with the same class finding entered in *Maldonado Bautista et al.*, a case from the District Court of California, that 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 recently certified class. Petitioner as well as "Guerrero Orellana and his fellow class members are governed by §1226, not §1225(B)(2)(A)"²

Deplorable Conditions Across ICE's Detention Centers

Petitioner faces the imminent threat of being physically transferred from Puerto Rico to an ICE detention facility in the State of Florida, while his removal proceedings remain pending before the Immigration Court in Guaynabo, Puerto Rico. Such a transfer would remove Petitioner from the jurisdiction where his immigration proceedings are currently pending and where he has established his life for more than twenty-eight (28) years, separating him from his United States citizen mother and two United States citizen children, including his minor son, who depends upon him financially and

¹*Jose Arnulfo Guerrero Orellana vs Moniz*, 25-cv-2152, 26-cv-1094 (*Guerrero Orellana v. Moniz*, Nos. 25-2152, 26-1094, at page 10, note 5. (1st Cir.)

² *Ibid.* at page 54.

emotionally. The detention facilities in Florida have been denounced innumerable as part of a nationwide pattern of dangerous and inhumane conditions existing across the network of detention centers operated by or for ICE, up to the point that the detention center popularly known as “Alligator Alcatraz” was closed in June 2026, amid reports concerning unsafe and inhumane treatment of detainees.³ This pattern has been extensively documented by human rights organizations and investigative journalists and is reflected in the desperate accounts of those detained inside.⁴ The systemic failures consistently documented across the ICE detention system render Petitioner’s continued detention and potential transfer an immediate threat to his health, safety, and constitutional rights.

The ICE detention system is critically over capacity, holding tens of thousands more individuals than it was designed for.⁵ 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 mattresses⁶ 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.⁷

Across facilities in multiple states, detained have reported chronic hunger, food shortages, and being served spoiled or inedible food, leading to sickness and weight loss.⁸ These conditions are compounded by a lack of basic hygiene, with some detained going a week or more without access to

³ The Associated Press, Florida’s “Alligator Alcatraz” Immigration Detention Center Has Closed, Governor Says, NBC News, June 25, 2026, <https://www.nbcnews.com/news/us-news/floridas-alligator-alcatraz-immigration-detention-center-closed-rcna351805>.

⁴ 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>.

⁵ 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>.

⁶ 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>.

⁷ 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>.

⁸ 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>.

showers.⁹

There is a well-documented history of inadequate health standards and insufficient medical care within ICE facilities.¹⁰ Detainees with chronic conditions like diabetes and high blood pressure are often denied their necessary medications.¹¹ In other cases, individuals with fevers and serious infections have been refused treatment.¹² 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.¹³

Therefore, transferring Petitioner from Puerto Rico to an ICE detention facility in Florida would not constitute a transfer to a neutral holding facility. Petitioner’s removal proceedings remain pending before the Immigration Court in Guaynabo, Puerto Rico, and such a transfer would physically remove him from the jurisdiction where his case is being adjudicated, separate him from his family and support system, and place him within a detention system in which serious deficiencies concerning overcrowding, food, hygiene, medical care, and detainee safety have been repeatedly documented. Such a transfer would place Petitioner’s health, safety, ability to meaningfully participate in his pending removal proceedings in Puerto Rico, and fundamental rights at immediate and irreparable risk.

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 raises a “serious constitutional problem” and

⁹ *Id.* Note 2

¹⁰ 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/>.

¹¹ *Id.* Note 2.

¹² 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-sl-5413364/concerns-over-conditions-in-u-s-immigration-detention-were-hearing-the-word-starving>.

¹³ 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>.

violates the Due Process Clause *Id.* at 689–90.

Accordingly, the Due Process Clause protects Mr. Juan Francisco Areche Minaya, 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. Juan Francisco Areche Minaya was illegally detained and abducted in Puerto Rico. If no action is taken, Mr. Juan Francisco Areche Minaya will be transferred from the Puerto Rico GSA detention facility to the mainland as there is “allegedly” no formal immigration detention center in the island of Puerto Rico. 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. “Guerrero Orellana and class members had already entered the country without inspection—so, they are not “seeking admission.” And thus, a determination concerning whether they are “entitled to be admitted,” i.e. to be granted lawful entry, is impossible.”¹⁴

To justify the detention of 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.

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).

VIII. CLAIMS FOR RELIEF

COUNT ONE

¹⁴ *Jose Arnulfo Guerrero Orellana vs Moniz*, supra, at page 21.

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. *Zadvydas*, 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. Juan Francisco Areche Minaya with no procedural protection to guard him against the deprivation of her liberty. Thus, petitioner's detention violates both substantive and procedural due process. The Petitioner has the right to be released 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 facilities out of 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.

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 subjected to deplorable conditions that amount to punishment. These conditions include, but are not limited to, overcrowding, inadequate sleeping accommodations, failure to provide 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 suspicion, 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 approved application(s), her lack of a criminal record, her 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 infringes her 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 (*Jose Arnulfo Guerrero Orellana vs Muniz*) 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.

Respectfully submitted,

s/ Fermín L. Arraiza-Navas
#215705 (US District Court Puerto Rico)

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Dated: August 17th, 2026

CERTIFICATE OF SERVICE: I hereby certify that, on August 17th, 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 17th day of August, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name