

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

KAREN HELEN MARIN HERNANDEZ
IN REPRESENTATION OF SANDRO GONZALEZ
DOMINGUEZ
Petitioners,

v.

Civil No. 3:26-cv-_____

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 Dept. Homeland Security; **TODD BLANCHE**,
United States Attorney General; **HECTOR RAMIREZ**
CARBÓ, Acting US District Attorney for the District
of Puerto Rico; **CARMEN FIGUEROA**, PR Field Office
Director for Enforcement and Removal Office, US
Immigration and Customs Enforcement; *all in their
official capacities*
Respondents.

PETITION FOR A WRIT OF
HABEAS CORPUS

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TO THE HONORABLE COURT:

Petitioner Sandro Gonzalez Dominguez (“Petitioner” or “Mr. Gonzalez”), through undersigned counsel, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging his continued civil immigration detention without the individualized custody-redetermination proceeding expressly contemplated by the statutory authority under which the Department of Homeland Security (“DHS”) placed him in custody.

This case presents an unusually direct documentary record concerning the statutory authority DHS itself invoked.

On September 26, 2026, DHS issued Petitioner a Form I-286, Notice of Custody Determination.

That document does not leave the asserted source of DHS's custody authority to inference. It expressly provides:

“Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be: [X] Detained by the Department of Homeland Security.” (See Ex. 1)

The same DHS document expressly advised Petitioner: “You may request a review of this custody determination by an immigration judge.”

Petitioner immediately exercised that right, selecting and signing: “[X] I do request an immigration judge review of this custody determination.”

DHS recorded the custody determination at 1:17 p.m. on September 26, 2026. (See Ex. 1)

DHS's contemporaneous Form I-200, Warrant for Arrest of Alien, likewise invokes INA §§ 236 and 287 as authority under which immigration officers are authorized to execute the warrant. (See Ex. 2)

Petitioner therefore does not ask this Court to speculate concerning the authority DHS exercised when it detained him. DHS invoked § 236 in writing, made a custody determination pursuant to § 236, advised Petitioner of his right to Immigration Judge review, and Petitioner immediately requested that review.

Petitioner seeks enforcement of that statutory custody-redetermination process.

Petitioner has resided in the United States for approximately twenty-nine years. He was not apprehended while attempting to enter the United States, at an international border, or at a port of entry. He was apprehended in Puerto Rico outside one of eight restaurants in a substantial Puerto Rico enterprise of which he is a fifty-percent owner.

Petitioner is the father of United States citizen children; bears a court-ordered obligation for 51% of the expenses of his nineteen-year-old United States citizen daughter; owns fifty percent of an eight-location Puerto Rico restaurant enterprise employing approximately 115 individuals; has filed Puerto Rico income tax returns; has a fixed release plan; and has a United States citizen sponsor.

He now seeks only the individualized § 236(a) custody determination that DHS itself expressly informed him he could request.

I. JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3) because Petitioner is in custody under authority of the United States and contends that his continued detention without the custody-redetermination process provided by INA § 236(a), 8 U.S.C. § 1226(a), violates the Constitution and laws of the United States.

This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under federal law and the Fifth Amendment to the United States Constitution.

Petitioner is presently in federal immigration custody.

Petitioner does not challenge a final order of removal.

Indeed, no final order of removal exists.

Petitioner does not ask this Court to determine whether he is removable, review the merits of any defense or application for immigration relief, or interfere with the Immigration Court's adjudication of his removal proceedings.

DHS has placed Petitioner in removal proceedings pursuant to INA § 240. His Notice to Appear expressly states that he is “[i]n removal proceedings under section 240 of the Immigration and Nationality Act.” (See Ex. 3)

The issue presented here is collateral to the ultimate determination of removability: whether the Government may continue Petitioner's physical detention without providing the individualized custody review attendant to the § 236 authority DHS expressly exercised.

Habeas corpus remains available under § 2241 to challenge unlawful executive detention.

Recent decisions of this District have repeatedly exercised § 2241 jurisdiction over materially similar challenges to immigration detention and the denial of bond hearings. See, e.g., *Guerrero v. Ripa*,

Civ. No. 26-1427 (CVR) (D.P.R. July 15, 2026); *Jiménez-Frias v. Ripa*, Civ. No. 26-1490 (SCC) (D.P.R. July 27, 2026); *Frías v. Ripa*, Civ. No. 26-1374 (GMM) (D.P.R. June 17, 2026).

II. VENUE

Venue is proper in the District of Puerto Rico because Petitioner was apprehended in Puerto Rico, DHS made the challenged custody determination in Puerto Rico, Petitioner's removal proceedings are pending before the Guaynabo Immigration Court, and the events giving rise to this action occurred substantially within this District.

Petitioner's NTA directs him to appear before the Immigration Court at #7 Tabonuco Street, Room 401, Guaynabo, Puerto Rico, on October 26, 2026. (See Ex. 3)

Petitioner's retained counsel, principal witnesses, sponsor, family evidence, business evidence, and substantial community ties are located in Puerto Rico.

III. PARTIES

Petitioner Sandro Gonzalez Dominguez, A# 221-461-271, is a native and citizen of Mexico presently detained by DHS. (See Ex. 4)

Respondent Todd Blanche is the official having immediate physical custody of Petitioner since the Department of Justice has jurisdiction of the GSA Facility.

Respondent Garrett Ripa exercises authority over Petitioner's immigration custody within Puerto Rico.

Respondent Secretary of Homeland Security is responsible for DHS and ICE and the administration and enforcement of the immigration laws.

Respondent Attorney General of the United States is also responsible for EOIR, including the Immigration Court before which Petitioner has requested custody redetermination.

IV. FACTUAL BACKGROUND

A. Petitioner has resided in the United States for approximately twenty-nine years.

1. Petitioner was born on January 11, 1978, in Guerrero, Mexico. (See Ex. 4)
2. Petitioner entered the United States without inspection at or near Douglas, Arizona, on or about October 15, 1997.
3. He has therefore resided in the United States for approximately twenty-nine years.
4. Petitioner has substantial family ties to the United States.
5. His daughter [REDACTED] was born in Chicago, Illinois, on August 8, 2000, and is a United States citizen. (See Ex. 5)
6. Petitioner is also the father of [REDACTED], who was born in San Juan, Puerto Rico, on December 8, 2006. (See Ex. 6)
7. [REDACTED]'s Puerto Rico birth certificate identifies Petitioner as her father. (See Ex. 6)
8. [REDACTED] is presently nineteen years old and is pursuing her education at the Culinary Institute of America.
9. Pursuant to a May 24, 2024 judgment of the Puerto Rico Court of First Instance, Bayamón Part, Petitioner is responsible for 51% of [REDACTED]'s expenses. (See Ex. 7)
10. Petitioner has continued satisfying his financial obligations toward [REDACTED], including documented payments immediately preceding his detention. (See Ex. 8)

B. Petitioner has exceptionally substantial economic and community ties to Puerto Rico.

11. Petitioner owns a fifty-percent interest in Callejeros, an established Puerto Rico restaurant enterprise presently operating eight restaurants and employing approximately 115 individuals. (See Ex. 9)
12. Petitioner and his longtime companion and business partner, [REDACTED], have developed Callejeros over a period of years. (See Ex. 9)
13. Independent published evidence identifies [REDACTED] and Petitioner as Callejeros' owners and documents its development from a food truck into a multi-location restaurant enterprise. (See Ex. 10)

14. Municipal documentation further corroborates the operation of Callejeros entities in Puerto Rico. (See Ex. 11)

15. Petitioner has filed Puerto Rico income tax returns for tax years 2022 through 2025. (See Ex. 12)

16. Petitioner therefore has substantial and objectively verifiable family, financial, professional, and community ties to Puerto Rico.

C. Petitioner was apprehended outside one of the restaurants he co-owns.

17. On September 26, 2026, Petitioner was present outside one of the Callejeros restaurants in Puerto Rico.

18. Petitioner's longtime companion and business partner, [REDACTED], has knowledge of the circumstances surrounding his apprehension.

19. Several of the men participating in the apprehension had their faces covered.

20. A photograph taken in connection with the incident depicts apparent law-enforcement personnel with their faces covered immediately outside the Callejeros establishment. (See Ex.13)

21. [REDACTED] accompanying sworn declaration identifies the establishment depicted in the photograph as one of Callejeros' eight Puerto Rico restaurants and identifies the photograph as a fair and accurate depiction of the scene the employee described to her related to Sandro Gonzalez Dominguez apprehension.

22. Petitioner did not attempt to flee or evade the officers.

23. Petitioner was not apprehended while entering the United States.

24. He was not at a port of entry.

25. He was apprehended in the interior of Puerto Rico, at his established place of business, approximately twenty-nine years after his entry into the United States.

D. Petitioner requested counsel, and his biometrics were obtained after his detention.

26. Following his apprehension, Petitioner requested the presence and assistance of his immigration attorney Maria del Rosario Garcia Miranda.

27. Counsel Maria del Rosario Garcia Miranda personally appeared and met with Petitioner at Tabonuco Street #7, Guaynabo PR 00966.

28. Petitioner's fingerprints and biometrics were obtained after Petitioner had already been detained.

29. Petitioner had requested counsel before providing biometrics, and counsel Maria del Rosario Garcia Miranda advised him that he could cooperate with fingerprinting.

30. DHS's Form I-200 nevertheless identifies "biometric confirmation of the subject's identity and a records check of federal databases" among the grounds supporting probable cause for the administrative arrest warrant. (See Ex. 1, 2 and 3)

31. Petitioner expressly reserves any claim concerning the chronology or legality of his apprehension.

32. The present habeas Petition does not require adjudication of that separate issue.

E. DHS's administrative warrant expressly invokes § 236.

33. DHS issued a Form I-200, Warrant for Arrest of Alien, dated September 26, 2026. (See Ex. 2)

34. The warrant is addressed:

"To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations." (See Ex. 2)

35. The warrant therefore forms part of a contemporaneous documentary record in which DHS expressly invoked § 236 authority.

F. DHS placed Petitioner in § 240 removal proceedings.

36. On September 26, 2026, DHS issued Petitioner a Form I-862, Notice to Appear. (See Ex. 3)

37. The NTA did not identify Petitioner as an "arriving alien."

38. Instead, DHS checked the designation: "You are an alien present in the United States who has not been

admitted or paroled.”

39. DHS placed Petitioner in removal proceedings under INA § 240. (See Ex. 3)

40. The NTA was personally served upon Petitioner on September 26, 2026, with oral notice provided in Spanish. (See Ex. 3)

G. Petitioner immediately elected Immigration Court proceedings.

41. DHS also served Petitioner with Form I-826, Notice of Rights and Request for Disposition.

42. Petitioner expressly selected the option requesting: “a hearing before the Immigration Court to determine whether I may remain in the United States.”

43. Petitioner did not waive Immigration Court proceedings.

44. The I-826 reflects that the notice was read to Petitioner in Spanish and served at 1:23 p.m. on September 26, 2026. (See Ex. 2)

H. Most importantly, DHS expressly made Petitioner's custody determination pursuant to INA § 236.

45. At 1:17 p.m. on September 26, 2026, DHS issued Petitioner's formal Notice of Custody Determination, Form I-286. (See Ex. 1)

46. DHS expressly stated:

“Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be: [X] Detained by the Department of Homeland Security.”

47. DHS further advised: “You may request a review of this custody determination by an immigration judge.”

48. Petitioner immediately selected: “[X] I do request an immigration judge review of this custody determination.”

49. Petitioner signed the I-286 that same day. (See Ex. 1)

50. Thus, DHS did not merely use the word “detention” generically.

51. DHS expressly:

- a. identified § 236 as the authority for Petitioner's custody determination;
- b. invoked 8 C.F.R. Part 236;
- c. determined that Petitioner would be detained;
- d. expressly advised Petitioner of his right to seek Immigration Judge review; and
- e. recorded Petitioner's immediate request for such review.

52. Petitioner has invoked the custody-redetermination process DHS expressly told him was available.

V. STATUTORY FRAMEWORK

A. INA § 236(a)

53. INA § 236(a), codified at 8 U.S.C. § 1226(a), authorizes the arrest and detention of a noncitizen “pending a decision on whether the alien is to be removed from the United States.”

54. Subject to statutory restrictions not applicable on the present record, § 1226(a) authorizes release on bond or conditional parole.

55. The implementing regulations provide a mechanism for Immigration Judge review of DHS custody determinations made under § 236.

56. DHS expressly invoked that statutory and regulatory framework in Petitioner's I-286.

B. Controlling First Circuit law governs the constitutionally required bond procedure.

57. In *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021), the First Circuit addressed the constitutional procedures required at a § 1226(a) bond hearing.

58. The First Circuit held that the Government bears the burden of justifying continued detention.

59. The Government must establish dangerousness by clear and convincing evidence or flight risk by a preponderance of the evidence.

60. Accordingly, Petitioner's § 236(a) custody hearing must comply with *Hernandez-Lara*.

COUNT I

DETENTION UNDER INA § 236(a) AND DENIAL OF THE INDIVIDUALIZED CUSTODY REVIEW PROVIDED BY THAT STATUTE 28 U.S.C. § 2241

- 61. Petitioner incorporates paragraphs 1 through 78.
- 62. DHS exercised its authority to arrest and detain Petitioner under INA § 236.
- 63. DHS's I-200 expressly invokes §§ 236 and 287. (See Ex. 2)
- 64. More importantly, DHS's I-286 expressly states that Petitioner's custody determination was made pursuant to § 236 and 8 C.F.R. Part 236. (See Ex 2)
- 65. DHS expressly advised Petitioner that an Immigration Judge could review that determination.
- 66. Petitioner immediately requested such review.
- 67. Continued detention while denying Petitioner access to the individualized custody procedure accompanying the authority DHS expressly exercised is contrary to federal law.
- 68. Petitioner's continued detention without § 236(a) review therefore constitutes custody “in violation of the Constitution or laws or treaties of the United States” within the meaning of 28 U.S.C. § 2241(c)(3).

COUNT II

VIOLATION OF THE FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

- 69. Petitioner incorporates paragraphs 1 through 86.
- 70. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.
- 71. Petitioner's immigration detention is civil, not punitive.
- 72. DHS expressly invoked § 236 and expressly provided Petitioner with a mechanism for individualized Immigration Judge review.
- 73. Petitioner timely invoked that mechanism.
- 74. Yet Petitioner remains physically detained without the meaningful individualized custody determination to which DHS's own § 236 determination directed him.
- 75. Under *Hernandez-Lara*, continued detention pursuant to § 236(a) requires a constitutionally adequate

individualized hearing at which the Government bears the appropriate burden of proof.

76. Denial of such a hearing violates Petitioner's Fifth Amendment right to procedural due process.

VI. PETITIONER'S INDIVIDUAL CIRCUMSTANCES DEMONSTRATE THE IMPORTANCE OF PROMPT § 236 REVIEW

77. Petitioner does not ask this Court initially to determine an appropriate bond amount.

78. That individualized determination belongs before the Immigration Judge once the § 236(a) process is honored.

79. Nevertheless, Petitioner's circumstances demonstrate why categorical denial of custody review causes a substantial liberty deprivation.

80. Petitioner has approximately twenty-nine years of residence in the United States.

81. He has United States citizen children.

82. He remains financially responsible for 51% of the expenses of his nineteen-year-old United States citizen daughter pursuant to a Puerto Rico Family Court judgment.

83. He owns fifty percent of an eight-location Puerto Rico restaurant enterprise employing approximately 115 individuals.

84. He has filed Puerto Rico income tax returns.

85. He has a fixed release plan and United States citizen sponsor.

86. He was apprehended outside an established restaurant he co-owns rather than while attempting to flee or conceal himself.

87. When DHS presented him with Form I-826, he affirmatively requested Immigration Court proceedings. (See Ex. 1)

88. When DHS presented him with Form I-286, he immediately requested Immigration Judge custody review. (See Ex. 1)

89. These facts demonstrate substantial objective incentives to comply with immigration proceedings and reinforce the need for the individualized custody determination Congress provided under § 236(a).

**VII. NEED FOR IMMEDIATE PRESERVATION OF THIS COURT'S JURISDICTION AND
PETITIONER'S ACCESS TO COUNSEL**

90. Petitioner contemporaneously moves under Federal Rule of Civil Procedure 65 for a TRO and preliminary injunction prohibiting his transfer outside the District of Puerto Rico.
91. Petitioner's immigration proceedings are pending in Guaynabo.
92. His retained counsel practices in Puerto Rico.
93. His principal witnesses, sponsor, family members, business records, and evidence concerning his community ties are located here.
94. Transfer would materially impair Petitioner's ability to consult with counsel, prepare his bond presentation, obtain and present witnesses and documentary evidence, and prosecute this habeas action.
95. Recent judges of this Court have repeatedly preserved petitioners within Puerto Rico while requiring prompt Immigration Judge bond hearings.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Exercise jurisdiction pursuant to 28 U.S.C. § 2241;
- B. Issue the Writ of Habeas Corpus;
- C. Declare that Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a);
- D. Declare that Petitioner is entitled to individualized Immigration Judge review of DHS's custody determination;
- E. Order Respondents to provide Petitioner a prompt bond/custody-redetermination hearing pursuant to § 236(a);
- F. Order that such hearing comply with *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021), including requiring the Government to establish dangerousness by clear and convincing evidence or flight risk by a preponderance of the evidence;

G. Alternatively, order Petitioner's release under appropriate conditions if Respondents fail to provide the ordered hearing within the period established by this Court;

H. Enjoin Respondents from transferring Petitioner outside the District of Puerto Rico until the § 236(a) custody-redetermination proceeding has been completed and until further order of this Court;

I. Retain jurisdiction to enforce its judgment;

J. Award Petitioners reasonable costs and attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and,

K. Grant such other relief as this Court deems just and proper.

Respectfully Submitted,

Dated this 28th day of September, 2026.

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

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Dated: September 28th, 2026

CERTIFICATE OF SERVICE: I hereby certify that, on September 28th, 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 28th day of September, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name