

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

FREDERICO ABREU,

A



Civil Action No.

Petitioner.

v.

ZOELLE RIVERA, in her official capacity as
ASSISTANT FIELD OFFICER DIRECTOR
KROME PROCESSING CENTER
PAM BONDI, in her official capacity as
ATTORNEY GENERAL;
KRISTI NOEM, in her official capacity as
SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;
CALEB VITELLO, in his official capacity as
DIRECTOR OF UNITED STATES
IMMIGRATION AND
CUSTOMS ENFORCMENT

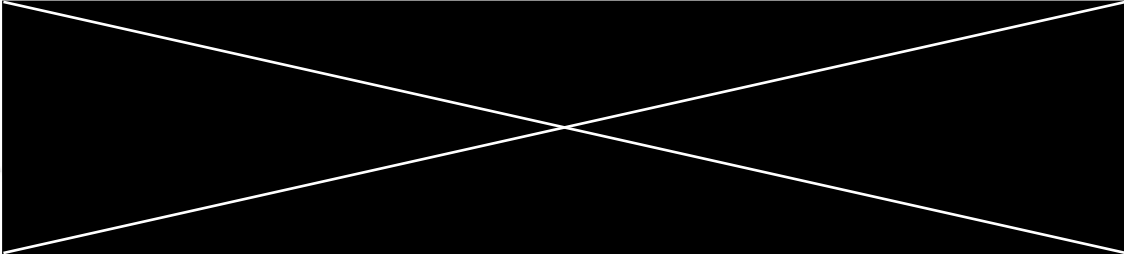
Respondents.

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Frederico Abreu, a citizen of The Federative Republic of Brazil, petitions this Court for a writ of habeas corpus to remedy his prolonged and unlawful detention by Respondents. Immigration authorities appeared at Mr. Abreu's residency without presenting an arrest warrant and detained him on February 8, 2025. Mr. Abreu is HIV Positive and suffers from a heart condition, respiratory complications, and consistent seizures. In an inexplicable and unjustifiable act of cruelty, immigration authorities denied Mr. Abreu access to his life saving medication. As of the date of this petition, Mr. Abreu only has access to his HIV Positive medication but still has

not received his medication to address his heart condition, respiratory complications, and consistent seizures.


To make matters worse, immigration authorities detained Mr. Abreu



The same day immigration officials detained him, Mr. Abreu began complaining of severe chest pains that resulted in his hospitalization. From the hospital, immigration authorities transported him to Krome Detention Center in Miami, Florida. Upon his transfer, Mr. Abreu slept on the floor from February 9, 2025 to February 11, 2025 due to lack of bed space at Krome Detention Center in Miami, Florida.

As of this filing, Mr. Abreu has not received adequate medical care. He has only been provided with his HIV Positive medication. He has not received any care for his heart condition, respiratory complications, and consistent seizures. Mr. Abreu has been told that the necessary medications are currently unavailable and there is no timeframe for their availability.

On February 11, 2025, the government transferred Mr. Abreu to the Federal Detention Center in Miami, Florida purportedly because of a lack of bed space at Krome Detention Center. While at the Federal Detention Center in Miami, Florida, Mr. Abreu has not had access to a shower, clean clothes, toiletries, or medicine. The last shower Mr. Abreu took was at his home prior to his detention on February 8, 2025. The lack of access to basic hygiene is also resulting in illness.

As of the date of this petition, Mr. Abreu has not been permitted to communicate with his attorney and 



Mr. Abreu's Individual Immigration Hearing is scheduled for February 4, 2026 at the Miami Immigration Court.

Respondents have detained Mr. Abreu without an arrest warrant and/or evidence of revocation of a previously granted immigration bond. For the reasons set forth below, Mr. Abreu's continued unreasonably prolonged detention is unlawful and he is entitled to release.

In support of this petition, Mr. Abreu alleges as follows:

CUSTODY

1. On February 11, 2025, the government transferred Mr. Abreu from Krome Detention Center to the Federal Detention Center in Miami, Florida.

JURISDICTION

2. 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.
3. 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, because Mr. Abreu is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of Florida, the judicial district in which Mr. Abreu is detained.

PARTIES

5. Mr. Abreu is a citizen of the Federated Republic of Brazil. On or about March of 2006, he obtained his Legal Permanent Residency Status. Immigration and Customs Enforcement (ICE) detained Mr. Abreu on February 8, 2025 and he has remained in custody continuously since that date.

6. On or about September 1, 2022, Mr. Abreu's immigration proceedings were re-calendared before Miami Immigration Court. Mr. Abreu has appeared at every Master Hearing and is scheduled for an Individual Immigration Hearing before Immigration Judge Mander on February 4, 2026 at the Miami Immigration Court.

7. Respondent Zoelle Rivera, the Assistant Field Officer Director of Krome Processing Center, is responsible for the overall operation and direction of the detention center where Mr. Abreu is currently detained under the authority of ICE. As such, Mr. Rivera may be considered to be Mr. Abreu's immediate custodian.

8. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, the Attorney General is a legal custodian of Mr. Abreu.

9. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). The Secretary is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Secretary Noem is a legal custodian of Mr. Abreu.

10. Respondent Zoelle Rivera is the ICE Field Office Director of ICE's Krome Field Office and Warden of Krome Detention Center. Mr. Rivera is a legal custodian of Mr. Abreu. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. denied*, 122 S. Ct. 43 (2001).

11. Respondent Caleb Vitello, the Director of ICE, is responsible for the overall operation and direction of the Krome Detention Center and the subsection provided to ICE at the Federal Detention Center in Miami, Florida where Mr. Abreu is currently detained under the authority of ICE. Mr. Vitello is a legal custodian of Mr. Abreu.

STATEMENTS OF FACTS

12. Petitioner is a citizen of the Federated Republic of Brazil. On or about March of 2006, he obtained his Legal Permanent Residency Status. Mr. Abreu is also HIV Positive, and suffers from a heart condition, respiratory complications, and consistent seizures. *See* Original ATD Request attached as Exhibit "A".

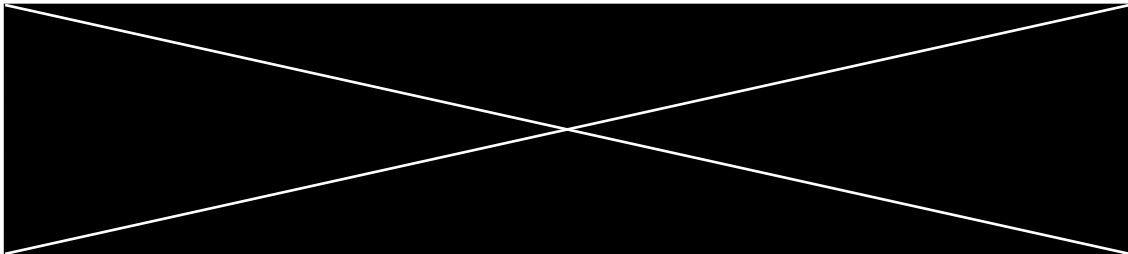
13. On or about September of 2013, Mr. Abreu received a Notice to Appear before the Immigration Judge pursuant to his criminal convictions in California. The judge issued a non-final order of removal on or about February of 2014, which he appealed to the Board of Immigration Appeals (BIA).

14. During the pendency of this appeal, he received an immigration bond in the amount of \$20,000 granted by the Immigration Court in Los Angeles, California on March 31, 2014. *See* Order granting Immigration Bond attached as Exhibit "B". As of the date of this filing, there is no evidence that the current immigration bond has been revoked.

15. The BIA remanded these proceedings due to issues relating to Mr. Abreu's competency prior to and during his immigration proceedings. While his immigration proceedings were pending before Miami Immigration Court, Mr. Abreu was taken into federal custody and these proceedings were administratively closed.

16. On or about December of 2020, Mr. Abreu was released from federal custody and placed on Order of Release on Recognizance (OREC) by ICE. He has continued to appear at yearly check-ins with ICE. Mr. Abreu's next OREC Appointment was scheduled for January 20, 2026, at 11:00 AM. *See* OREC Appointment attached as Exhibit "C".

17. On or about September 1, 2022, these proceedings were re-calendared before Miami Immigration Court. Mr. Abreu has appeared at every Master Hearing and was scheduled for an Individual Immigration Hearing before Immigration Judge Mander on February 4, 2026 at the Miami Immigration Court. *See* Electronic Notice of Immigration Hearing attached as Exhibit "D". This is an estimated eleven months and nineteen days from the date of this filing.



19. On February 8, 2025, ICE Officials arrested Mr. Abreu at his home without a warrant. This was four years, one month, and nineteen days after he was released under OREC by ICE and despite his consistent compliance with yearly check-ins with ICE. Mr. Abreu has not had any subsequent encounters with law enforcement and has continued to be compliant with his federal probation. *See* Email from Senior United States Probation Officer Jennifer Darden dated February 11, 2025 attached as Exhibit "F".

20. At the time of his arrest, ICE did not allow Mr. Abreu to gather his life saving medication.





Mr. Abreu began complaining of severe chest pains and was taken to the hospital. From there, ICE transported him to Krome Detention Center in Miami, Florida.

21. It appears that Mr. Abreu has still not received adequate medical attention after being released from the hospital and processed by ICE at Krome Detention Center. *See* Correspondence with ICE attached as Exhibit “G”.

22. On February 10, 2025, Mr. Abreu through his counsel submitted an Alternative to Detention Release Request to ICE. *See* Original ATD Request attached as Exhibit “A”. This request remains pending and ICE has said that there is no timeframe for its disposition. *See* Correspondence with ICE attached as Exhibit “G”.

23. On February 11, 2025, ICE transferred Mr. Abreu from Krome Detention Center to the Federal Detention Center in Miami, Florida purportedly because of a lack of bed space. *See* Correspondence with ICE attached as Exhibit “G”.

24. As of the date of this petition, Mr. Abreu has not been permitted to communicate with his attorney; has not confirmed his medical treatment while in ICE custody; and has not had his ATD Request evaluated. 

 His Individual Immigration Hearing is scheduled for February 4, 2026 at the Miami Immigration Court.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

25. In *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1211 (11th Cir. 2016), held that mandatory custody of noncitizens under § 1226(c) becomes unlawful when it is unreasonably prolonged.

MR. ABREU’S PRE-ORDER DETENTION IS UNLAWFUL

26. Mr. Abreu is in pre-order detention under 8 U.S.C § 1226(c), and his detention is unlawful. Mr. Abreu is entitled to release from custody pursuant the immigration bond in the amount of \$20,000 granted by the Immigration Court in Los Angeles, California on March 31, 2014. *See* Order granting Immigration Bond attached as Exhibit “B”. As of the date of this

filing, there is no evidence that the current immigration bond has been revoked. As such, Mr. Abreu's detention has become unreasonably prolonged, and he is entitled to release.

CLAIMS FOR RELIEF

COUNT ONE

**VIOLATION OF IMMIGRATION AND NATIONALITY ACT – PROLONGED
MANDATORY DETENTION OF A NON-CITIZEN AFTER AN INDEPENDENT BOND
DETERMINATION**

27. Mr. Abreu re-alleges and incorporates by reference paragraphs 1 through 26 above.
28. Mr. Abreu's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1226(a)&(b). Specifically, 8 U.S.C. § 1226(a) states in part that the Attorney General "may release the alien on ... bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General." 8 U.S.C. § 1226(a). The method described by 8 U.S.C. § 1226(b) for a revocation of bond states that the Attorney General "at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien." 8 U.S.C. § 1226(b).
29. In this instance, Mr. Abreu was granted a \$20,000 Immigration Bond granted by EOIR through the Immigration Court in Los Angeles, California on March 31, 2014. *See* Order granting Immigration Bond attached as Exhibit "B". On February 8, 2025, ten years, ten months, and nine days after securing his Immigration Bond, Mr. Abreu was arrested by ICE and placed in immigration custody.
30. On February 13, 2025, Mr. Abreu's counsel requested copies of his arrest warrant and revocation of EOIR Immigration Bond. *See* Correspondence with ICE attached as Exhibit "G". As of this filing, Mr. Abreu still does not have any record of his arrest warrant and/or the revocation of his immigration bond.

31. Making Respondents' action more egregious is Mr. Abreu's lack of access to a reasonable opportunity to participate in immigration court proceedings as required under U.S.C. §1229a. Specifically, Mr. Abreu is not currently afforded the right to examine the evidence against him, to present evidence on his own behalf, and to cross-examine witnesses presented by the Government. U.S.C. §1229a(a)(4).

32. Mr. Abreu's immigration proceedings continue to remain on the non-detained docket whereas he has his Individual Immigration Hearing on February 4, 2026 at the Miami Immigration Court. *See* Electronic Notice of Immigration Hearing attached as Exhibit "D". This is nearly one year from the date of this filing.

33. Mr. Abreu faces an unreasonable period of future mandatory detention as he awaits a non-final decision by Immigration Judge Mander that is not set to occur for almost one year from this filing. Lengthy detention during the pendency of immigration proceedings is unreasonable. *See Chavez-Alvarez*, 783 F.3d at 477-78.

34. For these reasons, Mr. Abreu's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION

35. Mr. Abreu re-alleges and incorporates by reference paragraphs 1 through 26 above.

36. A person in removal proceedings is entitled to due process under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306 (1993). In removal proceedings, which are civil rather than criminal in nature, constitutional requirements of due process are only satisfied by a full and fair hearing. *Matter of Exilus*, 18 I&N Dec.276, 281 (BIA 1982).

37. The Due Process Clause of the Fifth Amendment requires that the deprivation of Mr. Abreu's liberty be narrowly tailored to serve a compelling government interest. Mr. Abreu is

currently deprived of his due process rights to which he is entitled under the Fifth Amendment of the United States Constitution. *Animashaun v. INS*, 990 F.2d 234, 238 (5th Cir.1993)(citing *Reno v. Flores*, 507 U.S. 292, 305 (1993)).

38. While Respondents may attempt to argue that they have an interest in detaining Mr. Abreu in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Abreu. This is especially apparent given Mr. Abreu's prior history. He has appeared for every immigration hearing before the appropriate Immigration Court.

39. On or about September of 2013, Mr. Abreu received a Notice to Appear before the Immigration Judge and was ordered removed on or about February of 2014. The BIA remanded these immigration proceedings due to issues surrounding Mr. Abreu's competency prior to and during his immigration proceedings. While his immigration proceedings were pending before the Miami Immigration Court, Mr. Abreu was taken into federal custody and these proceedings were administratively closed.

40. On or about September 1, 2022, these proceedings were re-calendared before the Miami Immigration Court. Upon the re-calendaring of Mr. Abreu's immigration proceedings, he has appeared at every Master Hearing and was scheduled for an Individual Immigration Hearing before Immigration Judge Mander on February 4, 2026 at the Miami Immigration Court. *See* Electronic Notice of Immigration Hearing attached as Exhibit "D". This is nearly one year from the dates of this filing.

41. For these reasons, Mr. Abreu's continued detention by Respondents is unlawful and in violation of due process of the law under the Fifth Amendment.

COUNT THREE PROCEDURAL DUE PROCESS VIOLATION

42. Mr. Abreu re-alleges and incorporates by reference paragraphs 1 through 26 above.

43. Mr. Abreu's prolonged detention violates a noncitizen's due process rights guaranteed under the Fifth Amendment. As the Court held in *Sopo*, "aliens should [not] be punished for pursuing avenues of relief and appeals." 825 F.3d at 1215 (citing *Ly v. Hansen*, 351 F.3d 263 at 272 (6th Cir. 2003); ("[A]ppeals and petitions for relief are to be expected as a natural part of the process. A noncitizen that would not normally be subject to indefinite detention cannot be so detained merely because he seeks to explore avenues of relief that the law makes available to him.")). "Although an alien may be responsible for seeking relief, he is not responsible for the amount of time that such determinations may take." *Ly*, 351 F.3d at 272.

44. Mr. Abreu's immigration proceedings remain pending in the Miami Immigration Court. He is scheduled for an Individual Immigration Hearing on February 4, 2026 at the Miami Immigration Court. *See* Electronic Notice of Immigration Hearing attached as Exhibit "D". This is nearly one year from the date of this filing.

45. For these reasons, Mr. Abreu's continued detention by Respondents is unlawful and in violation of procedural due process under the Fifth Amendment.

**COUNT FOUR
RECOVERY OF ATTORNEY FEES AND COSTS**

46. Mr. Abreu re-alleges and incorporates by reference paragraphs 1 through 26 above.

47. 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 this Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Issue an order directing Respondents to show cause why the writ should not be granted;
- c) Issue a writ of habeas corpus ordering Respondents to release Mr. Abreu on his own recognizance or under parole, a low bond, or other reasonable conditions of supervision;

- d) Award Petitioner reasonable costs and attorney's fees; and
- e) Grant any other relief which this Court deems just and proper.

Date: February 18, 2025

Respectfully submitted:

/s/ Carlos F. Gonzalez
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-and-

/s/ Louize Fiore
Louize Fiore
Florida Bar No. 1011304
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Telephone: (954) 394-7599
Facsimile: (954) 653-4617
Counsel for Petitioner Frederico Abreu

VERIFICATION OF COUNSEL

I, Louize Fiore as immigration counsel for Frederico Abreu as Petitioner, have firsthand knowledge of the facts asserted herein. As such, I, Louize Fiore, 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.



Louize Fiore
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Counsel for Petitioner


EXHIBIT A

Aequibelli Law, PLLC.

PH: (954) 278-9667 • Fax: (954) 653-4617 • Email: louize.fiore@aequibellilaw.com

February 10, 2025


DO Eric Porrata Rodriguez

Frederico Abreu (A# )

Krome SPC

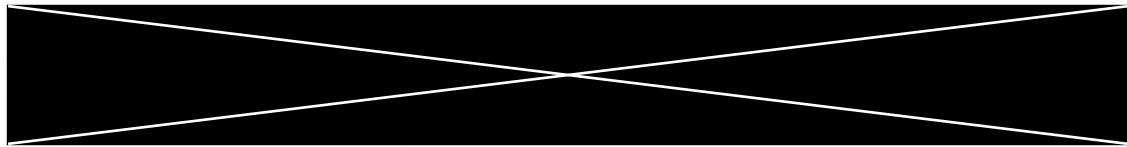
18201 SW 12 St.

Miami FL 33194

Re: Frederico Abreu (A# )

Dear Officer Porrata Rodriguez:

Our office represents Mr. Frederico Abreu. He was apprehended by ICE on Saturday (02/08/25).



Mr. Abreu is also HIV Positive whereas he has several ailments due to this diagnosis. *See Medical Records from FBP.* Upon his apprehension, ICE did not permit him to gather his medication. As of now, no one has access to Mr. Abreu's residency to obtain his medication, which is necessary to maintain his life.

Mr. Abreu was released in ATD on or about December of 2020, whereas he was released from federal custody and remains compliant with his federal probation. *See Email from Senior United States Probation Officer Jennifer Darden dated February 11, 2025.*

Additionally, he is and has been working with HSI whereas he appears to be able to receive deferred action and/or a U Visa Certification. The only barrier to these relief options lies on Mr. Abreu completing his federal probation, which it appears will be completed by this year. Mr. Abreu's individual hearing is not to occur until February of 2026.

For these reasons, we respectfully request the consideration of Mr. Abreu's release on ATD as: (1) [REDACTED]; (2) he has many medical ailments that must be treated daily to ensure his life; (3) he has two types of relief available (Deferred Action and U Visa); (4) he has an Individual Hearing scheduled for one year from now. The following documents are attached to this package for consideration:

1. Certified Marriage Certificate
2. Medical Records from FBP
3. Email from Senior United States Probation Officer Jennifer Darden

If you have any questions, please contact me directly at 954-394-7599 or via email at louize.fiore@aequibellilaw.com.

Sincerely,

/s/Louize Fiore, Esq.

Louize Fiore, Esq.

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