

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DEFENDANT  
DHS  
DEPARTMENT  
HOME  
SECURITY

APR 17 2025 AM 9:55  
FILED - USDC - FLMD - ORL

# PRO SE HABEAS CORPUS PETITION

## WITH URGENT REQUEST FOR TEMPORARY RESTRAINING ORDER (TRO)

Petitioner: Evandro Marchesini Lagos

Nationality: Italian

Date of Birth: November 21, 1964

Current Residence: Living temporarily in a shelter in Orlando, Florida, while awaiting judicial process

A-Number: A#



Pro Se Petition Pursuant to 28 U.S.C. § 2241

### 1. INTRODUCTION AND QUALIFICATION

Petitioner, Evandro Marchesini Lagos, an Italian national born on November 21, 1964, widowed, currently residing in a shelter in Orlando, Florida while awaiting justice and legal process, respectfully petitions this Honorable Court for a Writ of Habeas Corpus with an emergency request for a Temporary Restraining Order (TRO), pursuant to 28 U.S.C. § 2241, the Fifth Amendment (Due Process Clause) of the U.S. Constitution, the Alien Enemies Act of 1798, and the Immigration and Nationality Act (INA).

This action is brought against the unlawful and unconstitutional acts of the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), USCIS, and any agents involved in the execution of summary removal orders without proper legal process.

Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando Division – April 2025

## 2. OBJECT OF THE ACTION

This habeas petition seeks to prevent the arbitrary and expedited deportation of the Petitioner, who entered the United States legally under Humanitarian Parole and currently has a hearing scheduled before an Immigration Judge on May 27, 2025.

Petitioner respectfully requests that this Court suspend any removal actions until due process is fully respected and his legal immigration proceedings are concluded, in accordance with constitutional and statutory protections.

## 3. STATEMENT OF FACTS

Petitioner is a dual citizen of Italy and Brazil, who spent the last 22 years legally residing in the United Kingdom as a permanent resident. His entire adult life, professional qualifications, and identity are rooted in European and U.S.-compatible institutions and values.

In recent years, especially after 2016, Petitioner became the target of political and economic persecution in the United Kingdom after becoming aware of sensitive matters of public interest. Over the course of his life, the Petitioner lost all of his closest family members in the United Kingdom. His brother passed away in 2002, his wife in 2010, and, more recently, his mother passed away in early 2024, after a long period in an extremely vulnerable state of health, living in a nursing home.

For years, the Petitioner resisted all forms of intimidation and persecution precisely because his mother depended on him and could not be left alone, in another country, abandoned. The moral and emotional bond prevented any attempt at early departure. He remained in the country until the last moment, ensuring dignity and comfort for his mother, whom he personally cremated after her death.

It was exactly after this loss — the last link that kept him rooted — that political and institutional persecution intensified drastically, as if the opponents had waited for the exact moment when the Petitioner was completely unprotected and without family obstacles to act with greater brutality and impunity.

His situation deteriorated, culminating in severe economic sabotage and threats to his safety and livelihood in 2024.

On January 1, 2025, Petitioner legally entered the United States via Orlando International Airport (MCO) and was granted Humanitarian Parole for one year after voluntarily presenting himself at the port of entry.

Since his arrival, Petitioner has been living in extreme vulnerability, currently residing in a shelter while awaiting justice and legal process, without access to government assistance, employment authorization, or Social Security benefits. All benefit applications were denied on the basis that Petitioner does not belong to designated groups such as CHNV (Cuba, Haiti, Nicaragua, Venezuela), despite many parolees from those countries also now facing mass  
Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando Division – April 2025

removals.

On April 11, 2025, Petitioner received a summary removal notice via email stating that his parole had been terminated and ordering him to leave the country within 7 days, without any opportunity to respond, no explanation, and without the notice appearing on the USCIS online system.

This notice was not issued by a judge and was delivered without due process, even though Petitioner has a scheduled immigration court hearing on May 27, 2025 — thus indicating a parallel administrative action in violation of federal law and constitutional protections.

Petitioner has committed no crime, has always complied with U.S. authorities, and is simply awaiting the conclusion of a legal process initiated upon lawful entry.

Additionally, Petitioner warned border agents that returning to Brazil is unsafe due to ongoing political persecution of former supporters of the ex-president, with over 120,000 people reportedly under surveillance or criminal investigation. Petitioner has reason to fear being on that list due to online expressions of support.

Petitioner also holds Italian citizenship, acquired through ancestry in 1993 after a seven-year process, but has never lived in Italy, never paid taxes or participated in any local system, and holds no personal, professional, or emotional ties to the country. He merely visited Italy as a tourist. Thus, Italy does not constitute a safe or viable destination.

#### **4. LEGAL BASIS (GROUNDS FOR RELIEF)**

This petition is brought pursuant to 28 U.S.C. § 2241, which authorizes habeas corpus relief when a person is unlawfully detained or faces imminent unlawful removal without proper judicial process.

The Fifth Amendment of the U.S. Constitution guarantees that no person shall be deprived of liberty without due process of law. In this case, the Petitioner:

- Entered the United States lawfully under DHS-supervised Humanitarian Parole;
- Has an official immigration hearing scheduled for May 27, 2025;
- Was issued a removal directive outside of USCIS's formal system, without judicial review or explanation.

The Alien Enemies Act of 1798, while cited in recent policy changes, does not permit mass removals of individuals lawfully present under parole, without judicial oversight and the right to contest deportation.

Furthermore, the principle of non-refoulement — recognized under both U.S. law and international treaties to which the United States is a signatory — prohibits returning an individual to any country where they may face persecution, torture, or threats to life. This includes Brazil, the United Kingdom, and Italy, for reasons detailed above.

Additionally, courts have found that removal prior to adjudication of a pending immigration hearing violates due process and undermines the integrity of the judicial system.

Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando Division – April 2025

## 5. IMMINENT DANGER AND URGENCY (TRO)

On April 11, 2025, Petitioner received a sudden deportation order via email, with only 7 days' notice and no opportunity to respond or appeal. This directive was not uploaded to his USCIS case account and appears to have bypassed judicial channels.

Immediate deportation would result in:

- Irreparable harm to Petitioner's physical safety, mental health, and reputation;
- Loss of the opportunity to present his defense before the Immigration Court on May 27, 2025;
- Violation of the principle of due process and abuse of executive power;
- Potential deportation to countries where Petitioner faces real, documented risks or absolute abandonment.

Petitioner's only lifeline is the legal process now underway. Any removal before the conclusion of this process would cause irreversible consequences and violate constitutional protections.

Moreover, Petitioner notes that a federal legal dispute is ongoing between the current and former administrations regarding the legality of mass parole cancellations — including actions based on or influenced by the Alien Enemies Act. These legal questions are still unresolved and may reach the Supreme Court. Until that matter is settled, the rights of individuals like Petitioner remain in jeopardy.

Therefore, Petitioner requests that this Court stay any deportation or removal action until the final resolution of both his individual immigration proceedings and the broader constitutional challenge now pending before the federal judiciary.

## 6. PRAYER FOR RELIEF

In light of the foregoing, the Petitioner respectfully requests that this Court:

- Grant an emergency Temporary Restraining Order (TRO) to halt any removal or deportation, under the authority of 28 U.S.C. § 2241, and consistent with the Fifth Amendment right to due process;
- Extend the TRO until the final adjudication of:
  - Petitioner's pending immigration hearing on May 27, 2025;
  - Any future continuations, appeals, or motions resulting from that hearing;
  - And the constitutional litigation regarding the legality of the government's mass parole revocation policy;
- Explicitly prohibit deportation to Brazil, the United Kingdom, or Italy, due to documented risks of persecution, hostility, or total lack of reintegration support;
- Affirm Petitioner's right to due process, legal defense, and access to judicial review;
- Permit Petitioner to proceed pro se, without legal representation, due to financial hardship;
- Waive all court fees pursuant to Form AO 240 (Application to Proceed In Forma Pauperis);
- Allow service of process and communications to be conducted via accessible methods, given Petitioner's vulnerable condition and lack of permanent housing.

Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando Division – April 2025

## **7. FINAL CONSIDERATIONS – WHY THE UNITED STATES?**

### **Final Considerations – Why the United States?**

The Petitioner did not choose this country at random. For him, the United States represents the only place where his personal, cultural and moral identity found true resonance and acceptance.

In 1982, at just 16 years of age, he had the privilege of living one of the happiest periods of his life as an exchange student at Eureka High School in Illinois. It was there, together with his American parents, that he learned the values that would shape him forever: freedom, justice, respect, dignity, opportunity and courage.

Later, these same principles were recognized by American institutions. In 2011 and 2012, the Petitioner was registered and honored by the American Biographical Institute as a “promoter of world peace” for his services in projects linked to the UN and the international community, especially during the term of Secretary-General Kofi Annan. This honor was not political, nor was it the result of a recommendation — it was symbolic and spontaneous, without waiting or knowing about its existence, the result of a life dedicated to service.

During 22 years in the United Kingdom, he had to change his focus, as he was with his mother who had dementia there and, as a result, he had to live more locally and consolidated his professional career in the hospitality sector, accumulating vast experience and several certifications in the hospitality sector. Today, he is in Orlando — one of the largest tourist destinations in the world —, a city where, with the release of his work permit, he could survive with dignity, even if temporarily, without depending on the State, only on his own efforts.

In addition, the Petitioner wishes, with time and the right means, to save something even more precious: his name.

After years of silent persecution, sabotage and manipulation of his life in the United Kingdom, his name was placed in a situation of discredit and indebtedness — not due to personal failures, but due to actions

Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando  
Division – April 2025



attributed to hostile institutional forces. If he is given the necessary time, he will be able to seek to make amends for the damages suffered by the people and banking institutions to which he owed money in that country. This act will not be out of obligation — but out of conscience, honor, and self-respect.

Despite his poverty, lack of residence, and lack of possible family support, the Petitioner sincerely thanks the United States for still being alive. As difficult as his journey has been, this is the country that has, up until now, given him the opportunity to be heard, to ask for help, to tell his story — with truth and dignity.

All he asks for is: time, justice, and dignity. That he be allowed the chance to complete the legal process already recognized upon his entry. That he may, if necessary, leave on his own two feet, as he entered — through the front door, with honor, not as a criminal deported without trial, without defense, without hearing, and still punished for possible return due to deportation and with his name stained among Americans.

The Petitioner has no country to return to safely. He has no support network. He has no one. But he has a name—and a story. And it is in their name that he calls for justice. America, in this moment, is not only saving his life—it is also saving his dignity. And so he asks this Court to consider his case under the umbrella of the Constitution, justice, and the eternal values of the American nation: freedom, compassion, truth, and human dignity.

## 8. A SOLEMN PLEA

I thank this nation for preserving my life, even in extreme poverty. But I ask this Honorable Court to allow me to protect what I still possess: my dignity and my name.

If I must one day leave, let it be with honor — not branded as a criminal, but as someone who entered through the front door, and simply wishes to leave the same way.

I do not have a country to return to.

I do not have a home.

But I have my name — and in its defense, I stand.

I respectfully ask the United States to uphold the values that make this country a beacon to the world:

Liberty. Justice. Dignity. Truth.

And to allow me to complete what I began: legally, peacefully, and in good faith.

Respectfully submitted,

Evandro Marchesini Lagos

Email: elagos2111@proton.me

Phone: +1 [REDACTED]

Evandro Marchesini Lagos – Pro Se – Habeas Corpus – Middle District of Florida – Orlando Division – April 2025

# PETITION FOR WRIT OF HABEAS CORPUS

## WITH REQUEST FOR EMERGENCY TEMPORARY RESTRAINING ORDER (TRO)

### Pro Se Petition Pursuant to 28 U.S.C. § 2241

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## 1. INTRODUCTION AND QUALIFICATION

Petitioner, **Evandro Marchesini Lagos**, an Italian national born on November 21, 1964, widowed, currently residing in a shelter in Orlando, Florida while awaiting justice and legal process, respectfully petitions this Honorable Court for a Writ of Habeas Corpus with an emergency request for a Temporary Restraining Order (TRO), pursuant to **28 U.S.C. § 2241**, the **Fifth Amendment (Due Process Clause)** of the U.S. Constitution, the **Alien Enemies Act of 1798**, and the **Immigration and Nationality Act (INA)**.

This action is brought against the unlawful and unconstitutional acts of the **U.S. Department of Homeland Security (DHS)**, **U.S. Immigration and Customs Enforcement (ICE)**, **USCIS**, and any agents involved in the execution of summary removal orders without proper legal process.

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## 2. OBJECT OF THE ACTION

This habeas petition seeks to **prevent the arbitrary and expedited deportation** of the Petitioner, who entered the United States legally under **Humanitarian Parole** and currently has a hearing scheduled before an Immigration Judge on **May 27, 2025**.

Petitioner respectfully requests that this Court **suspend any removal actions** until due process is fully respected and his legal immigration proceedings are concluded, in accordance with constitutional and statutory protections.

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## 3. STATEMENT OF FACTS

Petitioner is a dual citizen of Italy and Brazil, who spent the last **22 years legally residing in the United Kingdom** as a permanent resident. His entire adult life, professional qualifications, and identity are rooted in European and U.S.-compatible institutions and values.

In recent years, especially after **2016**, Petitioner became the target of **political and economic persecution** in the United Kingdom after becoming aware of sensitive matters of public interest. Over the course of his life, the Petitioner lost all of his closest family members in the United Kingdom. His brother passed away in 2002, his wife in 2010, and, more recently, his mother

passed away in early 2024, after a long period in an extremely vulnerable state of health, living in a nursing home.

For years, the Petitioner resisted all forms of intimidation and persecution precisely because his mother depended on him and could not be left alone, in another country, abandoned. The moral and emotional bond prevented any attempt at early departure. He remained in the country until the last moment, ensuring dignity and comfort for his mother, whom he personally cremated after her death.

It was exactly after this loss — the last link that kept him rooted — that political and institutional persecution intensified drastically, as if the opponents had waited for the exact moment when the Petitioner was completely unprotected and without family obstacles to act with greater brutality and impunity.

his situation deteriorated, culminating in **severe economic sabotage and threats** to his safety and livelihood in 2024.

On **January 1, 2025**, Petitioner **legally entered the United States via Orlando International Airport (MCO)** and was granted **Humanitarian Parole for one year** after voluntarily presenting himself at the port of entry.

Since his arrival, Petitioner has been living in **extreme vulnerability**, currently residing in a **shelter while awaiting justice and legal process**, without access to government assistance, employment authorization, or Social Security benefits. All benefit applications were denied on the basis that Petitioner does not belong to designated groups such as CHNV (Cuba, Haiti, Nicaragua, Venezuela), despite many parolees from those countries also now facing mass removals.

On **April 11, 2025**, Petitioner received a **summary removal notice via email** stating that his parole had been terminated and ordering him to leave the country within **7 days**, without any opportunity to respond, no explanation, and without the notice appearing on the USCIS online system.

This notice was **not issued by a judge** and was delivered **without due process**, even though Petitioner has a scheduled immigration court hearing on May 27, 2025 — thus indicating a **parallel administrative action in violation of federal law and constitutional protections**.

Petitioner has **committed no crime**, has always complied with U.S. authorities, and is simply awaiting the conclusion of a legal process initiated upon lawful entry.

Additionally, Petitioner warned border agents that returning to **Brazil** is unsafe due to ongoing **political persecution** of former supporters of the ex-president, with **over 120,000 people**



**reportedly under surveillance** or criminal investigation. Petitioner has reason to fear being on that list due to online expressions of support.

Petitioner also holds **Italian citizenship**, acquired through ancestry in 1993 after a seven-year process, but **has never lived in Italy**, never paid taxes or participated in any local system, and holds **no personal, professional, or emotional ties** to the country. He merely visited Italy as a tourist. Thus, Italy does **not constitute a safe or viable destination**.

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#### 4. LEGAL BASIS (GROUNDS FOR RELIEF)

This petition is brought pursuant to **28 U.S.C. § 2241**, which authorizes habeas corpus relief when a person is unlawfully detained or faces imminent unlawful removal without proper judicial process.

The **Fifth Amendment of the U.S. Constitution** guarantees that no person shall be deprived of liberty without **due process of law**. In this case, the Petitioner:

- Entered the United States lawfully under DHS-supervised Humanitarian Parole;
- Has an official immigration hearing scheduled for **May 27, 2025**;
- Was issued a removal directive **outside of USCIS's formal system**, without judicial review or explanation.

The **Alien Enemies Act of 1798**, while cited in recent policy changes, **does not permit mass removals** of individuals lawfully present under parole, without judicial oversight and the right to contest deportation.

Furthermore, the principle of **non-refoulement** — recognized under both **U.S. law** and **international treaties** to which the United States is a signatory — prohibits returning an individual to any country where they may face **persecution, torture, or threats to life**. This includes **Brazil, the United Kingdom, and Italy**, for reasons detailed above.

Additionally, courts have found that **removal prior to adjudication** of a pending immigration hearing violates **due process** and undermines the integrity of the judicial system.

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#### 5. IMMINENT DANGER AND URGENCY (TRO)

On **April 11, 2025**, Petitioner received a sudden deportation order via email, with **only 7 days' notice** and no opportunity to respond or appeal. This directive was not uploaded to his USCIS case account and appears to have bypassed judicial channels.



Immediate deportation would result in:

- Irreparable harm to Petitioner's **physical safety, mental health, and reputation**;
- Loss of the opportunity to present his defense before the Immigration Court on **May 27, 2025**;
- Violation of the **principle of due process** and abuse of executive power;
- Potential deportation to countries where Petitioner faces **real, documented risks** or **absolute abandonment**.

Petitioner's **only lifeline is the legal process** now underway. Any removal before the conclusion of this process would cause **irreversible consequences** and violate **constitutional protections**.

Moreover, Petitioner notes that a **federal legal dispute is ongoing** between the current and former administrations regarding the legality of mass parole cancellations — including actions based on or influenced by the **Alien Enemies Act**. These legal questions are **still unresolved** and may reach the **Supreme Court**. Until that matter is settled, the rights of individuals like Petitioner remain in jeopardy.

Therefore, Petitioner requests that this Court **stay any deportation or removal action** until the final resolution of **both his individual immigration proceedings** and the broader **constitutional challenge now pending before the federal judiciary**.

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## 6. PRAYER FOR RELIEF

In light of the foregoing, the Petitioner respectfully requests that this Court:

1. Grant an **emergency Temporary Restraining Order (TRO)** to halt any removal or deportation, under the authority of **28 U.S.C. § 2241**, and consistent with the **Fifth Amendment** right to due process;
2. Extend the TRO until the **final adjudication** of:
  - Petitioner's pending immigration hearing on **May 27, 2025**;
  - Any future continuations, appeals, or motions resulting from that hearing;

- o And the **constitutional litigation** regarding the legality of the government's mass parole revocation policy;
- 3. Explicitly prohibit deportation to **Brazil, the United Kingdom, or Italy**, due to documented **risks of persecution, hostility, or total lack of reintegration support**;
- 4. Affirm Petitioner's right to **due process, legal defense, and access to judicial review**;
- 5. Permit Petitioner to proceed **pro se**, without legal representation, due to financial hardship;
- 6. Waive all court fees pursuant to **Form AO 240** (Application to Proceed In Forma Pauperis);
- 7. Allow service of process and communications to be conducted via **accessible methods**, given Petitioner's **vulnerable condition** and **lack of permanent housing**.

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## 7. FINAL CONSIDERATIONS – WHY THE UNITED STATES?

### CONSIDERAÇÕES FINAIS – POR QUE OS ESTADOS UNIDOS?

The Petitioner did not choose this country at random. For him, the United States represents the only place where his personal, cultural and moral identity found true resonance and acceptance.

In 1982, at just 16 years of age, he had the privilege of living one of the happiest periods of his life as an exchange student at Eureka High School in Illinois. It was there, together with his American parents, that he learned the values that would shape him forever: freedom, justice, respect, dignity, opportunity and courage.

Later, these same principles were recognized by American institutions. In 2011 and 2012, the Petitioner was registered and honored by the American Biographical Institute as a “promoter of world peace” for his services in projects linked to the UN and the international community, especially during the term of Secretary-General Kofi Annan. This honor was not political, nor was it the result of a recommendation — it was symbolic and spontaneous, without waiting or knowing about its existence, the result of a life dedicated to service.

During 22 years in the United Kingdom, he had to change his focus, as he was with his mother who had dementia there and, as a result, he had to live more locally and consolidated his professional career in the hospitality sector, accumulating vast experience and several certifications in the hospitality sector. Today, he is in Orlando — one of the largest tourist destinations in the world —, a city where, with the release of his work permit, he could survive with dignity, even if temporarily, without depending on the State, only on his own efforts.

In addition, the Petitioner wishes, with time and the right means, to save something even more precious: his name.

After years of silent persecution, sabotage and manipulation of his life in the United Kingdom, his name was placed in a situation of discredit and indebtedness — not due to personal failures, but due to actions attributed to hostile institutional forces. If he is given the necessary time, he will be able to seek to make amends for the damages suffered by the people and banking institutions to which he owed money in that country. This act will not be out of obligation — but out of conscience, honor, and self-respect.

Despite his poverty, lack of residence, and lack of possible family support, the Petitioner sincerely thanks the United States for still being alive. As difficult as his journey has been, this is the country that has, up until now, given him the opportunity to be heard, to ask for help, to tell his story — with truth and dignity.

All he asks for is: time, justice, and dignity. That he be allowed the chance to complete the legal process already recognized upon his entry. That he may, if necessary, leave on his own two feet, as he entered — through the front door, with honor, not as a criminal deported without trial, without defense, without hearing, and still punished for possible return due to deportation and with his name stained among Americans.

The Petitioner has no country to return to safely. He has no support network. He has no one. But he has a name—and a story. And it is in their name that he calls for justice. America, in this moment, is not only saving his life—it is also saving his dignity. And so he asks this Court to consider his case under the umbrella of the Constitution, justice, and the eternal values of the American nation: freedom, compassion, truth, and human dignity.

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## 8. A SOLEMN PLEA

**I thank this nation for preserving my life, even in extreme poverty. But I ask this Honorable Court to allow me to protect what I still possess: my dignity and my name.**


If I must one day leave, let it be **with honor** — not branded as a criminal, but as someone who **entered through the front door**, and simply wishes to leave the same way.

**I do not have a country to return to.  
I do not have a home.  
But I have my name — and in its defense, I stand.**

I respectfully ask the United States to uphold the values that make this country a beacon to the world:

**Liberty. Justice. Dignity. Truth.**

And to allow me to complete what I began: **legally, peacefully, and in good faith.**



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**Respectfully submitted,**  
**Evandro Marchesini Lagos**  
April 15, 2025  
Orlando, Florida – USA





### **Mailing Labels for Legal Packet Submission**

#### **Label 1 – UNITED STATES DISTRICT COURT**

To:

Clerk of Court

United States District Court

Middle District of Florida – Orlando Division

401 West Central Boulevard, Suite 1200

Orlando, FL 32801-0120

**\*\*Contains: Habeas Corpus Petition + TRO Motions + AO240 Form + Exhibits\*\***

Requested: Certified Mail + Return Receipt

#### **Label 2 – USCIS National Benefits Center (NBC)**

To:

USCIS – National Benefits Center

Attn: Humanitarian Parole / Legal Processing

P.O. Box 648010

Lee's Summit, MO 64064

**\*\*Contains: Copy of Federal Habeas Corpus Petition (for administrative record)\*\***

Requested: Certified Mail + Return Receipt

#### **Label 3 – Department of Homeland Security (HQ)**

To:

Department of Homeland Security (DHS)

Office of General Counsel – Immigration Enforcement

2707 Martin Luther King Jr Ave SE

Washington, DC 20528-0485

**\*\*Contains: Copy of Legal Petition – Emergency Filing Notification\*\***

Requested: Certified Mail + Return Receipt

ice – IMMIGRATION AND CUSTOMS ENFORCEMENT ( REGIONAL FIELD OFFICE)

3535 LOWTON Road , suite 20

Orlando , FL 32803

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