

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI, FL DIVISION**

RUIZ GONZALEZ, Javier	)	
Petitioner,	)	
	)	
v.	)	
	)	
	)	
KRISTI LYNN ARNOLD NOEM , in her	)	
capacity as the Secretary of the Department of	)	
The Department of Homeland Security, and	)	
TODD LYONS , in his capacity as the Acting	)	
Director of U.S. Immigration and Customs	)	
Enforcement, and	)	
GARRETT RIPA , in his capacity	)	
as the Miami Field Office Director for U.S.	)	
Immigration, and Customs Enforcement, and	)	
CYNTHIA SWAIN , in her capacity as the	)	
Director of the Broward Transitional Center	)	
at Pompano Beach, FL.	)	
Respondents.	)	

Case No. Choose an item.

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 USC §§ 2241, 2242, and 2243**

Petitioner Javier Ruiz Gonzalez petitions the Court for a Writ of Habeas Corpus to remedy his unlawful custody by the respondents, and for an order directing the respondents to show cause why the Writ should not be granted; and for an order enjoining the respondents from relocating him to a detention facility outside the jurisdiction of this Court until after the Court has disposed of his Petition for Writ of Habeas Corpus.

INTRODUCTION:

1. The petitioner is a (48) year old USCIS work-authorized, Mexican citizen, whose INA section 240 removal proceedings were administratively closed in January 2014 (**Exhibit 1 – Petitioner's Passport Page, Exhibit 2 – USCIS Approved Employment Authorization Document, and Exhibit 3 – Orlando, FL IJ's January 14, 2014, Administrative Closure Order**).
2. The petitioner is married to a U.S. citizen with whom he shares three United States-born children aged (11), (10) and (7) years old (**Exhibit 4 – Petitioner's Marriage Certificate, Exhibit 5 – Petitioner's Spouse's Certificate of Naturalization, Exhibits 6, 7, and 8 - Birth Certificates of Petitioner's USC Children**).
3. The petitioner lived in Leesburg, FL, with his spouse and children until May 13, 2025, when ICE officials unlawfully removed him from a Sumter County, FL worksite and transported him to the Miami Krome Detention Center, where he was detained until May 17, 2025, when respondents relocated him to the Pompano Beach, FL Broward Transitional Center where he remains detained (**Exhibit 9 – ICE Detainee Locator**).

PARTIES:

4. The **petitioner, Javier Ruiz Gonzalez**, is in Orlando, FL, administratively closed removal proceedings, which the Orlando, FL immigration judge administratively closed on January 14, 2014. He is also the recipient of a Miami, FL immigration judge's February 28, 2011, INA section 236 immigration bond order, which a family member posted on March 3, 2011 (**Exhibit 3 – Orlando, FL IJ's January 14, 2014, Administrative Closure Order, Exhibit 10 – Miami, FL IJ's February 28, 2011, Bond Order, and Exhibit 11 – ICE Forms I-352 and I-305 Immigration Bond Receipt**).

5. The **respondent, Kristi Lynn Arnold Noem**, is the Secretary of the Department of Homeland Security (DHS) and is being sued in her official capacity as the DHS Secretary responsible for the enforcement of the immigration laws through the DHS' sub-agency U.S. Immigration Customs and Enforcement (ICE).
6. The **respondent, Todd Lyons**, is the acting Director of U.S. Immigration and Customs Enforcement (ICE) and is being sued in his official capacity as the ICE's Deputy Director.
7. The **respondent, Garrett Ripa**, is the Miami, FL, Field Office Director for ICE and is being sued in his official capacity as the Field Office Director, who has jurisdiction and authority over the petitioner's custody status.
8. The **respondent, Cynthia Swain** is the facility director of the Broward Transitional Center of Pompano Beach, FL, and is being sued in her official capacity as facility director of the Broward Transitional Center with authority and control over the petitioner's custody status.

VENUE:

9. Venue is proper in the Southern District of Florida under 28 USC § 2241(a) because the respondents are unlawfully restraining the petitioner in the Southern District, and the respondents are present and maintain offices in the territorial jurisdiction of the Southern District of Florida.

FACTUAL ALLEGATIONS:

The petitioner alleges:

10. The factual allegations made in the INTRODUCTION, PARTIES, and VENUE sections of the Petition are incorporated herein.
11. The petitioner last entered the United States in 1998 without inspection.

12. In early 2011, he was detained in the Southern District of Florida by immigration officials and placed in INA section 240 removal proceedings.
13. On February 28, 2011, a Miami, FL Immigration Court judge ordered the petitioner released on a \$7,500 immigration bond, which was posted on March 3, 2011 (**Exhibit 10 – Miami, FL IJ's February 28, 2011, Bond Order** and **Exhibit 11 – ICE Forms I-352 and I-305 Immigration Bond Receipt**).
14. On January 14, 2014, an Orlando, FL, Immigration Judge ordered the petitioner's INA section 240 removal proceedings to be administratively closed. The administrative closure order was not appealed, nor has the immigration court reopened the petitioner's admin-closed removal proceedings.
15. The petitioner has not violated any of the conditions of his bond release (**Exhibit 12 – Petitioner's FDLE Criminal Background Record**) and has worked with a valid government-issued work document since his proceedings were admin-closed.
16. On May 13, 2025, the respondents' agents encountered the petitioner at his "**The Villages**" construction worksite in central Florida. They next transported him to their Krome Detention Center, where they detained him until May 17, 2025, when they relocated him to their Broward Transitional Detention Center in Pompano Beach, FL.
17. It has been common practice for the respondents to relocate detained aliens from the Southern District of Florida to detention facilities in Louisiana, Texas, New Mexico, and California, hindering their counsels' ability to provide effective assistance and causing their family members unreasonable time and financial expenditures to personally testify on behalf of their claims for relief in detention court proceedings.

JURISDICTION:

18. This action arises under the Constitution of the United States. The Court also has subject matter jurisdiction under 28 USC §2241(a) and (c)(1), (2), and (3) and Article I, Section

9, Clause 2 of the United States Constitution which states: "*The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.*".

CLAIMS FOR RELIEF:

19. The petition's claim requires a prompt hearing for a temporary restraining order or general relief because of the respondents' practice of flouting procedural rules and court orders by relocating and refusing to return detained aliens to facilities thousands of miles from the alien's immigration counsel, obstructing the provision of effective assistance of counsel and prompt compliance with court orders. Furthermore, relocating detained aliens from their family residence causes unreasonable hardships for local witnesses to attend relief hearings and for family members to visit their alien relatives.
20. The respondents' detention of the petitioner was an unlawful due process violation and unconstitutional trump/rescission of two Immigration Court judges' orders, one granting the respondent his due process constitutional liberty interest, and the other an out-of-court reversal of an immigration judge's order to close a removal proceeding to more effectively manage the Court's docket. Administrative closure orders cannot be altered without a judge's *sua sponte* order or a motion by DHS counsel or the petitioner. Additionally, there is no immigration court procedure for redetermining the custody status of a detained alien who was detained after being released on an Immigration Judge's bond order, who has not violated the terms of his bond release, and whose immigration proceedings are administratively closed.

WHEREFORE, the petitioner, pursuant to 28 USC §§ 2241, 2242, and 2243, is entitled to seek a Writ of Habeas Corpus temporarily restraining the respondents from relocating his custody status outside the jurisdiction of the Southern District of Florida; and a Writ requiring the respondents to bring the petitioner before this Court for an evidentiary hearing to determine

if his continued detention is lawful or is an unlawful denial of his Constitutional due process protections or in violation of the immigration laws of the United States; or for an order directing the respondents to show cause why the Writs and injunction should not be granted.

Dated: May 21, 2025

Vincent James Benincasa

Attorney for Petitioner
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Verification by Someone Acting on the Petitioner's Behalf Pursuant to 28 USC § 2242

I, Vincent James Benincasa, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I have discussed with the petitioner the events described in the petition. On the basis of those discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated May 21, 2025

Vincent James Benincasa

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TABLE OF AUTHORITIES

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