

Michelle Borton
Florida Bar 92272
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION**

FRANCISCO BRITO MATOM

Petitioner,

v.

MATTHEW MORDANT Warden,
Alligator Alcatraz];

GARRET RIPA Director of Miami Field Office,
U.S. Immigration and Customs Enforcement;

KRISTI DOE Secretary of the U.S. Department of
Homeland Security; and **PAT BONDI**)
Attorney General of the United States,)
in their official capacities,)

Respondents.

Case No. 25-648

PETITION FOR WRIT OF HABEAS CORPUS

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

1. Petitioner, Francisco Brito Matom is a Guatemala Citizen that has been detained in Alligator Alcatraz for over 14 days, without a warrant and without due process. Petitioner Brito is not in the EOIR System, he is not in the DHS system and is not in the ERO system making it impossible to represent him for a bond hearing. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus. See EOIR search, DHS search and ERO search as Exhibit A, B and C

2. Absent an order from this Court, the Petitioner will remain in custody without due process for an indefinite time.

3. Petitioner asks this Court to find that his constitutional rights have been violated and order his release.

JURISDICTION

4. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause)

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at Alligator Alcatraz Correctional Institution in Dade-Collier County, Florida which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and

imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner is a Guatemala Citizen that arrived at the United States on November 8, 2005. He has an application for asylum. See Exhibit D. Petitioner is currently detained at Alligator Alcatraz Correctional Facility since July 8, 2025. He is in the custody, and under the direct control, of Respondents and their agents.

11. Respondent **MATTHEW MORDANT** is the Warden Alligator Alcatraz Correctional Facility, and he has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent **MORDANT** is a legal custodian of Petitioner.

12. Respondent **GARRET RIPA** is sued in his official capacity as the Acting Director of the Miami Field Office of U.S. Immigration and Customs Enforcement. Respondent Ripa is a legal custodian of Petitioner and has the authority to release him.

13. Respondent **KRISTI NOEM** is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent **NOEM** is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention and custody. Respondent **NOEM** is a legal custodian of Petitioner.

14. Respondent is sued **PAT BOND** in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office

for Immigration Review (EOIR), which administers the immigration courts and the BIA.

Respondent BONDI is a legal custodian of Petitioner.

STATEMENT OF FACTS

15. Petitioner is a 37-year-old citizen of Guatemala. Petitioner, Brito has been in the United States for 20 years with no criminal background, he had a steady job for over 19 years and has been a good standing member of the church all these years. He has a Petition of Asylum and was waiting to do his biometrics. Making him eligible for a Bond Hearing and unreasonable to be detained on a Detention Center with such precarious conditions. See Criminal Background Check, Letter of Employer, Letter of the Church as Exhibit. E, F and G.

16. Petitioner was arrested without a warrant. He is not in the system and has not had a preliminary hearing or a bond. He has been detained illegally without his due process. Petitioners have suffered inhumane conditions as this detention center is not an adequate place to retain a person that has not committed any crimes.

LEGAL FRAMEWORK

17. 1. Constitutional Basis

- **U.S. Constitution, Article I, Section 9, Clause 2**

"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."

This **Suspension Clause** limits Congress and the executive from suspending habeas corpus except in extreme circumstances (e.g., war or rebellion).

2. Statutory Authority

Habeas corpus procedures are codified primarily in **Title 28 of the U.S. Code**:

- **28 U.S.C. § 2241** – General habeas corpus statute

Allows federal courts to hear petitions from:

- Federal prisoners
- State prisoners (in certain cases)
- Immigration detainees

3. Immigration Habeas Corpus

Non-citizens detained by U.S. immigration authorities may file habeas petitions under **28**

U.S.C. § 2241. This is especially relevant in cases of:

- Prolonged detention
 - Violation of due process rights
 - Challenges to removal orders (under limited circumstances)
-

4. Supreme Court Cases

- **Boumediene v. Bush (2008)**: Detainees at Guantánamo Bay have the constitutional right to file habeas corpus petitions.
 - **Brown v. Allen (1953)**: Expanded the use of habeas corpus to allow federal review of state court decisions.
 - **Fay v. Noia (1963)**: Emphasized habeas corpus as a safeguard of liberty, though later narrowed by AEDPA.
-

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

18. The allegations in the above paragraphs are realleged and incorporated herein.

19. Fifth Amendment protections apply to **non-citizens**, including undocumented immigrants the Respondent have violate the Due process to the Petitioner by:

- Detaining him without a warrant and removal proceedings
- Denying the continuance of his asylum without proper determination.
- By having prolonged or arbitrary detention without preliminary hearing or a bond hearing.

20. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1229a and Implementing Regulations

21. The allegations in the above paragraphs are realleged and incorporated herein.

22. The Petitioner has not been added to the System and due to this his attorney cannot file any remedy available for him with the respective agencies.

23. The Petitioner is under inhumane conditions, mosquito plague, detention flooding, roof leaking when raining that wets his bed and food depravation.

24. Petitioner is not provided with the ability to communicate with his Attorney making the representation difficult and improper.

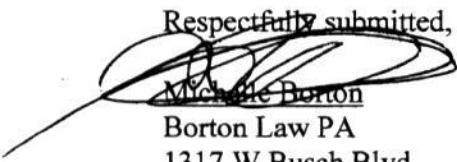
25. For these reasons, Petitioner's detention violates 8 U.S.C. § 1229a.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1229a.
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,



Michelle Borton

Borton Law PA
1317 W Busch Blvd
Tampa, FL 33612
813-350-0909
Florida Bar 92272
Counsel for Petitioner

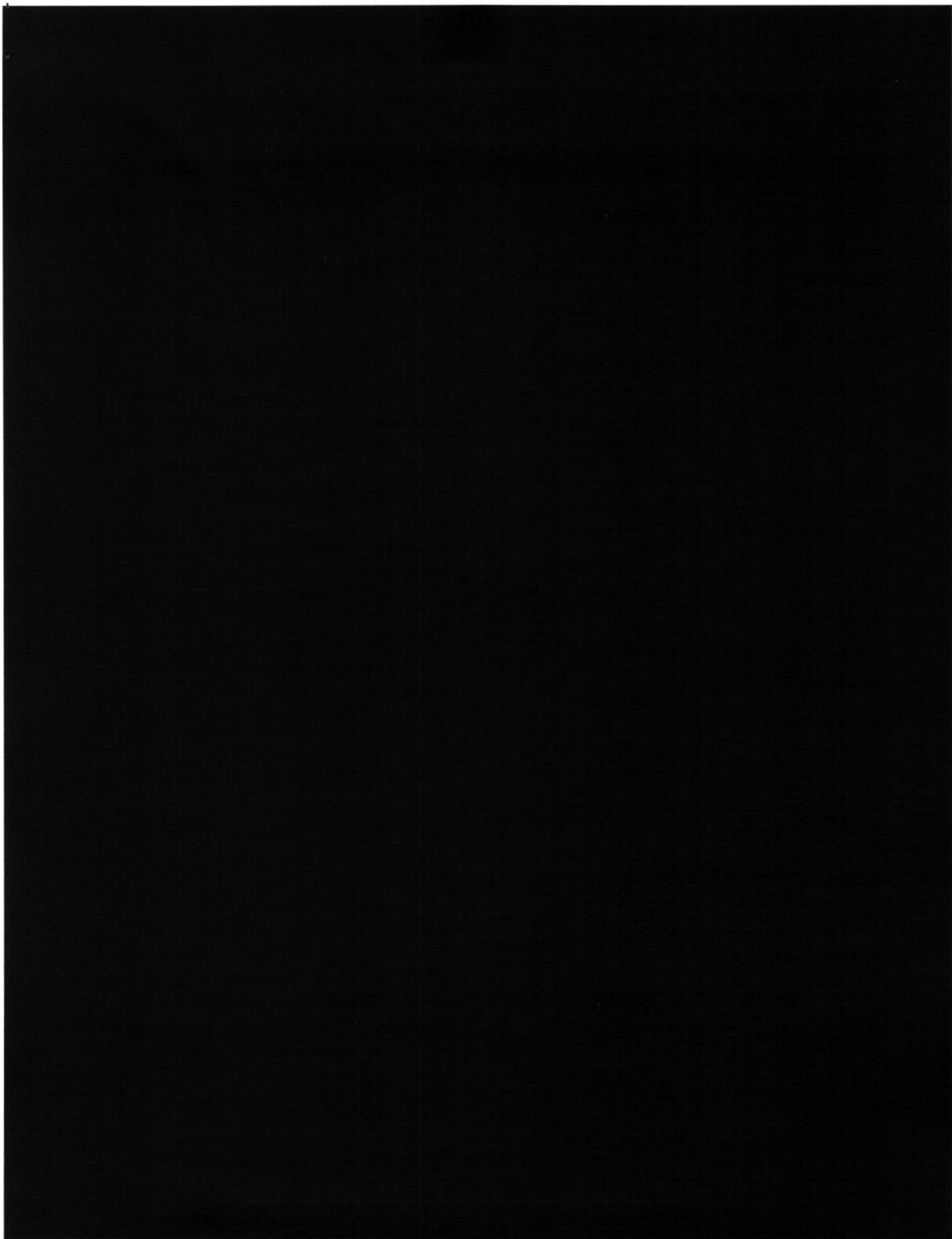
Dated: 07/2/2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Francisco Brito Matom and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 22 day of July 2025.

s Michelle Borton
Borton Law PA
1317 W Busch BLVD
Tampa, FL 33612
813-350-0909
Florida Bar 92272
Counsel for Petitioner





Report

Exhibit B

[Main Menu](#)

Search Results: 0

Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18.

If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee.

If you conducted an A-Number search you may want to try conducting a name-based search instead.

If you are unable to find the detainee using the Online Detainee Locator System, please contact your [local field office](#).

For more information on the Missing Migrant Program please visit [link](#).

[BACK TO SEARCH](#)

Related Information

Helpful Info

[Status of a Case](#)[About the Detainee Search](#)[Brochure](#)[ICE ERO Field Offices](#)[ICE Detention Facilities](#)

Information

Schedule a Legal Visit

x

Your client is not currently in a detention facility where they are accepting ERO eFile Legal Visitation scheduling.

Important Notice:

Close

Only selected detention facilities that are participating in the ERO eFile Scheduling application will be available for scheduling a visit. Please visit **ice.gov/eroefile** for more information.

* Client A-Number:

* Country of Birth:

☐ I don't know the A-Number


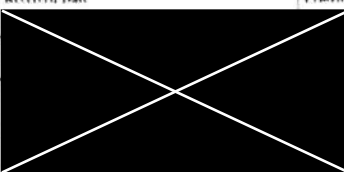
Next

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



		Case Type: I-589 APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date: 	Priority Date: 	Applicant: NAME (Last, First) BRITOMATOM FRANCISCO
		Notice Type: Receipt Notice

*** ACKNOWLEDGEMENT OF RECEIPT ***

Your complete Form I-589, Application for Asylum and for Withholding of Removal, has been received and is pending as of 12/07/2021.

You may remain in the United States until your asylum application is decided. Having a pending asylum application with USCIS does not preclude U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) from placing you into removal proceedings. If you wish to leave the United States while your application is pending, you must obtain advance parole or, for Temporary Protected Status (TPS) recipients, approval of Form I-5121, Authorization for Travel by a Noncitizen to the United States (sometimes referred to as MHA/TPS travel authorization), from USCIS or you may be considered to have abandoned your asylum application. You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (<https://www.uscis.gov/address/change>) or changing your address with the U.S. Postal Service will not change your address with USCIS.

BIOMETRICS APPOINTMENT AND ASYLUM INTERVIEW NOTICES

You will receive a notice informing you when you and those listed on your application as a spouse or child dependent must appear at an Application Support Center (ASC) for biometrics collection. You will also receive a notice informing you when you and those listed on your application as a spouse or child dependent must appear for an asylum interview. Those notices will contain instructions for what to bring to your ASC appointment and what to bring to your asylum interview.

WARNING: Failure to appear at the ASC for biometrics collection or for your asylum interview may affect your eligibility for employment authorization and may also result in the dismissal of your asylum application or referral of your asylum application to an immigration judge.

EMPLOYMENT AUTHORIZATION

You may file a Form I-765, Application for Employment Authorization, 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 90 days (for a total of 180 days, 90 days of the 180-day waiting period and the 90-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays from requests for research while your asylum application is pending with an asylum office or with the Immigration Court, 8 CFR 208.7(b)(2)).

Delays requested or caused by the applicant may include:

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on your change of address;
- A request to schedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence (if or after an interview);
- The submission of large volumes of evidence immediately on filing an address that requires case schedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

Applicant(s):

Alien Number



Name

BRITOMATOM FRANCISCO

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Main Asylum Office
U.S. CITIZENSHIP & IMMIGRATION SERVICE
1501 Biscayne Blvd., Suite 300
Miami, FL 33132

USCIS Contact Center: www.uscis.gov/contactcenter



1 Result Found for people named FRANCISCO BRITO born c [REDACTED] in the United States.

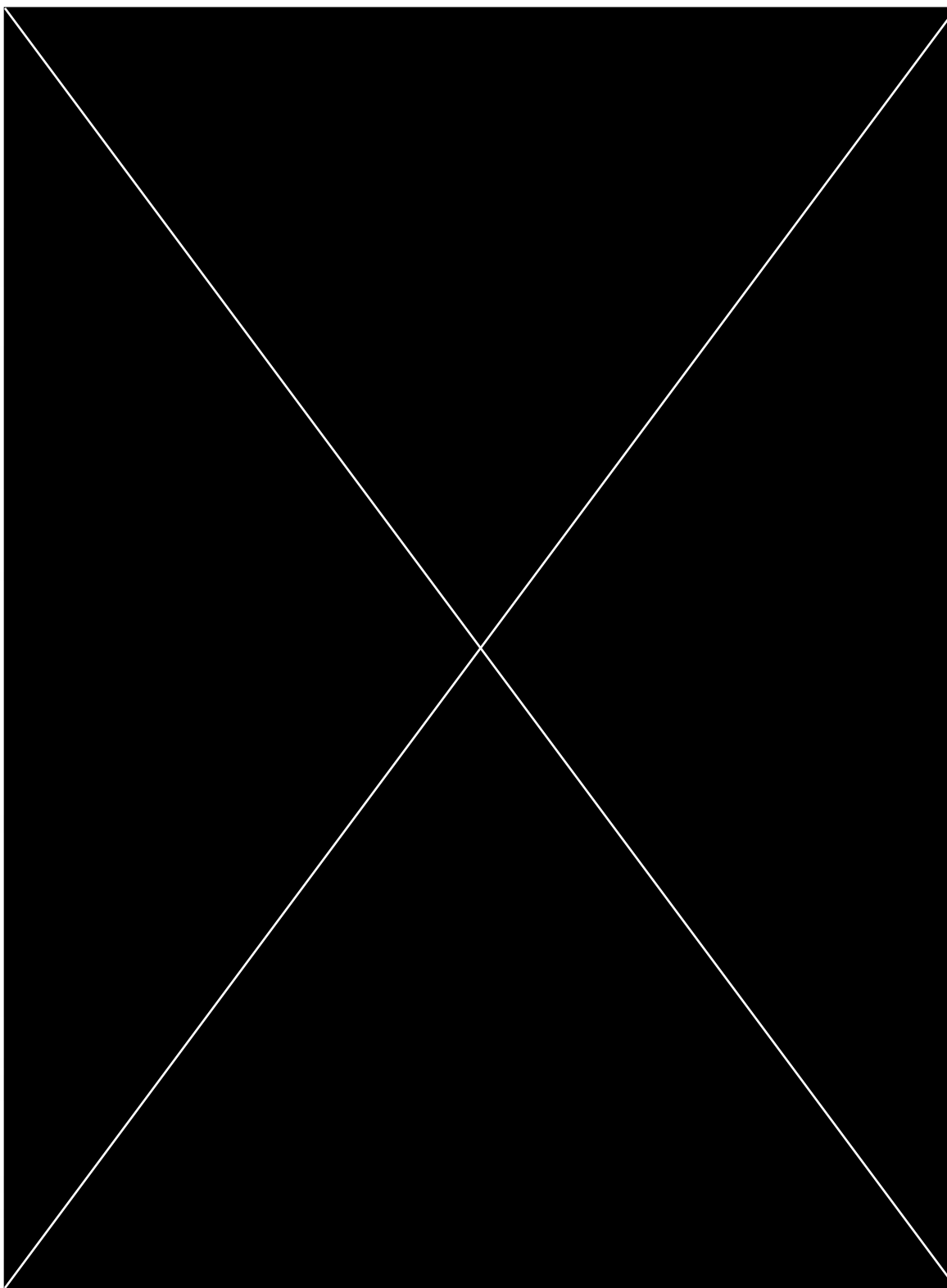


EXHIBIT B

Homestead July 18, 2025

Exhibit F

To Whom It May Concern

We hereby certify that Francisco Brito Matom works for our company Campus Construction Group with offices at 7925 nw 12th st Suite 104 Doral Fl 33126 for more than 5 years to date that he was detained by ICE.

He has always been an excellent employee, demonstrating punctuality and honesty. Francisco has good morals and is always willing to help anyone who needs it, he has never had problems with anyone within his workplace. Francis is not a danger to this society, on the contrary he has good principles and morals.

We extend this letter at the request of the interested party, for the purposes you think convenient you can contact us at the phone number of our office 786-295-2637 att Anthony Castro Works Supervisor.

We are left with you.

Kind regards



Anthony Castro

EXHIBIT C

Exhibit G



MINISTERIO INTERNACIONAL
IGLESIA ROCA FUERTE

159 SW 1ST AVE, HOMESTEAD FL 33030. TEL. 305-988-0117

oiglesiarocafuerte.org@gmail.com

WWW.IGLESIAROCAFUERTE.ORG

SWORN DECLARATION - PASTOR MIGUEL CARRILLO

- My name is Miguel Carrillo Corio, General Pastor of the Ministerio Internacial Iglesia Roca fuerte. I am a Legal Permanent Resident.
- Mr Francisco Brito Maton Mar, 2015, he joined our church and is currently an active congregation member.
- **VOLUNTARY WORK:** Serving in photography, maintenance, cleaning our church, has helped those in need on the streets of our city, and distributing food and water for the elderly, especially in times of pandemic.
- We consider him to be a good, exemplary, responsible and helpful person for our community as demonstrated in his years of service to our church and community.
- We appreciate your understanding and if you have any questions about the validity of this document, you can contact us during business hours, thank you.

X

PASTOR MIGUEL CARRILLO

07/09/25

MINISTERIO INTERNACIONAL
IGLESIA ROCA FUERTE
781625622

