

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

GAMA NUNEZ, Jose Antonio)	
Petitioner,)	
)	
v.)	
)	
KRISTI LYNN ARNOLD NOEM , in her capacity as the Secretary 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 J. RIPA , in his capacity as the Miami Field Office Director for U.S. Immigration and Customs Enforcement,)	
Respondents.)	
	/	

Case No. Choose an item.

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

Petitioner Jose Antonio Gama Nunez petitions the Court for a Writ of Habeas Corpus to remedy his unlawful custody by the respondents in violation of the Immigration & Nationality Act (INA) and the U.S. Constitution's 5th Amendment Due Process Clause, or for an order directing the respondents to show cause why the Writ should not be granted. He also seeks 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.

PARTIES:

1. The **petitioner, Jose Antonio GAMA NUNEZ**, resides in St. Lucie County, FL, and is in Miami, FL, removal proceedings in which the AG and Miami IJ provided him a bond release pursuant to 8 USC §1226(a)(2)(A) or INA §236(a)(2)(A).
2. 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's sub-agency U.S. Immigration and Customs Enforcement (ICE).
3. 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.
4. The **respondent, Garrett J. 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.

VENUE:

5. 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:

6. The petitioner is a 40-year-old USCIS employment-authorized, Mexican citizen, who is in INA §240 removal proceedings venued in the Miami, FL Immigration Court since March of 2020. The Immigration Court has scheduled an in person Master Hearing (status hearing) for March 6, 2026, at 8:30 AM before the Miami, FL Immigration Judge (IJ) at

333 S. Miami Avenue, Miami, FL 33130 (**Exhibit 1 – Petitioner's Mexican Passport, Exhibit 2 – Copy USCIS Approved Employment Authorization Document, and Exhibit 3 – Notice of In Person Hearing and the Automated EOIR Case Information**).

7. On April 2, 2020, the Miami, FL IJ issued a bond order providing for the respondent's release upon posting a \$15,000 bond (**Exhibit 4 – Miami, FL IJ's April 2, 2020 Bond Order**). Shortly after the bond order, the petitioner posted the \$15,000 bond.
8. Since the petitioner's April 2020 bond release, he has appeared for all required Immigration Court hearings and otherwise complied with his conditions of bond release.
9. On July 28, 2025, the respondents' (ICE) agent(s) requested the petitioner to appear at one of the respondents' ICE Florida reporting offices.
10. On July 28, 2025, the petitioner appeared and reported as requested by the respondents' ICE agent(s), whereupon ICE agents shackled and transported him to one of the respondents' South Florida alien detention centers, where the petitioner remains detained (**Exhibit 5 - ICE Detainee Locator**).
11. The respondents' detention of the petitioner is in contempt of the U.S. Attorney General's (AG's) April 2, 2020, bond order made by the AG-appointed Miami, FL, IJ. The respondents' detention of the petitioner is a non-judicial reversal or revocation of the AG's bond release order without the petitioner being afforded his U.S. Constitutional liberty right as protected by the 5th Amendment's Due Process of Law Clause. The respondents' detention of the petitioner violates his statutory right to release under 8 USC §1226(a)(2)(A) or INA §236(a)(2)(A). The INA does not provide the IJ with jurisdiction to remedy the respondents' unlawful detention of the petitioner.

12. The petitioner has not violated a criminal statute since his bond release (**Exhibit 6 – Petitioner's FDLE Criminal Background Record**).
13. It is the respondents' practice to relocate detained aliens from the Southern District of Florida to distant detention facilities as far away as Louisiana, Texas, New Mexico, and California. The respondents customarily relocate detained aliens multiple times, which delays the final Immigration Court taking jurisdiction and accepting immigration counsel's Notice of Appearance and other court filings.
14. Any relocation of the petitioner will hinder his counsel's ability to provide effective assistance and cause the petitioner's witnesses unreasonable time and financial expenditures to appear and provide testimony on behalf of his claims for relief.

JURISDICTION:

15. This action arises under the Constitution of the United States.
16. The Court also has subject matter jurisdiction under 28 USC §2241(a) and (c)(1), (2), and (3), as well as 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:

17. The petitioner requests a prompt hearing to prevent the respondents from relocating him from the jurisdiction of the Court due to their practice of relocating detained aliens and thereby hindering, obstructing, or delaying his pursuit of rights protected under the laws and Constitution of the United States
18. Pursuant to 28 USC §2243, the petitioner requests the Court to forthwith issue a Writ of Habeas Corpus requiring the respondents to certify the true cause of the petitioner's

detention because it is facially an unlawful revocation or reversal of an Immigration Judge's bond order and violates petitioner's U.S. Constitutional 5th Amendment right to due process of law before taking his liberty from him. In the alternative, the petitioner requests the Court to issue an order directing the respondents to show cause why the Writ of Habeas Corpus should not be granted.

WHEREFORE, the petitioner, pursuant to 28 USC §§ 2241, 2242, and 2243, is entitled to have the Court issue a Writ of Habeas Corpus requiring the respondents to bring him before this Court for an evidentiary hearing to determine if his continued detention is contrary to statutory law and or a denial of his Constitutional due process protections; or in the alternative for an order directing the respondents to show cause why the Writ should not be granted.

Dated: July 29, 2025

Vincent James Benincasa

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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 July 29, 2025

Vincent James Benincasa

Vincent James Benincasa

TABLE OF AUTHORITIES

	Page #
United States Constitution:	
5th Amendment (Due Process Clause)	1,3,4,5
Article I, Section 9, Clause 2 (Suspension Clause).....	4
U.S. Constitution (General Reference).....	4
Statutory Provisions:	
28 U.S.C. §§ 2241, 2242, and 2243 (Habeas Corpus Jurisdiction).....	1,2,4,5
28 U.S.C. § 2241(a).....	1,2,4
28 U.S.C. § 2241(c)(1),(2),(3).....	1,4
28 U.S.C. § 2242.....	1,4,5
28 U.S.C. § 2243.....	1,4,5
Code of Federal Regulations:	
8 U.S.C. § 1226(a)(2)(A)INA § 236(a)(2)(A).....	2,3
INA § 240 (Removal Proceedings – Venue).....	2