

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 25-23577-CIV-MARTINEZ

FILED BY WCO D.C.

SEP 11 2025

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Motion for Immediate Release of Detainee Daniel Fernando Henao Niño

I, Rosa Lorena Chavarro Pinzón, respectfully submit this motion on behalf of the detainee Daniel Fernando Henao Niño (A# XXXXXXXXXX), currently held at the Krome Detention Center, requesting his immediate release.

Basis for the Request:

1. The immigration case against Mr. Henao Niño was dismissed on June 20, 2025, and currently there are no active charges or deportation orders against him.
2. Despite this dismissal, Mr. Henao Niño remains in ICE custody without valid legal justification.
3. He has now been held in arbitrary detention for more than 80 days, without any legal basis.
4. During his detention, he has been a victim of medical negligence, physical mistreatment, and discrimination, as detailed in the sworn letter previously submitted to this Court.
5. On September 3, 2025, during an immigration hearing, ICE officials stated that they had no knowledge of the pending habeas corpus process and affirmed that no court or judge had officially notified them.
6. Furthermore, the immigration judge stated during the hearing that she had not been notified at anytime about the habeas corpus process, demonstrating a serious institutional disconnection and putting the detainee's rights at risk.
7. Although the habeas corpus was properly filed and formally notified to the court, ICE has continued holding immigration hearings and is actively scheduling new ones, completely ignoring this judicial process.
8. This situation constitutes a clear violation of due process, as parallel immigration proceedings are being conducted while a habeas corpus remains pending before this Court.
9. I hereby resubmit as evidence the documents previously filed with this Court, as well as the notice of the upcoming immigration hearing.
10. The Court issued a "Show Cause" order with a 20-day response deadline, and more than one month has passed without any ruling, despite all required evidence having been submitted.

Legal Grounds:

This motion is filed under the following constitutional and legal precedents:

- Fifth Amendment to the United States Constitution, which guarantees due process and prohibits arbitrary detention.
- *Zadvydas v. Davis*, 533 U.S. 678 (2001), in which the Supreme Court held that an immigrant cannot be held indefinitely without a reasonable prospect of removal.
- 28 U.S.C. § 2241, which allows the filing of a habeas corpus petition in cases of unlawful detention under federal custody.

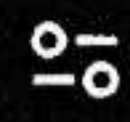
Therefore, I respectfully and urgently request that:

- The immediate release of Mr. Daniel Fernando Henao Niño be ordered;
- All parallel immigration actions be suspended while the habeas corpus is pending;
- This Court ensure that his constitutional rights and due process are no longer violated, as the current situation represents a serious institutional irregularity;
- And that this Court issue a prompt ruling, in accordance with the law and the expired deadline established by the "Show Cause" order.

This motion is filed voluntarily, in good faith, and in the interest of justice. As Mr. Henao Niño is currently detained and unable to submit this request himself, I submit it on his behalf.

Respectfully submitted,

on behalf of detainee Daniel Henao.
[Signature] Rosa Lorena Chavarro
Rosa Lorena Chavarro Pinzón
Date: Sep 10 2025



Court Decision and Motion Information

The immigration judge
ordered **DISMISSAL**.

DECISION DATE

June 20, 2025

COURT ADDRESS

18201 SW 12TH ST, BLDG 1 STE

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MIAMI, FL 33194



BIA Case Information

No appeal was received
for this case.



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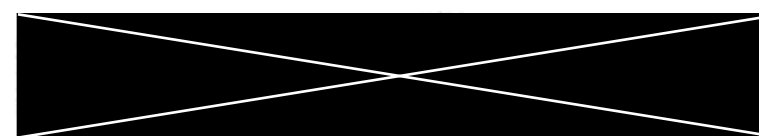


Information

Name:

**HENAO NINO, DANIEL
FERNANDO**

| A-Number:



| Docket Date: 8/29/2025



Next Hearing Information

Your upcoming **INDIVIDUAL**
hearing is on **September 3, 2025**
at **10:30 AM.**

JUDGE

Lerner, Romy

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MIAMI, FL 33194

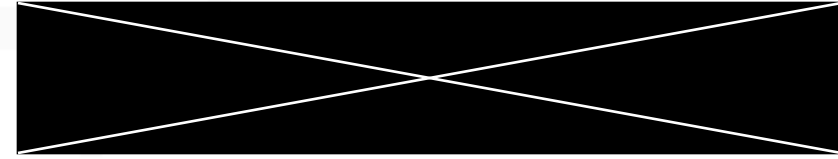


Information

Name:

**HENAO NINO, DANIEL
FERNANDO**

| A-Number:



| Docket Date: 9/3/2025



Next Hearing Information

Your upcoming **MASTER** hearing
is on **September 16, 2025** at
8:00 AM.

JUDGE

Lerner, Romy

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MIAMI, FL 33194



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REC'D BY

D.C.



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DEPT:

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Jacksonville FL
US

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