

FILED BY *[Signature]* D.C.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 25-23577-CIV-MARTINEZ
Hon. José E. Martínez, U.S. District Judge

VOLUNTARY RESPONSE AND PETITION FOR IMMEDIATE JUDICIAL REVIEW
(Submitted pursuant to 28 U.S.C. § 2241 — *Habeas Corpus* — and in response to the
Government's Show Cause Order)

Filed by Rosa Lorena Chavarro Pinzón on behalf of detainee Daniel Fernando Henao Niño

I. INTRODUCTION

Comes now Rosa Lorena Chavarro Pinzón on behalf of detainee Daniel Fernando Henao Niño, respectfully submitting this Voluntary Response and Petition for Immediate Judicial Review to clarify the facts and expose constitutional violations that continue under the custody of ICE and DHS. Petitioner requests an order for immediate release from unlawful and prolonged detention.

II. FACTUAL BACKGROUND

Mr. Henao Niño entered the United States legally on September 16, 2023, under Parole status. He was later arrested in Jacksonville, Florida, in April 2025 for minor traffic infractions (no license, improper plate, and registration). These charges were resolved with time served and never involved violence or any threat to public safety. Criminal records in Champlain and McLean were fully dismissed or closed with findings of innocence. He has no criminal record in Colombia or in the United States and poses no danger to society.

The immigration case was first dismissed on June 20, 2025, by Judge Christina Martyak. After the Habeas Corpus petition was filed, the case was reopened on September 3, 2025, and re-assigned to Judge Romy Lerner. A credible-fear interview was denied by Deportation Officer Galo but overturned and dismissed by Judge Lerner on September 16, 2025. The matter was later re-assigned to Judge Jorge Pereira (October 2 and 6 hearings) who declined jurisdiction and returned it to Judge Lerner. She set a preliminary hearing for October 29, 2025, ordering Mr. Henao Niño to file for asylum and pay the newly imposed fees.

Despite two dismissals and proof of eligibility, the Department of Homeland Security interfered and blocked his release and deportation order, leaving him in detention without legal basis.

III. GOVERNMENT MISCONDUCT AND FALSE STATEMENTS

The Government's response to the Show Cause Order contains false and incomplete information, stating that Mr. Henao Niño has received adequate medical care and that no rights have been violated. This is untrue. Multiple events—beatings, threats, racial abuse, and medical neglect—were completely omitted from its submission.

IV. ABUSE, MISTREATMENT, AND DISCRIMINATION

At the Federal Detention Center in Miami, Mr. Henao Niño was physically assaulted by Officer Álvarez, who also witnessed a cellmate's suicide. A formal complaint was filed against her and ignored. He received a death-threat letter inside the facility and personally handed it to Officer Eric Porrata, who never reported it nor took protective action. These incidents were never mentioned by the Government nor investigated.

V. MEDICAL NEGLIGENCE AND PHYSICAL DETERIORATION

Before detention, Mr. Henao Niño had a scheduled pre-surgical appointment that was cancelled after his arrest. He has been detained for over seven months without proper medical care, receiving only two or three pills occasionally while his health continues to deteriorate. He remains without treatment or medical follow-up, contrary to the Eighth Amendment and established Supreme Court precedent (*Estelle v. Gamble*, 429 U.S. 97 (1976)).

VI. UNLAWFUL INTERFERENCE BY THE DEPARTMENT OF HOMELAND SECURITY

The DHS unlawfully intervened after the dismissal of the immigration case, stating that "under current government rules no action can be taken," thus preventing the release ordered by the judge. This interference violates the principle of separation of powers and constitutes arbitrary detention under the Fifth Amendment and international human-rights treaties.

VII. DURATION OF DETENTION AND CONSTITUTIONAL VIOLATIONS

From April to October 2025, Mr. Henao Niño has been held for over 190 days without legal basis or final order of removal. This prolonged confinement violates the Fifth and Eighth Amendments to the U.S. Constitution and the principles set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and *Clark v. Martinez*, 543 U.S. 371 (2005), which forbid indefinite immigration detention without reasonable prospect of removal.

VIII. LEGAL BASIS AND APPLICABLE LAW

This petition is supported by:

- Fifth Amendment (Due Process Clause)
- Eighth Amendment (prohibition of cruel and unusual punishment)
- *Zadvydas v. Davis* (2001); *Clark v. Martinez* (2005)
- *Estelle v. Gamble* (1976)
- Convention Against Torture (Articles 2 and 16)
- Universal Declaration of Human Rights (Articles 3 and 9)
- International Covenant on Civil and Political Rights (Articles 7 and 9)

IX. RELIEF REQUESTED

Petitioner respectfully asks this Honorable Court to:

1. Recognize Mr. Henao Niño's detention as illegal and arbitrary.
2. Order his immediate release from ICE/DHS custody.
3. Acknowledge the Government's false statements and omissions.
4. Ensure medical treatment and protection of his physical integrity.

X. REQUEST FOR NOTIFICATION AND COPIES

All official correspondence and documents should be sent to:
Rosa Lorena Chavarro Pinzón
[REDACTED]

Mr. Henao Niño, as a detainee, faces severe restrictions in communicating, translating, and sending documents due to detention protocols; therefore, notification through his representative is necessary.

XI. CONCLUSION

For all the reasons stated above, Petitioner respectfully requests the Honorable Court to grant this Voluntary Response and Petition for Immediate Judicial Review, order the immediate release of Mr. Daniel Fernando Henao Niño, and take any other appropriate action deemed just and proper.

Petitioner remains available to submit any additional evidence or documentation requested by the Court and respectfully awaits a prompt response and resolution.

Respectfully submitted,
Rosa Lorena Chavarro Pinzón
On behalf of detainee Daniel Fernando Henao Niño
[REDACTED]

Date: 13 Oct 2025
Signature: Lorena Chavarro

