

Urgent Judicial Action Request in the Habeas Corpus Case of Daniel Fernando Henao Niño

Case No. 25-23577-CIV-MARTINEZ

Honorable Judge Jose E. Martinez
United States District Court for the Southern District of Florida

From: Rosa Lorena Chavarro Pinzón, on behalf of Daniel Fernando Henao Niño
([REDACTED])

FILED BY *MP* D.C.

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Before this Honorable Court, I respectfully appear on behalf of Daniel Fernando Henao Niño, to urgently request the corresponding judicial intervention, pursuant to federal laws and constitutional rights that protect his liberty, health, and human integrity.

Since August 8, 2025, the date on which this habeas corpus petition was filed, no effective action has been taken by the Court, which constitutes a procedural omission contrary to 28 U.S.C. §2243, which establishes that habeas corpus petitions must be addressed "without delay" and that the Court has the obligation to promptly resolve any unjustified deprivation of liberty. During this period, ICE and DHS have continued to violate the constitutional rights of Mr. Henao Niño, prolonging his detention without legal basis and subjecting him to treatment that violates the Constitution of the United States.

Mr. Henao Niño has been detained for eight months, exceeding the reasonable limit of six months established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and under Title 8 of the United States Code §1231(a)(6). The law is clear: when there is no real possibility of deportation or valid legal basis, the prolonged detention is arbitrary and unconstitutional, and the individual must be released. Therefore, I demand the immediate release of Daniel Fernando Henao Niño, as protected by these precedents and by the constitutional principle of due process guaranteed under the Fifth Amendment.

It is important to note that on June 20, 2025, the immigration case of Daniel Fernando Henao Niño was dismissed for the first time, and later dismissed again by another immigration judge. Despite this, and while there is an open habeas corpus process before this Court, ICE and DHS have continued to carry out immigration hearings and proceedings, which constitutes a direct violation of federal law and procedure, since while a habeas corpus is pending, no new hearings or procedural actions should take place until a final judicial resolution is issued. Such actions demonstrate a lack of respect for federal judicial authority and a clear violation of due process.

On October 29, 2025, the date scheduled for an immigration court hearing, essential documents for Daniel's defense were still pending delivery, but the postal service failed to deliver them, which was not our responsibility. Despite this, a new hearing was unjustly set for December 29, 2025, causing an unreasonable delay and affecting his right to an effective

defense, in violation of the right to due process and Rule 5(d)(2) of the Federal Rules of Civil Procedure, which recognizes documents as filed upon reliable mailing.

It is hereby stated that the required forms, the government's requested asylum fee, and the documents demanded by the immigration judges have already been submitted, thus complying with all imposed requirements. However, Mr. Henao Niño does not have the financial resources to hire an attorney, as he has been detained for eight months without being able to work, and yet he is being asked to apply for a bond, which is unfair and contrary to procedural equity, violating his right to real access to justice and effective defense.

It must be clearly stated that this Honorable Court, in exercising its authority under the habeas corpus remedy, is not required to wait for documents or decisions from the immigration process, since its purpose is to act immediately in the face of prolonged and unlawful detention. The fundamental purpose of habeas corpus, under 28 U.S.C. §2243, is to protect the individual against unlawful restraint of liberty without cause or legal basis; therefore, judicial inaction in the face of unjustified detention constitutes, in itself, a violation of constitutional due process.

Mr. Henao Niño is experiencing severe health deterioration, documented since the early days of his detention. He had pending preoperative medical exams and a medical history demonstrating serious respiratory conditions. During these eight months of detention, ICE should have provided the necessary surgery and medical treatment according to his diagnoses and medical prescriptions. Daniel Henao Niño has prescribed treatment that includes Fluticasone nasal spray, Albuterol inhaler, medication, and nebulization treatments, all essential to control his respiratory condition and prevent serious complications. The failure to provide proper medical care constitutes a direct violation of the Eighth Amendment to the Constitution, which prohibits cruel and inhumane treatment, as well as a breach of the ICE Detention Standards, which mandate timely and adequate medical care. This medical neglect also violates Articles 5 and 25 of the Universal Declaration of Human Rights, which guarantee the right to health and to not be subjected to inhuman or degrading treatment.

It should be noted that a formal complaint was filed against the Federal Detention Center of Miami for the mistreatment received directly from a guard during his detention, and that to this date, such complaint has not been investigated nor addressed, evidencing a serious institutional omission. Through this petition, I also denounce ICE and the Krome Detention Center, and hold them responsible for the evident harm caused to Mr. Henao Niño's health, both physical and psychological, due to the negligent conditions and inhumane treatment he has been subjected to. These violations have been communicated both to this Court and to the immigration courts, yet no protective or corrective action has been taken to date.

Furthermore, it is essential to report that during his detention at the Federal Detention Center of Miami, Daniel Fernando Henao Niño was left severely traumatized due to the suicide of his cellmate, who hanged himself in front of him. This incident was reported both to this Honorable Court and to the immigration authorities, yet neither institution has taken any action. Such an event caused deep psychological trauma requiring urgent mental health care,

and the lack of response constitutes a direct violation of the State's humanitarian and constitutional obligations. I invoke, in the name of the law and the fundamental rights of the human person, that this Court act immediately, protecting the life, integrity, and mental health of Mr. Henao Niño, in accordance with its judicial duty.

Additionally, I inform this Honorable Court that, due to the retention and delay of documents within ICE and Krome facilities, it has been formally requested that all correspondence, responses, or resolutions related to this habeas corpus petition be sent directly to me, Rosa Lorena Chavarro Pinzón, since Daniel Fernando Henao Niño remains detained and cannot receive, translate, or respond to such documents himself. As of today, no official communication has been received other than the "Show Cause" order. Therefore, with express authorization and in the name of Daniel Fernando Henao Niño, I respectfully request that all judicial notices or future responses be sent to my attention, in order to ensure compliance with due process and effective communication between this Court and his case.

Lastly, I state that to this date, there has been no representative or officer assigned to the case, which violates the right of effective access to the courts as recognized by the Supreme Court in *Bounds v. Smith*, 430 U.S. 817 (1977), which guarantees every person deprived of liberty the opportunity for fair and timely judicial review.

For all the foregoing reasons, I respectfully, yet urgently, request that this Honorable Court act in accordance with the law, exercise its constitutional duty, and order the immediate release of Daniel Fernando Henao Niño, whose detention has been unjustly prolonged in blatant violation of federal law, constitutional precedent, and international human rights principles.

Respectfully submitted,

Rosa Lorena Chavarro Pinzón

On behalf of Daniel Fernando Henao Niño (A 

Signature: Rosa Chavarro on behalf of Daniel Henao

Date: 03 Nov -2025

