


AMENDED PETITION FOR HABEAS CORPUS

Filed in compliance with the Court Order of November 21, 2025

UNITED STATES DISTRICT COURT

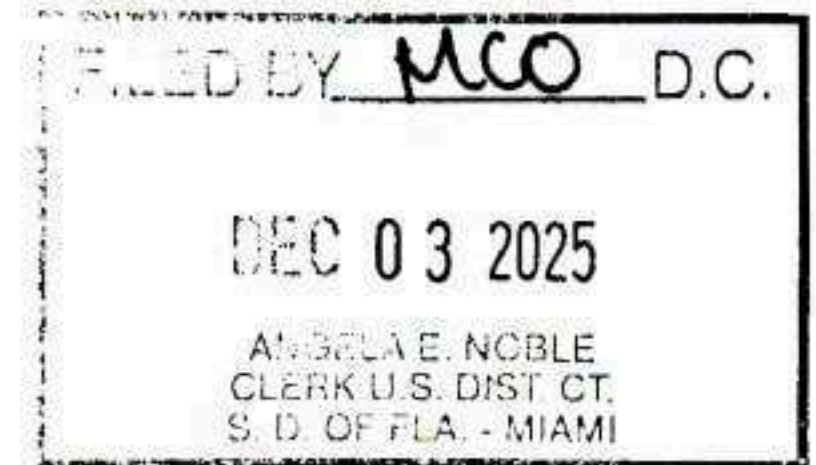
SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION

Case: 1:25-cv-23577

Petitioner: Daniel Fernando Henao Niño, A# 

Detention Center: Krome North Service Processing Center

Filed by: Rosa Lorena Chavarro Pinzón, as "Next Friend"



I. INTRODUCTION

In strict compliance with the Order issued by this Honorable Court on November 21, 2025, the undersigned submits this Amended Petition for Habeas Corpus, correcting and clarifying exclusively the aspects required by the Court.

This filing has the sole purpose of complying with the instruction to submit an amended petition that includes an adequate and sufficient explanation of the "next friend" status, as was ordered.

II. BASIS TO ACT AS "NEXT FRIEND"

I, Rosa Lorena Chavarro Pinzón, acting on behalf of the Petitioner, state the following:

The Petitioner is under detention at Krome and cannot prepare, sign, or personally file this petition before the Court.

The Petitioner does not speak or understand English, which prevents him from complying on his own with the legal and formal requirements to file a federal Habeas Corpus.

The restrictions inherent to detention limit his access to legal assistance, translation services, and necessary resources for proper filing.

All the content of this petition is submitted with the knowledge, authorization, and direct consent of the Petitioner.

I have no personal interest whatsoever in this litigation; I act exclusively to ensure that the Petitioner may exercise his constitutional right to request judicial review of his detention.

This basis complies with the criteria established by the Supreme Court of the United States in *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

III. BASIS OF THE PETITION

The Petitioner has remained detained for more than eight (8) months, despite his immigration case having been dismissed on two occasions by different judges, on:

June 20, 2025, and

September 16, 2025.

After the first dismissal, the case was left without an active process, and the detention continued without legal basis. Subsequently, and while this Habeas Corpus was already open, immigration authorities improperly reopened the case, again concluding in dismissal on September 16, 2025.

The Petitioner has been subjected to additional hearings on October 29, 2025, and has another set for December 29, 2025, despite a federal Habeas Corpus being pending, which constitutes an improper administrative action while there is active federal jurisdiction over his deprivation of liberty.

Additionally, the Petitioner suffers from a medical condition that requires treatment, and he has been affected by the lack of adequate care during his detention.

IV. LEGAL BASIS

The Petitioner's detention is unlawful for the following reasons:

1. Fifth Amendment – Substantive Due Process

The deprivation of liberty without an active process or an enforceable order constitutes arbitrary and unconstitutional detention.

2. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

The Supreme Court establishes that immigration detention cannot exceed six months when there is no real possibility of removal.

The Petitioner has far exceeded this limit.

3. Lack of statutory authority

After the double dismissal, there is no basis under 8 U.S.C. § 1226 nor § 1231 that authorizes his continued detention.

4. Administrative interference during a federal Habeas Corpus

Holding immigration hearings while this Court evaluates the detention is improper and contrary to institutional respect for Habeas Corpus.

5. Constitutional obligation to provide adequate medical care

Pursuant to *Estelle v. Gamble*, 429 U.S. 97 (1976), the lack of adequate medical care violates fundamental rights.

V. RELIEF REQUESTED

For the reasons stated above, it is respectfully requested that this Honorable Court:

ORDER THE IMMEDIATE RELEASE OF THE PETITIONER

DANIEL FERNANDO HENAO NIÑO,

because his current detention lacks legal basis and exceeds the time permitted by law and applicable federal jurisprudence.

VI. DECLARATION

I declare under penalty of perjury that:

The content of this Amended Petition is true according to what has been informed by the Petitioner.

I submit this petition solely because the Petitioner is detained and unable to do so himself.

This filing is made voluntarily and in direct compliance with the Court Order of November 21, 2025.

Signature

lorena ch

Rosa Lorena Chavarro Pinzón

Next Friend of the Petitioner

Date: 01 | Dec | 2025