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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH FLORIDA
MIAMI DIVISION**

Ricardo Herrera-Manino,

Petitioner

vs.

Garret Ripa, Miami Field Office Director,
Immigration and Customs Enforcement;

Kristi Noem, Secretary of Homeland
Security; and

Pamela J. Bondi, Attorney General of the
United States,

Respondents

No.

PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 USC § 2241

1. For decades, we considered Ricardo Herrera-Manino one of the “huddled masses, yearning to be free”. Today, stateless, and without any rights, he finds himself unlawfully detained. He has lost more than 26 lbs. since the Respondents detained him on July 3, 2025 because of poor detention conditions. The Respondents have shredded his constitutional rights and deprived him of any rights he should have been afforded.
2. Today, he files the instant proceedings to ask the Honorable Court for freedom. He files the instant proceedings for relief under the Habeas Corpus Act and the All-Writs Act and

asks the Honorable Court to issue a preliminary injunction enjoining the Respondents from removing him until his proceedings are reviewed by this Court or any neutral arbitrator, including the Attorney General, to review the circumstances of his detention.

3. The Petitioner, Ricardo Herrera-Manino, is challenging the validity of his detention in immigration custody. Mr. Herrera-Manino is being held at the Krome North Service Processing Center, an immigration detention center under the authority of Immigration Customs Enforcement (ICE).
4. Mr. Herrera-Manino was arrested by ICE in San Juan, Puerto Rico on July 3, 2025. The decision to detain him was made by ICE and not reviewed by a judge or third party. He therefore has not had an opportunity to exhaust administrative remedies.

Parties, Jurisdiction, and Venue

5. Ricardo is a native of Argentina. He is the subject of an administrative removal order issued on April 10, 2023 and is being detained by the Respondents based on that order.
6. Respondent Garret Ripa is the Miami Field Director for U.S. Immigration and Customs Enforcement responsible for the geographic area including Krome and has administrative jurisdiction over Mr. Herrera-Manino's case. He is a legal custodian of Mr. Herrera-Manino and named in his official capacity.
7. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Mr. Herrera-Manino and named in his official capacity.
8. Respondents Kristi Noem and Pamela J. Bondi are, respectively, the Secretary of Homeland Security and the Attorney General of the United States. As such, they are responsible for maintaining the immigration detention system. They are thus legal custodians of Mr. Herrera-Manino.

9. Jurisdiction is proper under 28 USC §§1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, clause 2.
10. Pursuant to 28 USC § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
11. Venue is proper in the United States District Court for the Southern District of Florida because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner's immediate physical custodian is in this District. 28 USC § 1391(b).

Statement of Facts

12. Petitioner Ricardo Herrera-Manino is a native of Argentina. His birth was never registered in Argentina, and he is not recognized as a citizen of Argentina, or of any other country. He is a stateless person. Mr. Herrera-Manino entered the United States with his parents as a young child on a B-2 visitor visa in approximately 1974.
13. On January 28, 2010, Mr. Herrera-Manino was convicted of an aggravated felony as defined in INA §§ 101(a)(43)(F), (G). He served a sentence of 181 months in federal prison and was referred to ICE upon release on April 18, 2023.
14. Mr. Herrera-Manino remained in ICE custody for a period of approximately nine months. Mr. Herrera-Manino was ordered removed to Argentina, but Argentina has no record of Mr. Herrera-Manino and refused to provide a passport or accept him for removal. There was nowhere for him to go.
15. Finally, Mr. Herrera-Manino filed a habeas corpus petition challenging his prolonged detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001) on November 17, 2023.

Herrera-Manino v. Garland et. al., (4:23-cv-01917) (M.D. Pa. 2023). Mr. Herrera-Manino was released by ICE on January 23, 2024, and his habeas petition was dismissed on February 13, 2024.

16. Having found that there was no significant likelihood of removal in the foreseeable future and having found that Mr. Herrera-Manino is not a flight risk or a threat to public safety, ICE released him on an Order of Supervision on January 23, 2024. *See* 8 CFR § 241.4(e), (f), (g); *see also Zadvydas*, 533, U.S. at 690.
17. From January 23, 2024, until his detention on July 3, 2025, Mr. Herrera-Manino was compliant with the terms of his supervision, including cooperating to attempt to obtain travel documents and not violating any laws.
18. Further, Mr. Herrera-Manino has been compliant with the terms of his federal probation, which require him to have regular contact with a probation officer, keep his address updated, maintain employment, and other requirements.
19. As part of the terms of his Order of Supervision, Mr. Herrera-Manino periodically presented to an ICE office. On July 3, 2025, Mr. Herrera-Manino did exactly that and presented voluntarily at the ICE office in San Jan, Puerto Rico. At this check-in, his Order of Supervision was revoked, and he was detained by ICE. ICE indicated that there was no accusation of a violation of the terms of the Order of Supervision, nor was there any progress in obtaining a travel document. Rather, ICE indicated that there has been a “change in administration” and that they would attempt to find a third country for removal while Respondent was in detention this time.
20. While a third country of removal may be theoretically possible, there has been no indication that ICE has made any attempt to obtain a travel document or any efforts to

secure a third country that will accept him for removal. There is no indication that any circumstances have changed from when ICE determined that Mr. Herrera-Manino met the conditions for supervised release on January 23, 2024. *See Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)).¹ The detaining ICE officers did not provide the name of the possible third country that Mr. Herrera-Manino could be removed to when asked.

21. At his detention on July 3, 2025, he was issued a Form I-286 Notice of Custody Determination. This document is facially invalid as it declares the authority to detain Mr. Herrera-Manino under INA § 236 (8 USC § 1226), which deals with detention before a final order of removal. Post-order detention authority rests under INA § 241 (8 USC § 1231). The I-286 document allowed for Mr. Herrera-Manino to indicate whether he requests an immigration judge review the custody determination and he marked that he does request an immigration judge review the custody determination. Mr. Herrera-Manino's detention has not be reviewed by an immigration judge.

Grounds for Relief

Mr. Herrera-Manino's detention in immigration custody violates the Due Process Clause of the Fifth Amendment because he is stateless and cannot be removed.

22. Mr. Herrera-Manino is stateless. It is not possible for him to travel to any country in the world. This includes Argentina, his country of birth, which has refused to recognize him as a citizen.² Because he is stateless, travel documents are not available and his immediate removal is not practical. *See* 8 CFR § 241.4(e)(1).

¹ 8 C.F.R. § 241.13 states, "The Service may revoke an alien's release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future."

² Authorities "must accept that a person is not a national of a particular State if the authorities of that State refuse to recognise that person as a national. A state can refuse to recognize a person

23. Mr. Herrera-Manino was ordered removed on April 10, 2023, by Final Administrative Removal Order under INA § 238(b). This order triggered a statutory 90-day removal period during which time the government was required to remove him. *See* 8 USC § 1231(a)(1). Therefore, the 90-day removal period expired on July 9, 2023. Because it was not possible to remove Mr. Herrera-Manino during the removal period, and because it is unconstitutional to detain an individual indefinitely, he was released from detention on January 23, 2024. *See Zadvydas* 533 U.S. at 690.
24. The 90-day removal period is statutorily the period immediately following the date when the removal order becomes administratively final. After that time, when the individual is on an Order of Supervision, ICE must follow the procedures set out in 8 CFR § 241.4(l) in order to revoke the Order of Supervision and re-detain a noncitizen. These procedures require a valid reason such as a violation of the terms of supervision or a change in the ability to remove the noncitizen. 8 CFR § 241.4(l). The 90-day removal period, once it has expired, does not restart merely upon re-arrest. *Diaz-Ortega v. Lund*, No. 1:19-CV-670-P, 2019 WL 6003485, at *8 (W.D. La. Oct. 15, 2019), report and recommendation adopted, No. 1:19-CV-670-P, 2019 WL 6037220 (W.D. La. Nov. 13, 2019) (“[T]he text of § 1231(a)(1)(B) does not mention restarting the removal period. Nor does any interpretive regulation of which the Court is aware.”).

as a national either by explicitly stating that he or she is not a national or by failing to respond to inquiries to confirm an individual as a national.” UNHCR, *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, HCR/GS/12/04, 21 December 2012, <https://www.refworld.org/policy/legalguidance/unhcr/2012/en/105120>, paras. 18-19.

Mr. Herrera-Manino's detention in immigration custody violates the Administrative Procedure Act because DHS failed to follow its own procedures

25. The APA requires courts to "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 USC § 706(2)(A).
26. Respondents' re-detention of Mr. Herrera-Manino, who was in full and complete compliance with his Order of Supervision, was arbitrary and capricious. Respondents failed to articulate a reasoned explanation for their decision considering all available evidence. They further provided an invalid and inapplicable Notice of Custody Determination in violation of its procedures and the statute.
27. A court reviewing agency action "must assess ... whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment; it must "examine[e] the reasons for agency decisions- or, as the case may be, the absence of such reasons." *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

Prayer for Relief

28. Mr. Herrera-Manino is being illegally detained, in violation of the Due Process Clause of the Fifth Amendment. He respectfully asks this Court to:
 - a. Exercise jurisdiction over this matter;
 - b. Order the government to answer this petition;
 - c. Issue a preliminary injunction enjoining the Respondents from removing him to Argentina or any third country until the Honorable Court rules on this petition.
 - d. Permit him to file a reply in support;
 - e. Declare that Petitioner's detention violates the INA, regulations and the Due Process Clause of the Fifth Amendment;

- f. Order Petitioner's immediate release; and
- g. Order such other relief as this Court may deem just and proper.

Respectfully submitted:

s/Ahmad Yakzan
AHMAD YAKZAN
Attorney for Petitioner