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**UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION**

**CASTANEDA OTERO, Ramon
Humberto**

A No.: 

Petitioner,

PAMELA BONDI,
Attorney General;
KRISTI NOEM,
Secretary of the Department of
Homeland Security,
ALBERTO CORNANVACA,
SDDO Jacksonville ICE-ERO Filed
Office;
SCOTTY RHODEN,
Sheriff of Baker County Detention
Center;

Respondents.

Civil Action No.:

3:25-cv-911-WWB-LCL

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

Petitioner, CASTANEDA OTERO, Ramon Humberto appearing pro se, hereby petitions this court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner is detained at Baker County Detention Center in MacClenny, Florida. ICE has contracted with Baker County Detention Center to house immigration detainees such as Petitioner. Petitioner is in direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq... as amended by Illegal Immigration Reform and Immigrant Act of 1996 (“IIRIRA”), Pub. L. No. 104 – 208, 110 Stat. 1570, and Administrative Procedure Act (“APA”), 5 U.S.C § 701 et seq.
3. This Court has jurisdiction under 28 U.S.C § 2241; art I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C § 2241, 5 U.S.C § 702, and the All Writs Act, 28 U.S.C § 1651.

VENUE

4. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Florida, Jacksonville Division, the judicial district in which the Petitioner resides.

PARTIES

5. Petitioner is a native and citizen of Cuba. Petitioner has been in ICE custody since February 11, 2025, and has remained in custody since that date.
6. Respondent PAMELA BONDI is the Attorney General of United States and is responsible for the administration of ICE and implement and enforcement of the INA. As such, U.S. Attorney General has ultimate custodial authority over Petitioner.
7. Respondent KRISTI NOEM is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and implement and enforcement of the INA. As such, Secretary of the Department of Homeland Security is the legal custodian of Petitioner.
8. Respondent ALBERTO CONRNAVACA is the Supervisory Detention and Deportation Officer (SDDO) of the Jacksonville ICE – ERO (Enforcement Removal Operations) Field Office and is Petitioner's immediate custodian. See Vasquez v. Reno, 223 F. 3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

9. Respondent SCOTTY RHODEN is the Sheriff of Baker County Detention Center where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

10. Petitioner, CASTANEDA OTERO, Ramon Humberto, is a native and citizen of Cuba.
11. Petitioner first arrived in United States on February 16, 2021, without documents in United States and was paroled in United States while seeking asylum.
12. Petitioner was arrested on October 31, 2022, in Clay County, Florida in Case No.: 2022CF001321. Petitioner was sentenced to probation following his conviction.
13. Meanwhile, Petitioner was ordered removed by an Immigration Judge on June 5, 2024, in absentia for missing his Immigration Court date.
14. Petitioner was re-arrested on December 28, 2024, for violation of probation on the same Case No.: 2022CF001321. Petitioner was sentenced to 60 days jail time.
15. ICE took Petitioner's Custody on February 11, 2025, after Petitioner served his sentence in Pasco County for his criminal convictions.
16. To date, ICE has unable to remove the Petitioner to Cuba. It is Petitioner's understanding that Cuba has and will deny any and all requests for Petitioner's travel document as there are currently no formal diplomatic relations between Cuba and the United States, nor is there any formal or informal agreement.

17. Petitioner has co-operated fully with all the efforts by ICE to remove him from United States to Cuba. Also, Petitioner has agreed to ICE intention to remove him to Mexico on July 1, 2025.
18. Petitioner was informed by ICE on his ninety-days review that they would continue his detention.
19. In Zadvydas v. Davis, 533 U.S. 678 (2001), Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate removal.
20. Petitioner was ordered removed on June 5, 2024, and has been in ICE detention since February 11, 2025. Therefore, the six months presumptively reasonable removal period for the Petitioner ended on August 10, 2025.
21. Petitioner has exhausted any and all available administrative remedies to extent required by law.

CLAIMS FOR RELIEF

COUNT ONE **STATUTORY VIOLATION**

22. Petitioner re-alleges and incorporates by reference paragraphs 1 to 21 above.
23. Petitioner's continued detention by the Respondent violates 8 U.S.C § 1231(a)(6), as interpreted in Zadvydas. Petitioner's ninety-days statutory removal period and six

months presumptively reasonable period for continued removal efforts both have passed. Respondents are unable to remove Petitioner to Cuba or Mexico because there is no repatriation agreement between United States and Cuba, and Cuba will not accept its citizen who have been removed from United States nor Mexico is accepting citizen of Cuba. Under such circumstances Petitioner's continued infinite detention is unreasonable and not authorized by 8 U.S.C § 1231(a)(6).

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

24. Petitioner re-alleges and incorporates by reference paragraphs 1 to 23 above.
25. There is no significant likelihood that Petitioner will be removed in the reasonable foreseeable future.
26. The Petitioner's continued detention violates his right to substantive due process by depriving him of his core liberty interest to be free from bodily restraint. The Due Process Clause of the Fifth Amendment requires that the deprivation of the Petitioner's liberty be narrowly tailored to serve a compelling government interest in assuring Petitioner's presence at the time of deportation, that interest does not justify Petitioner's indefinite detention where he is unlikely to be removed to Cuba or Mexico, his continued indefinite detention violates substantive due process.

COUNT THREE
PROCEDURAL DUE PROCESS VIOLATION

27. Petitioner re-alleges and incorporates by reference paragraphs 1 to 26 above.
28. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. There is no administrative mechanism in place for the Petitioner to obtain a decision from a neutral arbiter or appeal a custody decision. The custody review procedure are constitutionally insufficient both as written or applied. A number of courts have identified a substantial bias within ICE toward the continued detention of aliens, raising the risk of an erroneous deprivation to unconstitutionally high levels. See e.g., Phan v. Reno, 56 F. Supp.2d 1149, 1157 (W.D. Wash. 1999) (“INS does not meaningfully and impartially review the Petitioners’ custody status.”); St. John v McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) (“Due to political and community pressure, INS, an executive agency, has every incentive to continue detain aliens with aggravated felony convictions, even though they have served their sentences, on suspicion that they may continue to pose a danger to the community.”); see also Rivera v. Demore, No. C99-3042 THE, 1999 WL 521177, *7 (N.D. Cal Jul 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias.)

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of Habeas Corpus directing the respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Grant any other and further relief that this Court deems just and proper.

I affirm under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

/s/  _____

**CASTANEDA OTERO, Ramon
Humberto,
Petitioner, Pro Se,
A No.: 
Baker County Detention Center,
1 Sheriff's Office Drive,
MacClenny, FL - 32063**

August 8, 2025
Date Executed

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement**

Alien Name: RAMON CASTAÑEDA
Alien Number (A #): [REDACTED]
Date: 7/1/2025

NOTICE OF REMOVAL

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) intends to remove you to Mexico.

CERTIFICATE OF SERVICE

I certify that, on today's date, the contents of this notice were read to RAMON CASTAÑEDA in the Spanish language, and I served the alien a copy of this notice in person.

[Signature]
Signature of Alien

7-1-25
Date of Service

[Signature]
Title and Signature of ICE Official

3:35
Time of Service

Name or Number of Interpreter (if applicable)

Cartagena, Otero, Caceres, 25-cv-00943-WMB-Ltb

Document 1-1

Filed 08/11/25

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A [REDACTED] Detention Center

Baker County Sheriff's Office Drive,

MacCleary, FL-32063



PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

ICE

INMATE CORRESPONDENCE

Clerk of Courts
U.S. Middle District of Florida
Jacksonville Division,
300 North Hogan St, Ste 2-450
Jacksonville, FL-32202

