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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

JOSE SERRANO,
Petitioner,

v.

JUAN LOPEZ-VEGA, In his official capacity as
Acting Director, Miami Field Office, Enforcement
and Removal Operations, U.S. Immigration and
Customs Enforcement;

TODD M. LYONS, in his official capacity as
Acting Director, U.S. Immigration and Customs
Enforcement;

Respondents.

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

Case No.

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner, Jose Serrano, is an asylum seeker, former President of the Congress of Ecuador, and former Minister of Justice, Interior, Finance and Labor of Ecuador. He is a fierce critic of the current president of his country, accusing his family of drug dealing. He is possibly the most popular politician in his country due to his reputation for honesty and for his work combating corruption. As a result, he is the target of political persecution by the current government of his country.

2. He is currently detained by Respondents at the Krome Service Processing Center in Miami, Florida. It is Respondents belief that he has been singled out for detention by Respondents at the request of and for the benefit of the current Ecuadorian government.
3. Petitioner's arrest by ICE at his South Florida home immediately followed an August 1 visit to Ecuador by Homeland Security Secretary Kristi Noem, and the signing of an Memorandum Of Understanding allowing an Ecuadorian National Police liaison to embed with CBP's National Targeting Center.
4. This detention is particularly egregious given Mr. Serrano's documented history of assisting U.S. government investigations into international corruption and drug trafficking, for which he was given an award by the US Drug Enforcement Agency in 2016. This cooperation with the US made enemies for Petitioner in his country,
5. Mr. Serrano was admitted to the United States on May 19, 2021. He timely filed a pending asylum application. He has a clean criminal record in his home country and has never been arrested or convicted of any crime in the United States. He has extensive community ties, a spouse with lawful status, and a history of cooperating with U.S. law enforcement. Despite these facts, and despite posing no danger to the community and no risk of flight, Respondents arrested him at his home and detained him since August 7, 2025.
6. This selective and targeted detention of a former President of the Congress and Justice and Interior Minister of Ecuador who has sought asylum in the US violates the Due Process Clause of the Fifth Amendment to the United States Constitution, the Immigration and Nationality Act (INA), and international law, of which the US is signatory, relating to the treatment of political asylees. Petitioner respectfully requests that this Court issue a writ of habeas corpus and order his immediate release.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts the authority to hear habeas corpus petitions from individuals held in custody in violation of the Constitution or laws of the United States. Jurisdiction is also proper under 28 U.S.C. § 1331.
8. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 2241(d) because Petitioner is detained at the Krome Service Processing Center, which is located within this judicial district.

PARTIES

9. Petitioner **Jose Serrano** (A# XXXXXXXXXX) is a citizen of Ecuador and is currently detained at the Krome Service Processing Center, 18201 SW 12th St, Miami, FL 33194.

10. Respondent **Juan Lopez Vega** is Acting Director, Miami Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; who has direct supervisory authority over Petitioner's detention. He is sued in his official capacity.
11. Respondent **Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and is sued in his official capacity.

FACTUAL ALLEGATIONS

12. Petitioner is a native and citizen of Ecuador, born on November 19, 1970.
13. In his home country, Mr. Serrano served as President of the Congress of Ecuador, and Minister of Justice, Interior, Finance and Labor of Ecuador. He is possibly the most popular politician in his country due to his opposition to corruption and honesty and is a fierce critic of the current president, accusing his family of drug dealing. He "bravely fought against dangerous criminal organizations in Ecuador."
14. On May 19, 2021, Petitioner was lawfully inspected and admitted into the United States at the Miami, Florida International Airport as a nonimmigrant visitor for pleasure. His authorization to remain was valid until November 18, 2021.
15. On October 29, 2021, prior to the expiration of his authorized stay, Petitioner timely filed an affirmative asylum application (Form I-589) with U.S. Citizenship and Immigration Services. That application remains pending under receipt number ZM [REDACTED].
16. On August 7, 2025, Petitioner was arrested at his home by ICE and has been held in custody by Respondents since that date.
17. Petitioner was given a bond hearing, however the Immigration Judge declined to issue a bond.
18. Petitioner is being held under medium security as a criminal at Krome Detention Center (orange suit), with criminals, instead of as a non-criminal asylum seeker (blue suit), even though he has never been charged or convicted of any crime.
19. The persecution Mr. Serrano faces is politically motivated, stemming directly from his anti-corruption work, public statements and popularity. This has resulted in a political campaign against him, which has been refuted by prominent figures, including the widow of a murdered Ecuadorian presidential candidate who affirmed that Mr. Serrano was never mentioned in the official investigation of the murder.
20. Petitioner has a clean criminal record. An affidavit from his Ecuadorian defense attorney confirms that "NO criminal proceedings [have been] initiated against him, much less any convictions" in Ecuador. He has no criminal history in the United States.
21. Petitioner is not a danger to the community. To the contrary, he has a documented history of providing critical assistance to United States government investigations concerning corruption and international drug trafficking. His contributions have been formally recognized with a Drug Enforcement Administration (DEA) award in 2016.
22. Petitioner is not a flight risk. He has significant ties to the United States that ensure his appearance at all future immigration proceedings. These ties include:

- a. His marriage on August 16, 2024, in Miami, Florida, to Mrs. Maria Paula Christianzen Delgado, whose has lawful status and a pending application for adjustment of status.
- b. His employment with Mint Center LLC and as General Manager of his wife's business.
- c. His history of filing U.S. taxes.
- d. Numerous affidavits from his children, mother, brother, friends, and colleagues attesting to his good moral character and deep community ties.

LEGAL CLAIMS

COUNT I: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

23. Petitioner re-alleges and incorporates by reference the preceding paragraphs.
24. The Fifth Amendment's Due Process Clause provides that no person shall be "deprived of... liberty... without due process of law." This protection applies to all persons within the United States, regardless of immigration status.
25. Petitioner's targeted detention to assist the country where he fears persecution is a violation of his due process right to a fair bond hearing.
26. Civil immigration detention becomes unconstitutional when it is unreasonably prolonged. For an individual like Mr. Serrano, who has no criminal history, is pursuing a valid claim for relief, has actively aided the U.S. government, and is subject to a targeted prosecution to benefit his persecutors, his continued custody is a violation of his due process rights.

COUNT II: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND INTERNATIONAL LAW

27. Petitioner re-alleges and incorporates by reference the preceding paragraphs.
28. The INA does not authorize arbitrary detention. To avoid serious constitutional problems, courts have consistently read an implicit reasonableness limitation into immigration detention statutes.
29. The US is signatory to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, both of which prohibit targeted detention of asylum seekers to benefit a country which seeks to persecute them.
30. Petitioner's targeted detention to assist the country where he fears persecution is a violation of this rights under the INA and under international law to which the US is signatory.
31. Given Petitioner's pending asylum claim, lack of any criminal history, strong family and community ties, history of cooperation with U.S. authorities, and targeted prosecution by Respondents to benefit his persecutors, his continued detention is statutorily unreasonable and therefore unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Jose Serrano respectfully requests that this Court:

A. Assume jurisdiction over this matter; B. Issue a Writ of Habeas Corpus ordering Respondents to justify the legality of Petitioner's detention; C. Order the immediate release of Petitioner from ICE custody; E. In the alternative, order that Petitioner be detained as an asylum seeker, not as a criminal held with criminals as he is currently. F. Award Petitioner his reasonable attorneys' fees and costs; and G. Grant such other and further relief as this Court may deem just and proper.

Dated: September 5, 2025

Respectfully submitted,

/s/ Robert Sheldon

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