

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JUAN CARLOS BOHORQUEZ-VALENCIA,

Petitioner,

v.

Case No. 3:25-cv-01383

Garrett RIPA, Field Office Director of
Enforcement and Removal Operations,
Miami, Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT
OF HOMELAND SECURITY; Pamela
BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Scotty
RHODEN, Sheriff of Baker County
Detention Center,

Respondents.

_____ /

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Juan Carlos Bohorquez-Valencia, a civil immigration detainee held at Baker County Detention Center, seeks a writ of habeas corpus under 28 U.S.C. § 2241. He challenges his

ongoing detention under 8 U.S.C. § 1226(a) as unlawful and constitutionally deficient.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. See 8 U.S.C. § 1182(a)(6)(A)(i).

3. The Immigration Judge denied bond based on unreliable and untested evidence while disregarding medical and humanitarian factors, including Petitioner's approved VAWA prima facie determination, which remains valid through November 1, 2025.

4. Based on this allegation in Petitioner's removal proceedings, the IJ denied Petitioner release from immigration custody, finding that he was a risk of flight. According to the I-213, Record of Deportable/Inadmissible Alien, Petitioner has an I-360, Petition For Amerasian, Widower, Or Special Immigrant pending with USCIS. [REDACTED]

[REDACTED]

5. While detained, Petitioner's chronic hypertension, diabetes, and mental health disorders have worsened. He has required continuous medication and counseling, but the facility has

not provided consistent care, creating a substantial risk of further harm.

JURISDICTION

6. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Baker County Detention Center, in Macclenny, Florida.

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

8. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. 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, the judicial district in which Petitioner currently is detained.

10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies

of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida. The petition challenges civil detention, not a final order of removal, and therefore is not barred by 8 U.S.C. § 1252(g).

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

12. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner JUAN CARLOS BOHORQUEZ-VALENCIA is a citizen of Colombia who has been in immigration detention since on or about June 19, 2025. After arresting Petitioner in Miami-Dade County, Florida, ICE did not set bond and Petitioner was denied release due to the IJ finding Petitioner was a risk of flight because the IJ found that Petitioner is [REDACTED]

[REDACTED]

14. Respondent Garrett Ripa is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations division. As such, Mr. Ripa is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

16. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

17. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

18. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

19. Respondent Scotty Rhoden is the Sheriff and Chief Correctional Officer of the Baker County Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

20. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

21. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

22. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

23. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

24. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

25. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585.

Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

26. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

27. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

28. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

29. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

30. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

31. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a

statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); see also *Gomes*, 2025 WL 1869299, at *7.

32. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

33. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

34. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

FACTS

35. Petitioner entered the United States lawfully in 2019 and has remained continuously present. He has no criminal convictions and no history of violence.

36. On June 19, 2025, local police in Princeton, Florida (Miami-Dade County) responded to a domestic-related call initiated by Petitioner's U.S. citizen spouse. Officers determined that the incident was verbal only, made no arrest, and the spouse later withdrew her complaint.

37. Following that event, agents of ICE Miami Fugitive Operations (FugOps) conducted surveillance at Petitioner's residence at [REDACTED] confirmed his identity, and took him into civil custody without incident.

38. On July 4, 2025, DHS served Petitioner with a Notice to Appear under INA § 237(a)(1)(B) for overstaying a nonimmigrant visa and issued a Form I-286, Notice of Custody Determination, identifying detention under INA § 236(a) and declining to set bond administratively. (See Exhibit A.)

39. Petitioner appeared for a Master Calendar Hearing on July 8, 2025, where counsel requested bond determination, filing Motion

for Bond on July 30, 2025. (See Exhibit B). On August 4, 2025, an Immigration Judge denied bond, finding only risk of flight and relying on a Form I-213 that referenced [REDACTED] (See Exhibit C.)

40. The Immigration Judge made no finding of danger, relied entirely on uncorroborated information, and denied Petitioner's request for cross-examination of the Form I-213 preparer. (See Exhibit D.)

41. Petitioner suffers from serious and chronic medical and mental health conditions, including post-traumatic stress disorder, major depressive disorder, generalized anxiety disorder, insomnia, hypertension, type 2 diabetes, and obesity. His conditions are documented by treating clinicians who report that detention has worsened his symptoms, and attested to by Petitioner in his letter to the court. (See Exhibits E and F.)

42. Petitioner filed a timely BIA bond appeal, which remains pending, with briefing due on November 10, 2025. (See Exhibit G.)

43. Petitioner filed a VAWA self-petition, Form I-360, based on abuse by his U.S. citizen spouse. USCIS issued a Prima Facie Determination on June 15, 2022, renewed through November 1,

2025, confirming his eligibility for classification as a VAWA self-petitioner. (See Exhibit H.)

44. Petitioner also has a pending application for VAWA Special Rule Cancellation of Removal under INA § 240A(b)(2). Both forms of relief prevent DHS from executing removal while pending and demonstrate that Petitioner is not a flight risk.

EXHAUSTION AND RIPENESS

45. No further administrative remedies exist to challenge the legality or constitutionality of Petitioner's detention. The BIA appeal cannot provide the relief requested here, and exhaustion would be futile.

CLAIMS FOR RELIEF

COUNT I

Statutory Violation: Improper Detention Under § 1225(b)

46. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

47. If Respondents claim detention authority under 8 U.S.C. § 1225(b), that classification is incorrect because Petitioner was arrested inside the United States and is subject to § 1226(a). See *Hernandez Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM (M.D. Fla.

Oct. 29, 2025); *Hinojosa Garcia v. Secretary, DHS*, No. 2:25-cv-879-SPC-NPM (M.D. Fla. Oct. 31, 2025).

48. The application of § 1225(b)(2) to Petitioner would unlawfully mandate his continued detention in violation of the INA.

COUNT II

Fifth Amendment Procedural Due Process Violation

49. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

50. The bond proceeding violated due process because the Immigration Judge relied on untested and unreliable evidence, denied Petitioner the opportunity to contest the allegations, and failed to make individualized findings or consider less restrictive alternatives.

51. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the risk of erroneous deprivation of liberty was substantial and additional safeguards would have imposed minimal administrative burden.

52. The Immigration Judge also failed to consider Petitioner's VAWA Prima Facie Determination and pending VAWA Special Rule Cancellation, both of which legally preclude removal and eliminate any justification for detention as a flight risk.

COUNT III

Fifth Amendment Substantive Due Process Violation

53. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

54. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

55. Petitioner has a fundamental interest in liberty and being free from official restraint.

56. Petitioner’s continued civil detention has become excessive and punitive in relation to its purpose, violating substantive due process. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

57. Under 8 U.S.C. § 1367(a)(1), DHS may not take adverse action against an individual based on information from a VAWA

filing. Continued detention despite this protection violates congressional intent and humanitarian safeguards.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Florida while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a new, constitutionally adequate bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 13th day of November, 2025.

By: /s/ Joel Alexis Caminero

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Attorney for Petitioner

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all counsel in this case on November 13th, 2025.

/s/ Joel Alexis Caminero
Joel Alexis Caminero, Esq.
Florida Bar # 127294
Attorney for Petitioner