

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

AINA BARRETO-SANTAMARÍA,

A#

Petitioner,

v.

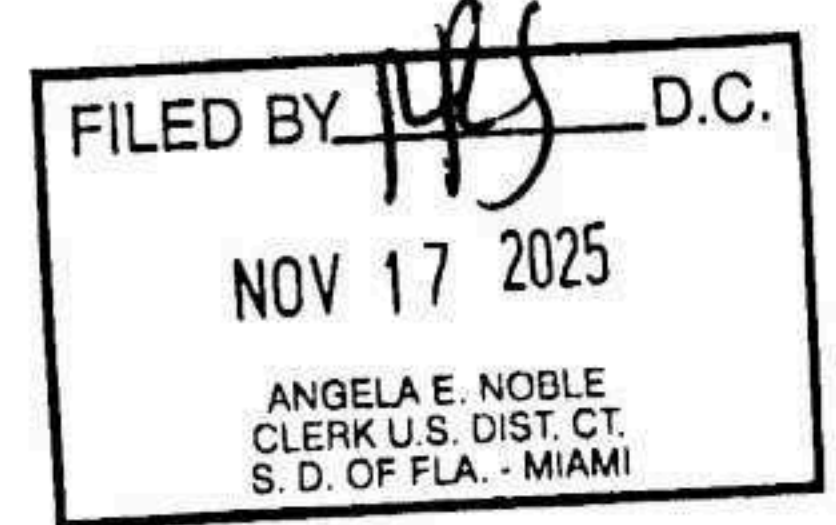
GARRETT J. RIPA,

Field Office Director,

U.S. Immigration and Customs Enforcement (ICE),

Miami Field Office,

Respondent.



Case No.: _____

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Illegal Seizure – Unlawful State Detention – Invalid Federal Custody – Racial Profiling

Petitioner, **Aina Barreto-Santamaría**, respectfully submits this Emergency Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and alleges as follows:

I. INTRODUCTION

Petitioner is a 22-year-old Colombian national who:

- has a **pending asylum application** filed April 5, 2021;
- holds a **valid Employment Authorization Document (EAD)** renewed December 2, 2024;
- has established **strong community ties**, including active participation in St. Mary Magdalen Church;
- has **no criminal history**;
- has complied with all U.S. immigration laws.

Despite this, Petitioner was:

1. **racially profiled and unlawfully seized** by individuals wearing event-staff wristbands with no legal authority;

2. **transported involuntarily** in private vehicles;
3. **delivered to Orange County Jail** under Booking Number [REDACTED] without charges, probable cause, or legal basis;
4. **held for days** with no criminal charges or court appearance;
5. subsequently **transferred to ICE** without a valid Notice to Appear (NTA), without any lawful basis for immigration detention, and without statutory authority.

The ODLS system currently lists Petitioner under:

A# [REDACTED]

Current Facility: "Call ICE for Details"

ERO: KROME (Miami Docket Control Office)

This indicates a **non-transparent transfer**, increasing urgency, risk of relocation, and constitutional harm.

Petitioner requests **immediate release** or, in the alternative, an emergency custody hearing within **48 hours**, plus a **non-transfer order**.

II. JURISDICTION AND VENUE


This Court has jurisdiction under **28 U.S.C. § 2241(c)(3)** because Petitioner is being detained "in violation of the Constitution or laws or treaties of the United States."

Venue lies in this District because Petitioner is detained or under the control of ICE within the Southern District of Florida through the **Krome / Miami Field Office**.

III. PETITIONER INFORMATION

- **Full Name:** Aina Barreto-Santamaría
- **Country of Birth:** Colombia
- **A-Number:** [REDACTED]
- **Date of Birth:** [REDACTED]
- **Booking Number (Orange County Jail):** [REDACTED]
- **Asylum Filing Date:** April 5, 2021
- **Current Detention Facility:** ICE Custody – Miami Field Office (Krome jurisdiction)

IV. STATEMENT OF FACTS

1. On November 7, 2025, Petitioner attended the EDC Orlando Festival legally and peacefully.
2. She was approached by individuals wearing event-staff wristbands who falsely alleged ticket irregularities.
3. These individuals were **not law enforcement**, had **no arrest authority**, and lacked any legal basis for detaining her.
4. Without warrant, probable cause, or consent, Petitioner was **forced into a private vehicle**, transported to an unknown location, and transferred to a second vehicle.
5. Petitioner was delivered to the **Orange County Jail**, where she was processed under Booking Number 
6. Petitioner was never charged with any criminal offense and was unlawfully held for days.
7. Petitioner was then **transferred to ICE without an NTA**, without any immigration violation, and without lawful detention authority.
8. ICE has failed to issue a Notice to Appear, a custody determination, or any lawful record supporting detention.
9. Petitioner's ODLS profile now shows "**Call ICE For Details**", an indicator of undisclosed movement or transfer.
10. ICE detention is **invalid**, because:
 - the underlying state confinement was unlawful;
 - ICE has no charging document;
 - Petitioner is in good standing with her asylum case and EAD;
 - and there is **no statutory basis** for continuing custody.

V. LEGAL CLAIMS

1. Fourth Amendment – Unlawful Seizure

The initial seizure was carried out without reasonable suspicion, probable cause, or legal authority.

2. Fifth Amendment – Substantive Due Process

Arbitrary detention violating fundamental liberty interests is unconstitutional. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

3. Fifth Amendment – Procedural Due Process

Petitioner was denied:

- notice of charges,
- a hearing,
- opportunity to contest custody,
- legally required explanations.

Violates *Mathews v. Eldridge* and *Hamdi v. Rumsfeld*.

4. Equal Protection – Racial Profiling

Petitioner's detention originated from discriminatory actions targeting her due to her Latino appearance.

5. Joint-Action Doctrine – Private Actors as State Agents

Event-staff individuals performed state-like detention functions and thus acted under color of law.

6. Unlawful State Detention

Confinement in the Orange County Jail without charges violated the Fourth and Fourteenth Amendments.

7. Invalid ICE Custody – No Notice to Appear

ICE cannot lawfully detain an individual who:

- has **no NTA**,
- is **not in removal proceedings**,
- has **no immigration violations**,
- and was transferred from unconstitutional state detention.

ICE's custody is **ultra vires** and must be terminated.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Order **immediate release** from ICE custody;
2. Alternatively, order a **custody/bond hearing within 48 hours**;
3. Issue a **non-transfer order** prohibiting ICE from removing Petitioner from the jurisdiction of this Court;
4. Grant any additional relief the Court deems just and proper.

VII. VERIFICATION PURSUANT TO 28 U.S.C. § 1746

I, **Aina Barreto-Santamaría**, declare under penalty of perjury that the facts stated in this Petition are true and correct.

Executed on 11/14, 2025

Aina Barreto-Santamaría

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