

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

JUAN ESTEBAN LOPEZ LOZANO,

A# XXXXXXXXXX

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 Custody Origin – Racial Profiling – Unlawful State Confinement – Unconstitutional Federal Detention

Petitioner, **Juan Esteban Lopez Lozano**, respectfully submits this Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and states:

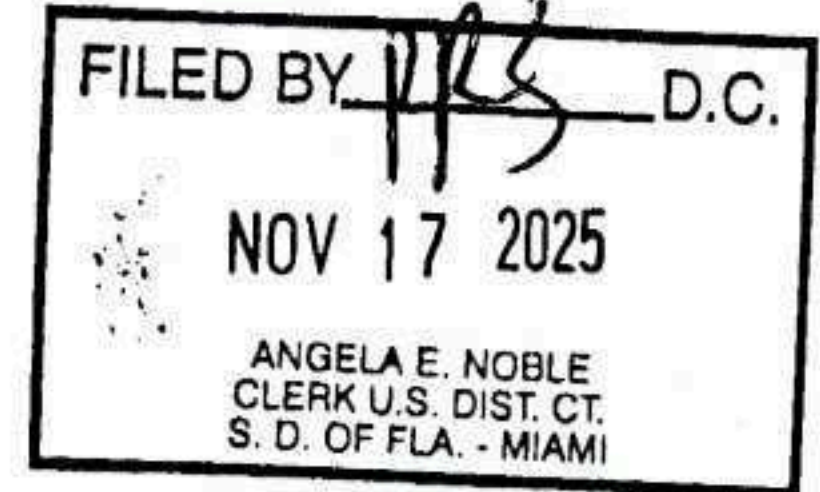
I. INTRODUCTION

This is not a routine immigration detention case.

Petitioner, a **20-year-old asylum applicant** with a **valid Employment Authorization Document, valid Social Security Number, no criminal history, stable residence, family ties, and lawful presence**, was **illegally seized, transported, and confined** before eventually being transferred to ICE without any lawful basis.

Petitioner was:

1. **Targeted based on racial appearance** at a music festival;
2. **Seized** by private individuals acting without legal authority;
3. **Transported** against his will in multiple private vehicles;
4. **Delivered** to the Orange County Jail **without criminal charges, probable cause, or warrant**;



5. **Held for seven days** in unconstitutional state confinement;
6. Then turned over to ICE **despite no Notice to Appear, no detainer, and no lawful immigration basis.**

Petitioner now remains detained at:

**Florida Soft Side South
54575 Tamiami TRL E
Ochopee, FL 34141**

Detention that originates in illegality **cannot become lawful** merely because custody later shifts to ICE.

Petitioner respectfully seeks **immediate release**, or alternatively, an emergency custody hearing within **48 hours**, and an order prohibiting ICE from transferring him outside this Court's jurisdiction.

II. JURISDICTION AND VENUE

Jurisdiction is proper under **28 U.S.C. § 2241(c)(3)** because Petitioner is held "in violation of the Constitution or laws or treaties of the United States."

Venue lies in the **Southern District of Florida** because the facility where Petitioner is detained is located in this District, and Respondent is the proper custodian.

III. PARTIES

Petitioner:

Juan Esteban Lopez Lozano

A# [REDACTED]

Citizen of Colombia

Date of Birth: [REDACTED]

Currently detained at Florida Soft Side South, Ochopee, FL.

Respondent:

Garrett J. Ripa

Field Office Director

ICE – ERO Miami

IV. STATEMENT OF FACTS

A. Unlawful Seizure by Private Individuals

1. On **November 7, 2025**, Petitioner attended the EDC Orlando Festival with valid purchased tickets.
2. Petitioner and companions were purchasing merchandise at a kiosk when they were approached by multiple individuals wearing event staff wristbands.
3. These individuals accused Petitioner of possessing “invalid tickets” despite having no evidence and no legal authority.
4. They demanded identification to “verify” tickets—a false pretext.

B. Custodial Transport Without Legal Authority

5. Without probable cause, warrant, or consent, Petitioner was **physically transported** in a vehicle to a separate location.
6. He was then transferred to another vehicle and taken to **Orange County Jail**.
7. These actions constitute an **unlawful seizure** and **custodial detention** under the Fourth Amendment.

C. Seven Days of Unconstitutional State Confinement

8. At Orange County Jail, Petitioner was **not charged with any crime**, was **not presented before a judge**, and was **not provided any notice** of lawful basis for his confinement.
9. State officials **lacked jurisdiction** to detain him for immigration purposes.
10. Petitioner remained unlawfully held for **seven days**.

D. Unlawful Transfer to Federal Custody

11. After seven days, Petitioner was transferred to ICE **without a detainer, warrant, criminal process, or Notice to Appear (NTA)**.
12. ICE transferred Petitioner to **Florida Soft Side South**, a facility with limited access to counsel and transparency concerns.
13. ICE has **never provided a valid NTA**, custody determination, or meaningful explanation for its detention of Petitioner.

E. Petitioner’s Lawful Status and Positive Factors

14. Petitioner has a **pending asylum application** filed on October 31, 2022.
15. Petitioner possesses a **valid EAD** issued on September 13, 2025.
16. Petitioner possesses a **valid SSN**.
17. Petitioner has **no criminal history**.

18. Petitioner has **stable residence**, a registered **LLC**, and **family support** in the United States.

19. Petitioner has complied with all immigration requirements.

F. Racial Profiling

20. Petitioner was targeted because of his **Latino appearance and accent**.

21. Non-Latino attendees were not stopped, questioned, or detained.

22. The entire chain of events was initiated through **racially discriminatory enforcement**.

V. LEGAL CLAIMS

1. Fourth Amendment – Illegal Seizure and Custodial Transport

Petitioner was seized without reasonable suspicion or probable cause.

The forced transport and handover to jail constitute **unconstitutional state action**.

Terry v. Ohio and *Whren v. United States* apply.

2. Fifth Amendment – Substantive Due Process Violation

Detention must serve a legitimate purpose.

Zadvydas v. Davis prohibits punitive or arbitrary confinement.

Here, detention is **punitive**, not regulatory.

3. Fifth Amendment – Procedural Due Process Violation

Petitioner never received:

- a valid Notice to Appear;
- a custody determination;
- an opportunity to contest detention;
- a lawful basis for arrest or transfer.

Violation: *Mathews v. Eldridge*, *Hamdi v. Rumsfeld*.

4. Equal Protection – Racial Profiling

The Fifth Amendment prohibits discriminatory enforcement.

See *Bolling v. Sharpe*.

Petitioner was targeted and confined **because he is Latino**.

5. Joint Action Doctrine – Private Party as State Actor

Where private parties detain and hand over an individual to the State, they become **state actors** for constitutional purposes.

This renders the **entire chain of detention unconstitutional**.

6. Prolonged Unlawful State Detention

Seven days in county jail **without charges or lawful authority** violates the Fourth and Fourteenth Amendments.

7. Federal Detention Lacks Legal Basis

ICE custody is invalid because it derives from an unlawful seizure and includes **no NTA, no charges, no due process**, and no regulatory purpose.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

1. **Order the immediate release** of Petitioner from ICE custody;
2. **Alternatively**, order an emergency custody hearing within **48 hours**;
3. Issue an order **prohibiting ICE from transferring Petitioner** outside the jurisdiction of this Court;
4. Grant any other relief the Court deems just and proper.

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

I, **Juan Esteban Lopez Lozano**, declare under penalty of perjury under the laws of the United States of America that the facts stated in this Petition are true and correct.

Executed on 11/14, 2025

At Ochopee, Florida.

Juan Esteban Lopez Lozano

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