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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MIDDLE FLORIDA  
FORT MYERS DIVISION**

Jesus Valdes-Santovenia

Petitioner

vs.

Garret Ripa, Miami Field Office Director,  
Immigration and Customs Enforcement;

Kristi Noem, Secretary of Homeland  
Security; and

Pamela J. Bondi, Attorney General of the  
United States,

Respondents

No.

**PETITION FOR A WRIT OF HABEAS CORPUS**  
**PURSUANT TO 28 USC § 2241**

1. Due Process is one fundamental idea that should be guarded at all costs; unfortunately the current administration has taken this fundamental right away from noncitizens, even ones who have been abiding by their check-in dates with the government and who have pending cases to reopen and motions for stay of removal before the Department of Homeland Security. The Department has especially targeted longtime residents who have no prospects of being deported, especially natives of Cuba, including Jesus.

2. Today, he files the instant proceedings to ask the Honorable Court for freedom. He files the instant proceedings for relief under the Habeas Corpus Act and the All-Writs Act and asks the Honorable Court to issue a preliminary injunction enjoining the Respondents from removing him until his proceedings are reviewed by this Court or any neutral arbitrator, including the Attorney General, to review the circumstances of his detention.

**Parties, Jurisdiction, and Venue**

3. Petitioner Jesus Valdes is a native of Cuba. He is the subject of an administrative removal order issued on May 16, 2013 and is being detained by the Respondents based on that order. He is detained at the Florida Soft Side Detention Center a.k.a Alligator Alcatraz.
4. Respondent Garret Ripa is the Miami Field Director for U.S. Immigration and Customs Enforcement responsible for the geographic area including Krome and has administrative jurisdiction over Mr. Valde's case. He is a legal custodian of Mr. Valdes and named in his official capacity.
5. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Mr. Valdes and named in his official capacity.
6. Respondents Kristi Noem and Pamela J. Bondi are, respectively, the Secretary of Homeland Security and the Attorney General of the United States. As such, they are responsible for maintaining the immigration detention system. They are thus legal custodians of Mr. Valdes.
7. Jurisdiction is proper under 28 USC §§1331, 2241, and the Suspension Clause, U.S. Const. art. I, § 9, clause 2.

8. Pursuant to 28 USC § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
9. Venue is proper in the United States District Court for the Middle District of Florida because at least one Respondent is in this District, the Petitioner is detained in this District, and the Petitioner’s immediate physical custodian is in this District. 28 USC § 1391(b).

**Statement of Facts**

10. Petitioner Jesus Valdes- is a native of Cuba. The Respondent is not currently scheduled for a future hearing before the Honorable Court and is in the custody of Immigration and Customs Enforcement.  
Mr. Valdes is a long-term resident of the United States. His entire family resides in the United States and consists of United States citizens or lawful permanent residents. Mr. Valdes was previously convicted under Fla. Stat. § 893.135(1)(a). Exh. 1.
11. Based on this conviction, The Miami immigration court ordered his removal to Cuba on May 16, 2013. Exh. 2. Since the election of President Trump, the Service has started removing Cuban citizens to Cuba or alternative third countries. Due to these circumstances, Mr. Valdes’s removal could be imminently effectuated. He respectfully asks the Honorable Court to reopen the case and terminate it since he is no longer removable.
12. From May 16, 2013, until his detention on November 16, 2025, Mr. Valdes was compliant with the terms of his supervision, including cooperating to attempt to obtain travel documents and not violating any laws.
13. As part of the terms of his Order of Supervision, Mr. Valdes periodically presented to an ICE office. On November 13, 2025, Mr. Valdes did exactly that and presented voluntarily

at the ICE office in Tampa, FL. At this check-in, his Order of Supervision was revoked, and he was detained by ICE. ICE indicated that there was no accusation of a violation of the terms of the Order of Supervision, nor was there any progress in obtaining a travel document. Rather, ICE indicated that there has been a “change in administration” and that they would attempt to find a third country for removal while the Respondent was in detention this time.

14. There is no indication that any circumstances have changed from when ICE determined that Mr. Valdes met the conditions for supervised release. *See Kong v. United States*, 62 F.4th 608, 619–20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)).<sup>1</sup>
15. Mr. Valdes was detained despite filing Motions to Reopen and Stay of Removal before the Miami immigration court. Exh. 3. These motions were docketed in court on November 13, 2025. Exh. 1. Mr. Valdes shared this information with the arresting officers to no avail. The officers detained him, nevertheless.

#### **Grounds for Relief**

#### **Mr. Valdes is no Longer Deportable from the United States Since his Alleged Statute of Conviction is No Longer a Deportable Offense**

16. Mr. Valdes is no longer deportable, and his continued detention violates the Fifth Amendment. The Eleventh Circuit recently ruled that convictions under Florida’s marijuana statute are not deportable since Florida’s schedules are overbroad and include several parts of the plant that are not included in the federal schedule. *See Said v. U.S. Att’y Gen.*, 28 F.4th 1328, 1333 (11th Cir. 2022).

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<sup>1</sup> 8 C.F.R. § 241.13 states, “The Service may revoke an alien’s release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.”

17. In *Said*, the Eleventh Circuit ruled that Florida's schedule for controlled substances included marijuana, but in addition to the federal schedules, the statute prohibited mature marijuana stalks, which are not prohibited under the federal statute. *Id.* at 1333. The Court reversed the Board of Immigration Appeals reasoning that since the scheduled are not identical, then Said's conviction did not relate to a controlled substance and the Board erred in denying Cancellation of Removal. *Id.* at 1334.

18. In this case, Mr. Valdes was convicted on January 7, 2011, for allegedly violating FL. Stat. §893.13(1)(A)(2), for manufacturing marijuana. Exh. 1. This conviction was the basis for his removal from the United States. Like in *Said*, this conviction can no longer serve as the basis for removal since FL. Stat. §893.13(1)(A)(2) is no longer a deportable offense because it prohibits the sale of marijuana and the State of Florida's narcotics schedules are broader than the Federal scheduled. These facts were the basis for his motions to reopen and stay his removal. As such, his continued detention is *ultra vires*, violates his due process rights, and should respectfully lead to his immediate release by the Honorable Court.

**Mr. Valdes's Detention in Immigration Custody violates the Due Process Clause of the Fifth Amendment because His Removal is Not Foreseeable**

19. Mr. Valdes is Cuban. It is not possible for him to travel to any country in the world. This includes Cuba, his country of birth, where he has not been since he was a child. Cuba does not ordinarily issue travel documents to expats, and even if they agree, the process takes months, if not years. Because he is Cuban, travel documents are not available, and his immediate removal is not practical. *See* 8 CFR § 241.4(e)(1).

**Mr. Valdes's detention in immigration custody violates the Administrative Procedure Act because DHS failed to follow its own procedures**

20. The APA requires courts to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 USC § 706(2)(A).
21. Respondents’ detention of Mr. Valdes, who was in full and complete compliance with his Order of Supervision, was arbitrary and capricious. Respondents failed to articulate a reasoned explanation for their decision considering all available evidence. They further provided an invalid and inapplicable Notice of Custody Determination in violation of its procedures and the statute.
22. A court reviewing agency action “must assess ... whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment; it must “examine[e] the reasons for agency decisions- or, as the case may be, the absence of such reasons.” *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

**Prayer for Relief**

23. Mr. Valdes is being illegally detained, in violation of the Due Process Clause of the Fifth Amendment. He respectfully asks this Court to:
  - a. Exercise jurisdiction over this matter;
  - b. Order Petitioner’s immediate release;
  - c. Issue a preliminary injunction enjoining the Respondents from removing him to Cuba or any third country until the Honorable Court rules on this petition.
  - d. Declare that Petitioner’s detention violates the INA, regulations and the Due Process Clause of the Fifth Amendment; and

e. Order such other relief as this Court may deem just and proper.

Respectfully submitted:

s/Ahmad Yakzan  
AHMAD YAKZAN  
*Attorney for Petitioner*

**Certificate Of Service**

I, Ahmad Yakzan, Counsel to the Petitioner, do hereby attest that I sent a copy of the foregoing to the Respondents via CM/ECF and certified mail on November 19, 2025.

s/Ahmad Yakzan  
AHMAD YAKZAN  
*Attorney for Petitioner*