UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.:

JHONN JAIRO RAMIREZ-FRANCO,
A# [redacted],
Petitioner,

v.

PAM BONDI, *in her official capacity as Attorney General of the United States,*
KRISTI NOEM, *in her official capacity as Secretary of the U.S. Department of Homeland Security;*
KELEI WALKER, Acting *Field Office Director, U.S. Immigration and Customs Enforcement and Removal Operations, Miami Field Office (custodian of detainees at the Krome North Service Processing Center;*
NELSON PEREZ, *Office of the Principal Legal Advisor (Krome);*
DAVID L. NEAL, Director, Executive Office for Immigration Review (EOIR), Washington, D.C. ;
TODD M. LYONS, *in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;*
JASON REDING QUIÑONES, U.S. Attorney For the Southern District of Florida;
And
ELISA M. SUKKAR, Assistant Chief Immigration Judge.
Respondents.
_____/

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241(c)(3))
AND REQUEST FOR IMMEDIATE CUSTODY HEARING

Petitioner, JHONN JAIRO RAMIREZ-FRANCO, by and through undersigned counsel, petitions this Honorable Court for issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2241(c)(3), and states as follows:

I. INTRODUCTION AND PROCEDURAL HISTORY

Petitioner Jhonn Jairo Ramirez-Franco ("Petitioner"), A# [redacted] is a native and citizen of Colombia who entered the United States after crossing the border at Eagle Pass, Texas, where he was apprehended on or about May 9, 2022. The Department of Homeland Security ("DHS") classified him as "an alien present in the United States who has not been admitted or paroled," charging him under 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I) (INA §§ 212(a)(6)(A)(i), 212(a)(7)(A)(i)(I)) for entry without inspection and lack of valid documentation (*see* Notice to Appear, **Exh. A**).

The U.S. government released him under the Intensive Supervision Appearance Program ("ISAP"), a program administered by ICE's Enforcement and Removal Operations (ERO) to monitor individuals chosen to be released. His participation in ISAP functioned as a form of ICE supervision, confirming that DHS determined he did not pose a danger to the community or a flight risk.

Petitioner complied with all ISAP reporting requirements and supervision appointments, maintained residence in South Florida, and remained in full compliance with DHS directives. His consistent compliance for three and a half (3 ½) years of community stability further emphasize the absence of any basis to detain him now. *See* **Exh. B** (ISAP Identification Card).

On September 30, 2025, Petitioner appeared before the USCIS Asylum Office for a credible fear interview conducted pursuant to 8 C.F.R. § 208.30. Following the interview, DHS issued a negative credible-fear determination and took him into detention the same day, where he remains. On October 10, 2025, the Immigration Judge vacated DHS's determination and found that "[t]he Applicant has established a significant possibility of eligibility for asylum under section 208 of the Immigration and Nationality Act (ACT), withholding of removal under section

241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT)." (**Exh. C**). Pursuant to 8 C.F.R. § 1208.30(g)(2)(iv), the IJ's ruling automatically placed Petitioner into removal proceedings under INA § 240, during which custody is governed by 8 U.S.C. § 1226(a). He is not subject to expedited removal.

Despite DHS's initial determination that Petitioner posed no danger to the community or risk of flight, over three and a half years ago, proved to be a sound decision because he fully complied with all reporting requirements and maintained a stable residence and lawful employment in South Florida. Nevertheless, on September 30, 2025—immediately following the USCIS Asylum Office's negative credible-fear determination—ICE detained Petitioner for no justifiable reason.

Thereafter, on October 30, 2025, the Immigration Judge at Krome denied bond solely based on "lack of jurisdiction," without making any finding regarding danger or flight risk. (*See* **Exh. D,** bond denial) Because the Immigration Judge concluded he lacked jurisdiction, he did not consider DHS's earlier custody determination releasing him made at the time of the Petitioner's entry years ago - that Petitioner posed neither a danger nor a flight risk; Petitioner's three-and-a-half-year record of perfect compliance under ISAP/OSUP supervision, his lack of criminal history, his eligibility for relief from removal, the separate Immigration Judge's finding of a "significant possibility" of eligibility for asylum, withholding of removal, or CAT, or his critical role at Quiet Technology Aerospace ("QTA"), where he fabricates FAA-regulated carbon-fiber engine inlet components essential to reducing corrosion-related risks and improving in-flight safety. Yet none of these factors were considered, leaving Petitioner detained without any statutory or constitutional mechanism for a custody review.

II. JURISDICTION & VENUE

This action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

This Court has jurisdiction pursuant to:

- **28 U.S.C. § 2241(c)(3)** (unlawful custody in violation of federal law)
- **28 U.S.C. § 1331** (federal question)
- **28 U.S.C. § 1651(a)** (All Writs Act)
- **28 U.S.C. § 2201** (Declaratory Judgment Act)

Petitioner is detained at the Krome Service Processing Center in Miami, Florida, within the Southern District of Florida, where Respondents exercise custody and control over him. Venue is proper under 28 U.S.C. § 1391(e), because Petitioner is detained in this District and a substantial portion of the events giving rise to this action occurred here.

III. REQUIREMENT OF 28 U.S.C. § 2243

Under 28 U.S.C. § 2243, the Court must "forthwith" grant the writ or issue an Order to Show Cause unless it appears that the Petitioner is not entitled to relief. If an Order to Show Cause is issued, the Court must require a response within three (3) days, unless good cause is shown for additional time not to exceed twenty (20) days. The habeas statute guarantees a swift remedy for unlawful detention, particularly where, as here, the Government asserts detention authority without a statutory basis.

IV. PARTIES

- **Petitioner**, Jhonn Jairo Ramirez-Franco (A# [redacted], is a citizen of Colombia currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Krome Service Processing Center in Miami, Florida, within this District.

- **Respondent**, Pam Bondi, Attorney General of the United States, oversees the Executive Office for Immigration Review (EOIR), which administers Petitioner's ongoing removal proceedings.
- **Respondent**, Kristi Noem, Secretary of the U.S. Department of Homeland Security, oversees ICE and the detention authority asserted in this case.
- **Respondent**, Kelei Walker, Field Office Director of ICE in Miami, exercises custody and control over Petitioner's detention and has the legal authority to release him.
- **Respondent,** Nelson Perez, Chief Counsel for the Office of the Principal Legal Advisor (OPLA) at the Krome Service Processing Center, is responsible for prosecutorial functions in Petitioner's removal proceedings and exercises legal authority relevant to Petitioner's continued detention.
- **Respondent,** David L. Neal, Director of the Executive Office for Immigration Review (EOIR) in Washington, D.C., oversees the immigration court system, including adjudication delays and case management that directly affect Petitioner's removal proceedings and custody posture.
- **Respondent,** Todd M. Lyons (Acting Director), U.S. Immigration and Customs Enforcement, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE), is responsible for overseeing the agency's national detention and enforcement operations, including those carried out by the Miami Field Office.
- **Respondent,** Jason Reding Quiñones, U.S. Attorney for the Southern District of Florida, is responsible for representing the United States in federal civil actions arising in this District, including habeas corpus matters, and is therefore a proper respondent in this proceeding.

- **Respondent**, Elisa M. Sukkar, Assistant Chief Immigration Judge (ACIJ) for the Krome Immigration Court, exercises administrative oversight over the Immigration Judges handling Petitioner's removal proceedings and detention-related matters, and therefore holds authority relevant to Petitioner's continued custody.

V. STATEMENT OF FACTS

1. Petitioner Jhonn Jairo Ramirez-Franco ("Petitioner"), A# [redacted] is a native and citizen of Colombia who entered the United States near Eagle Pass, Texas, on or about May 9, 2022. Upon entry, the Department of Homeland Security ("DHS") classified him as "an alien present in the United States who has not been admitted or paroled," charging him under 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I) (INA §§ 212(a)(6)(A)(i), 212(a)(7)(A)(i)(I)) for entry without inspection and lack of valid documentation. *See* **Notice to Appear (Exh. A)**.
2. The U.S. government released Petitioner under the **Intensive Supervision Appearance Program ("ISAP")**, administered by ICE Enforcement and Removal Operations ("ERO") to monitor individuals chosen to be released. His participation in ISAP reflected DHS's considered determination that he posed no danger to the community or risk of flight. Petitioner complied fully with all ISAP reporting requirements, maintained residence in South Florida, and remained in full compliance with DHS directives. See **Exh. B (ISAP Identification Card)**.
3. Petitioner has resided continuously in the United States since 2022, working with authorization and integrating into his community. He has no criminal history in the United States or any other country and maintained lawful employment prior to his needless detention. His employer, Mr. Barry Fine, CEO of Quiet Technology

Aerospace ("QTA"), urgently needs him back on the production floor, as Petitioner performs safety-critical fabrication work on FAA-regulated aircraft components that cannot be easily reassigned or replaced.

4. On September 30, 2025, Petitioner was scheduled for a credible fear interview pursuant to 8 C.F.R. § 208.30(d). It is not clear why the government did not schedule the interview for more than three and a half (3½) years. The Petitioner appeared for a four-hour credible fear interview. Following the interview, USCIS issued a negative credible fear determination, and Mr. Ramirez was taken into custody immediately upon being served with USCIS's decision.

5. On October 10, 2025, the Immigration Judge reversed and vacated DHS's negative credible-fear determination, finding a significant possibility that Petitioner is eligible for asylum, withholding of removal, or protection under the Convention Against Torture. *See* **Exh. C.**

6. Pursuant to 8 C.F.R. § 1208.30(g)(2)(iv), Petitioner was placed into INA § 240 removal proceedings, where detention is governed by 8 U.S.C. § 1226(a). He is not subject to expedited or administrative removal.

7. Nevertheless, on October 30, 2025, an Immigration Judge denied bond solely for "lack of jurisdiction." As a result, the Immigration Judge did not consider any of the required bond factors, including DHS's prior determination that Petitioner was neither a risk of flight nor a danger to the community, his three-and-a-half-year record of perfect compliance under ISAP/OSUP supervision, his lack of criminal history, his eligibility for relief from removal, or his critical employment at Quiet Technology Aerospace ("QTA"), where he worked as a skilled composite technician fabricating FAA-

regulated carbon-fiber engine inlet components essential for aircraft safety. *See* **Exh. D**. Since September 30, 2025, Petitioner has remained confined with no statutory or constitutional mechanism for custody review.

8. Before his detention, Petitioner was and continues to be employed with Quiet Technology Aerospace, Inc. ("QTA"). Quiet Technology Aerospace, Inc. ("QTA")—a recognized industry leader in FAA-regulated composite manufacturing and the sole developer of multiple FAA-certified corrosion-elimination solutions. The company and its founder, Mr. Barry Holmes Fine ("Mr. Fine"), formally attests to the indispensable nature of Petitioner's role and the severe operational impact caused by his detention. QTA's CEO and Owner, Mr. Fine, is a distinguished aviation industry executive with over four decades of experience, including leadership of FAA-certified manufacturing and repair stations, development of more than nineteen FAA-approved Supplemental Type Certificates (STCs), and prior stewardship of major U.S. cargo airline operations. (*See* **Exh. E** for Mr. Fine's CV) The Petitioner's expertise highlights the weight of the company's assessment.

9. In a detailed employer letter, Mr. Fine confirms that Petitioner, since joining QTA on December 18, 2023, has become the "hardest-working and most dedicated member" of the composite department, consistently mastering all fabrication, lay-up, curing, and quality-control tasks required to produce FAA-regulated components. *See* **Exh. E** for Mr. Fine's Letter. Petitioner plays a central role in manufacturing QTA's advanced composite inlet barrels—components critical to delivering the company's corrosion-free inlet solution guaranteed for the life of the aircraft. This work is not merely

technical; it is safety-sensitive and federally regulated, with direct implications for compliance with the FAA.

10. Mr. Fine further explains that Petitioner regularly works the most overtime, earns the trust of both management and colleagues, and is "the most skilled and dependable employee we have ever had." Id. His sudden detention has already caused serious hardship to QTA's production capacity and its ability to meet commitments to aircraft operators. These production delays are particularly damaging given the nationwide shortage of skilled composite technicians and the heightened demand for FAA-approved components in the business jet sector.

11. Importantly, QTA's CEO states that if Petitioner is not permitted to remain in the United States and return to work, the company "will suffer greatly." Id. The loss of a uniquely trained employee in such a heavily regulated manufacturing environment threatens both production continuity and the company's ability to fulfill safety-critical FAA-certified obligations. QTA's extraordinary step of personally supporting Petitioner's immigration efforts further underscores the severity of the harm being suffered and the exceptional value Petitioner provides.

12. Taken together, the employer's statements, documented production disruptions, and the company's extraordinary financial and operational measures demonstrate that Petitioner's continued detention inflicts significant, ongoing harm not only on QTA but on the broader aviation manufacturing chain that depends on the timely delivery of FAA-approved components. Petitioner's release is therefore not only consistent with the statutory purpose of ensuring appearances but also strongly supported by the public interest, as it would allow a uniquely qualified, safety-critical worker to resume his role

within a federally regulated industry where precision, compliance, and continuity are essential.

13. Not only is the Petitioner eligible for relief from removal relating to his asylum application, given the Immigration Judge's finding of credible fear, but also the company can and will file a Labor certification with the Department of Labor. His unconstitutional detention is harming the United States and depriving him of availing himself of his due process right given by the Immigration and Naturalization Act found in Title 8 of the U.S. Code.

VI. LEGAL FRAMEWORK

A. Petitioner's Detention Is Governed by 8 U.S.C. § 1226(a)

8 U.S.C. § 1226(a) governs the detention of noncitizens already present in the United States who are placed into removal proceedings under Title 8, specifically 8 U.S.C. § 1229a (INA § 240), as implemented by 8 C.F.R. §§ 236.1(a)–(d). These regulations authorize DHS to detain or release individuals pending proceedings and provide, at § 236.1(d)(1), a right to request individualized custody redetermination before an Immigration Judge. Because Petitioner was living and working in Florida before his arrest and was not apprehended at or near the border, his detention properly falls under 8 U.S.C. § 1226(a), which affords him the statutory right to a bond hearing based on individualized findings relating to risk of flight and danger to the community.

Congress expressly distinguished between noncitizens already living in the United States and those who recently arrived at the border by recognizing the more substantial due process rights of individuals who have established ties in the U.S. *See* H.R. Rep. No. 104-469, pt. 1, at 163–66 (1996) ("an alien present in the U.S. has a constitutional liberty interest to remain in the U.S."), citing *Knauff v. Shaughnessy*, 338 U.S. 537 (1950).

Consistent with this distinction, agencies interpreting the Immigration and Nationality Act "INA" have long applied 8 U.S.C. § 1226(a)—as implemented by 8 C.F.R. § 236.1—to individuals apprehended within the United States, like Petitioner, rather than 8 U.S.C. § 1225(b), which is implemented by 8 C.F.R. § 235.3(b) and applies only to those encountered at or near the border. Federal courts within this District have similarly recognized that once a noncitizen residing in the United States is placed in 8 U.S.C. § 1229a (INA § 240), removal proceedings, detention must proceed under 8 U.S.C. § 1226(a), affording the individual the right to a custody redetermination hearing before an Immigration Judge.

B. Under 8 U.S.C. § 1229a, Vacatur of a Negative Credible Fear Determination Requires Placement Into INA § 240 Proceedings Pursuant to 8 C.F.R. § 1208.30(g)(2)(iv)

Pursuant to 8 U.S.C. § 1229a and 8 C.F.R. § 1208.30(g)(2)(iv) and the vacatur of the negative credible fear determination, DHS must place the Petitioner into full 8 U.S.C. § 1229a (INA § 240) removal proceedings.

The Immigration Judge vacated DHS' negative credible fear finding on October 10, 2025. *See* **Exhibit A**. From that date forward, Petitioner was no longer subject to expedited removal and no longer in 8 U.S.C. § 1225(b) detention. The Notice to Appear issued on October 14, 2025, confirms that Petitioner is not in expedited removal proceedings but is in full removal proceedings under 8 U.S.C. § 1229a, making 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b), the governing detention authority.

C. The Southern District of Florida Has Ordered Bond Hearings for Similarly Situated Krome Detainees

This District has repeatedly held that Krome detainees in 8 U.S.C. § 1229a (INA § 240), proceedings are entitled to a custody redetermination under 8 U.S.C. § 1226(a), and has granted habeas relief where bond review is denied:

- *Aguilar-Merino v. Ripa*, No. 25-23845-CIV, at 6–8 (S.D. Fla. Oct. 15, 2025) (holding detention unlawful where DHS claimed 8 U.S.C. § 1225(b) authority after a credible-fear vacatur; ordering individualized bond hearing).
- *Alvarez-Puga v. AFOD*, No. 25-24535 (S.D. Fla. Oct. 15, 2025) (granting habeas and requiring bond hearing based on 8 U.S.C. § 1226(a) statutory protections).

Both decisions confirm that detention must be subject to meaningful bond review before a neutral adjudicator.

Here, the Immigration Judge ("IJ") ruled he had no jurisdiction to consider bond, leaving Petitioner without any administrative mechanism to obtain the individualized custody determination required by § 1226(a). See Exhibit B (IJ order stating "No jurisdiction—*Matter of Yajure Hurtado* and *Matter of M-S-* apply").

However, *Yajure-Hurtado,* 29 I&N Dec. 216 (BIA 2025) and *Matter of M-S-,* I&N Dec. 509 (A.G. 2019*)* are opposite. Both decisions concern individuals still detained under the expedited-removal provisions of 8 U.S.C. § 1225(b) (INA § 235(b)), which mandate custody for "arriving" aliens whose credible-fear determinations remain pending. By contrast, the government released the Petitioner years ago and once the Immigration Judge vacated DHS's negative credible-fear finding, the Petitioner was placed into full removal proceedings under 8 U.S.C. § 1229a (INA § 240), pursuant to 8 C.F.R. § 1208.30(g)(2)(iv). Detention authority is found in 8 U.S.C. § 1226(a) (INA § 236(a)), implemented by 8 C.F.R. § 236.1, which governs the custody and bond eligibility of noncitizens apprehended within the United States.

Federal courts within this District have consistently recognized that individuals in Petitioner's posture—those residing in the United States whose credible-fear denials have been vacated—are no longer subject to mandatory detention under 8 U.S.C. § 1225(b) (INA § 235(b)).

Their custody must instead be governed by 8 U.S.C. § 1226(a) (INA § 236(a)), entitling them to an individualized bond hearing. Accordingly, the Immigration Judge's reliance on *Matter of Y-A-J-H-* and *Matter of M-S-* was misplaced, as Petitioner's detention falls squarely under 8 U.S.C. § 1226(a) and its procedural safeguards.

D. Due Process Requires a Meaningful Opportunity to Contest Detention

The Due Process Clause of the U.S. Constitution protects all persons in the United States, including noncitizens, from unlawful deprivation of liberty. *U.S. CONST.* amend. V; *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts assess the adequacy of procedures by weighing:

1. the private interest at stake—here, Petitioner's physical liberty;
2. the risk of erroneous deprivation through existing procedures—which is extreme where no custody review exists; and
3. the Government's interest—which is fully satisfied when an Immigration Judge evaluates danger or flight risk under 8 U.S.C. § 1226(a).

Detention that continues without a mechanism for custody review fails to satisfy due process because it allows the most severe deprivation of liberty with no opportunity to challenge it. Federal courts in this District have recognized that once an individual is placed into 8 U.S.C. § 1229a (INA § 240), removal proceedings under 8 C.F.R. § 1240.1(a)(1), custody determinations must proceed under INA § 236(a)[8 U.S.C. § 1226] and its implementing regulation, 8 C.F.R. § 236.1(d)(1), which provides for individualized bond hearings before an Immigration Judge. The Petitioner's prolonged confinement, following years of lawful supervision under ISAP, and without any finding of danger or flight risk, cannot be reconciled with these statutory and constitutional

protections. Absent such a review, the Petitioner's detention becomes punitive rather than administrative, contravening the Fifth Amendment.

E. DHS' 8 U.S.C. § 1225(b) Classification Theory Has Been Rejected by Federal Courts

DHS asserts, in a July 8, 2025 memorandum, that all individuals not formally admitted—even those who have been living in the United States for years—should be treated as "arriving aliens" and subjected to mandatory detention under 8 U.S.C. (b) (INA § 235(b)) and its implementing regulation, 8 C.F.R. § 235.3(b)(2)(iii), which governs applicants for admission encountered at or near the border. Federal courts have rejected this interpretation as inconsistent with the text and structure of the INA and its implementing framework, which distinguishes between mandatory detention under 8 U.S.C. § 1225(b) for arriving aliens and discretionary detention under 8 U.S.C. § 1226(a) (INA § 236(a)) for individuals apprehended within the United States. The latter category, as set out in 8 C.F.R. § 236.1(a)–(d), expressly authorizes discretionary custody determinations and bond hearings before an Immigration Judge for noncitizens already present in the United States.

As the Southern District of Florida held: "Petitioner… apprehended while already within the United States… falls under § 1226(a), not § 1225(b)(2), and is therefore subject to discretionary bond determination." *Aguilar-Merino v. Ripa*, No. 25-23845-CIV, at 7 (S.D. Fla. Oct. 15, 2025). *See* also *Trump v. Garcia*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at 4 (W.D. La. Aug. 27, 2025).

Accordingly, DHS's attempt to classify Petitioner as an "arriving alien" under 8 C.F.R. § 235.3(b) is legally erroneous. Once placed into full 8 U.S.C. § 1229a (INA § 240) proceedings under 8 C.F.R. § 1240.1(a)(1), Petitioner's custody falls under 8 U.S.C. § 1226(a) (INA § 236(a))

and 8 C.F.R. § 236.1, which provide for individualized bond review and preclude continued detention without due process.

VII. CLAIMS FOR RELIEF

COUNT I – Due Process Violation (Fifth Amendment)

1. Petitioner realleges and incorporates the foregoing paragraphs as though fully stated herein.
2. The Due Process Clause of the Fifth Amendment protects all persons in the United States from unlawful deprivation of liberty. U.S. CONST. amend. V; *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
3. Petitioner's continued civil detention constitutes a severe deprivation of physical liberty, triggering heightened procedural protections.
4. Because the Immigration Judge declined jurisdiction to conduct a custody hearing, Petitioner has been left with no mechanism to challenge whether he is a danger to the community or flight risk.
5. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), due process requires:

   (a) protection of the Petitioner's significant liberty interest,

   (b) mitigation of the extraordinarily high risk of erroneous detention created by no review, and

   (c) minimal burden on the Government to provide an individualized custody redetermination under § 1226(a).
6. As the Southern District of Florida recently held:

   "Detention without a mechanism for custody review fails to satisfy due process, because it permits the most severe deprivation of liberty without a process to challenge such deprivation."

   Aguilar-Merino v. Ripa, No. 25-23845-CIV, at 7–8 (S.D. Fla. Oct. 15, 2025).

7. Respondents' refusal to provide Petitioner a custody hearing violates the Due Process Clause of the Fifth Amendment.

COUNT II – Statutory Violation (8 U.S.C. § 1226(a))

1. Petitioner realleges and incorporates the foregoing paragraphs as though fully stated herein.
2. Individuals detained under 8 U.S.C. § 1226(a) are entitled to a discretionary custody redetermination based on individualized findings of danger and flight risk.
3. DHS regulations mandate placement into full removal proceedings under 8 U.S.C. § 1229a (INA § 240) following vacatur of a negative credible fear decision. See 8 C.F.R. § 1208.30(g)(2)(iv).
4. On October 10, 2025, the Immigration Judge vacated DHS's negative credible-fear determination, placing Petitioner into full removal proceedings under 8 U.S.C. § 1229a (INA § 240) and making 8 U.S.C. § 1226(a) (INA § 236(a)) the governing detention authority.
5. This District has granted habeas relief for similarly situated Krome detainees:
   - A*guilar-Merino v. Ripa*, No. 25-23845-CIV (S.D. Fla. Oct. 15, 2025).
   - *Alvarez-Puga v. Acting Field Office Director*, No. 25-24535-CIV (S.D. Fla. Oct. 15, 2025).
6. Respondents' misclassification of Petitioner as an "arriving alien" under 8 U.S.C. § 1225(b) is unlawful and contrary to judicial precedent in this District.
7. Respondents' continued detention of Petitioner without an individualized custody determination violates 8 U.S.C. § 1226(a).

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause requiring Respondents to justify Petitioner's continued detention under 8 U.S.C. § 1226(a);
3. Declare that Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C.§ 1225(b), and that detention without an individualized custody redetermination violates the Immigration and Nationality Act and the Fifth Amendment;
4. Issue a Writ of Habeas Corpus directing Respondents to:

   a. Provide Petitioner an immediate custody redetermination hearing before a neutral adjudicator; or, in the alternative,

   b. Release Petitioner forthwith under reasonable supervision and conditions set by this Court or ICE as previously done for 3 ½ years;
5. Award such further relief as this Court deems just and proper.

Respectfully submitted,

/s/Linda Osberg-Braun, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July 2025, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all supporting documents by electronic filing and by mail upon the following individuals:

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EXHIBITS

Exhibit	Title
A	Notice to Appear
B	ISAP Identification Card
C	IJ Order Vacating Credible Fear Negative Finding
D	IJ Order Denying Bond
E	Employer CV, Letter of Support, and Petitioner's paystub