

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

DEIVI SAMUEL LOZANO-ANAYA,

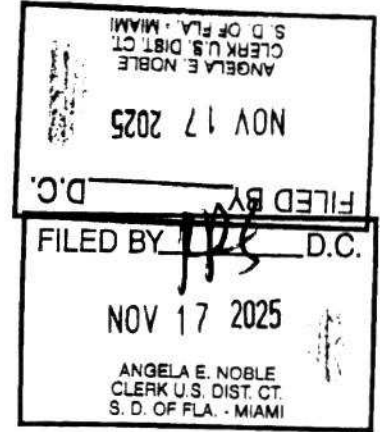


Petitioner,

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 Confinement – Invalid Federal Custody – Racial Profiling Incident


Petitioner, **Deivi (Deivid) Samuel Lozano-Anaya**, respectfully files this Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and states:

I. INTRODUCTION

Petitioner is a 21-year-old Colombian national who:

- has a **pending asylum filing**;
- possesses a **valid Employment Authorization Document (EAD)**;
- has **no criminal history**;
- has **fully complied** with all immigration requirements;
- has significant ties to the United States.

Despite this, Petitioner was:

1. **racially profiled and illegally seized** by individuals wearing event-staff wristbands at EDC Orlando;
2. **transported in private vehicles** against his will by individuals with no legal authority;
3. **delivered** to Orange County Jail under Booking Number 
4. **held for days without criminal charges**, warrant, probable cause, or judicial review;
5. later **turned over to ICE unlawfully**, without a legal detainer, without a valid Notice to Appear (NTA), and without legal justification for federal custody.

Petitioner is now detained at:

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

This detention is unconstitutional at every stage—**state detention was illegal**, and **federal detention is invalid because it originates in illegality and lacks a statutory basis**.




Petitioner respectfully requests immediate release, or alternatively, an emergency bond/custody hearing within 48 hours, plus a non-transfer order.

II. JURISDICTION AND VENUE

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



Venue is proper because Petitioner is currently detained within the Southern District of Florida.

III. PETITIONER INFORMATION

- **Full Name:** Deivi (Deivid) Samuel Lozano-Anaya
- **Country of Birth:** Colombia
- **A-Number:** 
- **Date of Birth:** 
- **Booking Number (Orange County Jail):** 
- **Asylum Filing:** Pending (2023)
- **Current Detention:**
Florida Soft Side South

54575 Tamiami Trail E
Ochopee, FL 34141

IV. STATEMENT OF FACTS

1. On November 7, 2025, Petitioner was attending the EDC Orlando Festival legally.
2. He was approached by people wearing event-staff wristbands who claimed—falsely—that his group’s tickets were invalid.
3. These individuals were not law enforcement, had no arrest authority, and were not acting under any lawful mandate.
4. Without a warrant, probable cause, or consent, Petitioner was **forced into a private vehicle**, taken to another location, and transferred to a second vehicle.
5. He was then **delivered to Orange County Jail** and entered under Booking Number 
6. Petitioner was never charged with any offense, was never read his rights, and was never provided due process during his confinement.
7. After several days of unlawful detention in county jail, Petitioner was then transferred to ICE without:
 - a lawful immigration detainer,
 - a valid Notice to Appear (NTA),
 - any pending or prior immigration violation,
 - any statutory authority permitting ICE custody.
8. ICE now lists him at Florida Soft Side South under 
9. ICE’s detention is **invalid** because the underlying state detention was unlawful and because federal custody lacks any lawful charging document, procedure, or statutory justification.

V. LEGAL CLAIMS

1. Fourth Amendment – Illegal Seizure

Petitioner was seized with no probable cause, no reasonable suspicion, and no legal basis. Private individuals acting under color of authority cannot detain citizens or noncitizens without lawful cause.

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

When private individuals perform police-type actions coordinated with state officials, they become state actors for constitutional purposes.

3. Fifth Amendment – Substantive Due Process

Arbitrary, punitive detention violates the Fifth Amendment.
See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

4. Fifth Amendment – Procedural Due Process

Petitioner never received:

- notice of any charges,
- a hearing,
- the opportunity to contest custody,
- legally required information.

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

5. Equal Protection – Racial Profiling

Targeting the Petitioner based on Latino appearance violates equal protection principles.

6. Unlawful State Confinement

Days in Orange County Jail without any charges, warrants, or probable cause violate the Fourth and Fourteenth Amendments.

7. Invalid ICE Custody – No Notice to Appear

ICE cannot lawfully detain a person who:

- has **no NTA**,
- has **no pending removal proceedings**,
- was **not arrested under immigration authority**,
- and was transferred from unlawful state detention.

Such detention is **ultra vires**.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests:

1. **Immediate release** from ICE custody;
2. Alternatively, a **custody hearing within 48 hours**;
3. A **non-transfer order**, preventing removal from this District;
4. Any other relief deemed just and proper.

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

I, **Deivi (Deivid) Samuel Lozano-Anaya**, declare under penalty of perjury that the facts in this Petition are true and correct.

Executed on _____, 2025

At Ochopee, Florida.

Deivi Samuel Lozano-Anaya

