

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

FILED BY MCO D.C.
DEC 01 2025
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Daniela Zurisadai Sequeira Peralta,
as Next Friend of
JAIRO JOSÉ SEQUEIRA MARTÍNEZ,
Petitioner-Plaintiffs


Civil action No. _____

v. _____

U.S. Immigration and Customs Enforcement (ICE),
and the Director of
Krome North Service Processing Center,
Respondent- Defendants

MAGISTRATE JUDGE _____

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

*Filed by Next Friend on Behalf of ICE Detainee
Jairo José Sequeira Martínez (A# )*

BACKGROUND


This is an action for a writ of habeas corpus under **28 U.S.C. § 2241**, brought by **Next Friend Petitioner, Daniela Zurisadai Sequeira Peralta**, on behalf of her father, **Jairo José Sequeira Martínez**, who is being unlawfully detained by ICE at **Krome North Service Processing Center**, despite the fact that:

- He entered the United States **legally** with a valid B1/B2 visa,
- He has **no criminal history**,
- He has **not violated immigration laws**, and

- His country of origin, **Nicaragua**, has **refused to accept him**, making removal impossible. (*See Exhibit # 1*) (*official notification from the Nicaraguan government and Avianca Airlines*)

Continued detention violates federal law, constitutional protections, and the Supreme Court's holdings in *Zadvydas v. Davis* and *Clark v. Martinez*.

CUSTODY

The detainee, *Jairo José Sequeira Martínez*, A#  is currently in ICE custody at:

Krome North Service Processing Center
18201 SW 12th Street
Miami, FL 33194.

He is "in custody" for purposes of 28 U.S.C. § 2241.

JURISDICTION

Jurisdiction is proper under:

- **28 U.S.C. § 2241**
- **28 U.S.C. § 1331**
- **U.S. Constitution, Amendment V**

The petition raises federal constitutional and statutory questions concerning unlawful immigration detention.

VENUE

Venue is located in the **Southern District of Florida** because:

- The detainee is held in the Miami Division of this District.
- The Respondents exercise authority over his detention here.

EXHAUSTION OF REMEDIES

Exhaustion is satisfied or excused because:

1. Petitioner has made **good-faith efforts** to resolve detention through ICE channels;
2. ICE has been **unable to remove** the detainee because Nicaragua refuses to issue travel documents; . *(See Exhibit # 1) (official notification from the Nicaraguan government and Avianca Airlines)*
3. Administrative remedies are **inadequate, futile, and incapable** of providing timely relief;
4. Habeas corpus is the proper vehicle where fundamental liberty interests are at stake.

PARTIES

Petitioner (Next Friend):

Daniela Zurisadai Sequeira Peralta
14280 Garcon Rd
Gonzalez, Louisiana 70737
Phone: (225) 366-2274

She is the **adult daughter** of the detainee and stands in Loco parentis for purposes of this petition.

Detainee:

Jairo José Sequeira Martínez
A# 

Currently detained at *Krome North Service Processing Center*.

Respondents:

- U.S. Immigration and Customs Enforcement (ICE)
- Director of Krome North Service Processing Center
- Any other proper respondent with immediate physical custody of the detainee.

STATEMENT OF THE FACTS

1. Detainee is a **lawful visa holder** (B1/B2 valid until February 2031).
2. He entered the U.S. **legally** on February 10, 2025.
3. He has **27 years** of pastoral ministry and strong community ties.
4. He has traveled to the U.S. **three times a year for 10 years** without any issues.
5. He has **never violated immigration laws**, never overstayed, and never committed a crime.
6. On May 4, 2025, he attempted to **return voluntarily** to Nicaragua.
7. Upon arrival in Managua, Nicaraguan authorities **detained him**, held him for hours, and **forcibly expelled him** to El Salvador.
8. He was warned he would be imprisoned and killed if he returned to Nicaragua.
9. He filed multiple requests with the Nicaraguan government seeking re-entry, which were **ignored**.
10. Nicaragua has **refused to accept him**, making removal **impossible**. . *(See Exhibit # 1) (official notification from the Nicaraguan government and Avianca Airlines)*
11. ICE has been unable to secure travel documents.
12. His continued detention is **not justified, not legal, and not constitutional**.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

The Supreme Court has established:

***Zadvydas v. Davis*, 533 U.S. 678 (2001)**

ICE cannot detain a person indefinitely once removal is not reasonably foreseeable.

Clark v. Martinez, 543 U.S. 371 (2005)

The *Zadvydas* rule applies to **all noncitizens**, including those with visas.

8 U.S.C. § 1231(a)(6)

Permits detention *only while* removal is reasonably foreseeable.

8 C.F.R. § 241.4 – § 241.5

When removal is not possible, the individual must be placed on **supervised release**.

CLAIMS FOR RELIEF

COUNT ONE:

Violation of the Fifth Amendment – Unlawful Prolonged Detention

Respondents are violating Petitioner's Fifth Amendment right to due process by continuing to detain him despite:

- Removal not being reasonably foreseeable,

- Nicaragua's refusal to accept him,
- His lack of criminal or immigration violations,
- The absence of any grounds for continued detention.

COUNT TWO:

Violation of Federal Statutory Law – 8 U.S.C. § 1231(a)(6)

Respondents are violating federal law by detaining Petitioner beyond the permissible period where removal is reasonably foreseeable.

Supervised release under **8 C.F.R. § 241.5** is the appropriate and lawful remedy.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, through her status as Next Friend, respectfully requests that this Court:

1. **Issue a Writ of Habeas Corpus.**
2. Order Respondents to **immediately release** Jairo José Sequeira Martínez on:
 - **Recognizance (ROR)**, or
 - **Order of Supervision (Form I-220A)**;
3. Declare his detention **unlawful and unconstitutional**.

4. Enjoin Respondents from further unlawful detention.
5. Grant any other relief the Court deems just and proper.

Respectfully submitted,

X D. Sequeira

Date: 11/24/25

Daniela Zurisada Sequeira Peralta

Next Friend of

Jairo José Sequeira Martínez (A# [REDACTED])

14280 Garcon Road

Gonzalez, Louisiana 70737

Phone: (225) 366-2274