

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

\_\_\_\_\_  
**SUSANA IZAGUIRRE CARDENAS,**

Petitioner,

v.

**JOHN W. MINA,**

Sheriff,

Orange County Florida

**GARRET RIPA,**

Department of Homeland Security,

Immigrations and Customs Enforcement,

Enforcement and Removal Operations,

Miami/Orlando Field Director

Respondents.  
\_\_\_\_\_

Case No. \_\_\_\_\_

**EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS**

**UNDER 28 U.S.C. §2241**

Petitioner, Susana Izaguirre Cardenas, hereby respectfully petitions this Honorable Court for a writ of habeas corpus under 28 U.S.C. §2241 to remedy her unlawful detention by the Respondent. In support of this petition, Petitioner alleges as follows:

1. This is a petition for habeas corpus challenging the unlawful detention of an alien who has not been ordered deported/excluded/removed from the United States.
2. This action arises under 28 U.S.C. §2241(c)(1) and (3); and Article 1, §9 Cl. 2 of the United States Constitution, and the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. §1101 et seq. Subject matter jurisdiction is based upon 28 U.S.C. §2241.
3. Petitioner is being detained at the Orange County Corrections Department, 3723 Vision Blvd, Orland in Florida. Venue is proper in this district because the facility in which the Petitioner is being detained is within the territorial jurisdiction of this Court.
4. Respondent John W. Mina is the Sheriff of Orange County, Florida and exercises power and authority over individuals in custody at the Orange County Corrections Department.
5. Exhaustion is not required where (1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate relief; (3) administrative appeal would be futile; and (4) in certain instances a plaintiff has raised substantial constitutional question, *Howel v. INS*, 72 F.3d 288, 291 (2d Cir. 1995). All four circumstances are present in this case.
6. Petitioner was taken into custody by Orange County Sheriff in Orange County, Florida and booked into the Orange County Corrections Department facility at 14400 49<sup>th</sup> Street North, Clearwater, Florida on Saturday, November 22, 2025.
7. On Wednesday, December 3, 2025 on or about 10:30 **A.M.** a third party deposited the required sum of \$1,500.00 as cash bond on behalf of the Petitioner. As the Orange County Sheriff had no cause to continue to detain Petitioner, she should have been processed for release from the custody of Orange County Sheriff unless that office

was served with an ICE detainer pursuant to 8 C.F.R. §287.7(a) and (b). This ICE detainer would be the sole basis for the continued detention of Petitioner by the Orange County Sheriff.

8. Orange County Sheriff continues to detain Petitioner until as of today, Saturday, December 6, 2025 at the Orange County Corrections Department facility.
9. Petitioner is being held in the custody of Orange County Sheriff in excess of the forty-eight hours permitted pursuant to 8 C.F.R. §287.7(d) and therefore her detention is in violation of U.S. laws. 8 C.F.R. § 287.7(d) provides:
  - (d) Temporary detention at the Department request. Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.
10. Petitioner continues to be detained in the custody of Respondent at the Orange County Corrections Department facility as of Saturday, December 6, 2025 where she continues to be detained unlawfully.
11. Habeas corpus is the proper remedy to challenge detention without lawful authority.

See

§ 79.01, Fla. Stats. (2013). "The purpose of the ancient and high prerogative writ of habeas corpus is to enquire into the legality of a prisoner's present detention". *McCrae v. Wainright*, 439 So. 2d 868,870 (Fla. 1983).

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant Petitioner a writ of habeas corpus and order Respondent to release him from custody and award any additional relief in favor of Petitioner that is just and proper.

RESPECTFULLY submitted this 6th day of December, 2025,

*Paul A Palacios*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of December, 2025, a copy of the foregoing has been delivered via certified mail to:

Orange County Sheriff's Office  
P.O. Box 1440  
Orlando, FL32802

Gregory W. Kehoe United States  
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