

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

Case No.:

JOSE TOMAS FLORES-VERA,
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
AND MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

COMES NOW, Petitioner, José Tomas Flores-Vera (“Mr. Flores”), A# [REDACTED] by
and through undersigned counsel, and petitions this Honorable Court for a writ of habeas corpus
pursuant to 28 U.S.C. § 2241, and moves for a Temporary Restraining Order and Preliminary

Injunction. Petitioner respectfully requests that this Court restrain Respondents from continuing his unlawful detention, from removing Petitioner from this jurisdiction, and order his immediate release and reinstatement to his long-standing Order of Supervision (“OSUP”).

Mr. Flores is a national and citizen of Cuba who has lived in the United States since his initial arrival in 1980, aboard the Mariel boatlift. Fleeing Cuba and the communist regime, Mr. Flores sought refuge in the United States. For the last forty-five (45) years, Mr. Flores has called the United States home. He has built his entire life in the United States, raising his two (2) U.S. citizen adult children and for the last eleven (11) years, providing unwavering love and support to his U.S. citizen partner, Ana Maria Najri.

In 1984, the Department of Homeland Security (“DHS”) commenced exclusion proceedings against Mr. Flores. On February 26, 1988, an Immigration Judge ordered Mr. Flores excluded. This decision was upheld by the Board of Immigration Appeals on July 1, 1991. *See Exh. A.* For over thirty-four (34) years Mr. Flores has been reporting on his Order of Supervision with the Department of Homeland Security, Immigration and Customs Enforcement (“ICE”). Mr. Flores has been reporting consistently and complying with every requirement. ICE repeatedly found he posed no danger and no flight risk, and consistently found there was no substantial likelihood of removal in the reasonably foreseeable future. *See Exh. B.*

Despite this, on November 12, 2025, during a routine check-in, ICE suddenly detained him without notice, without cause, and without complying with the mandatory procedures governing revocation of supervision. This detention violates the statutory framework governing post-order custody, the Due Process Clause, and the Supreme Court’s rule in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Because removal to Cuba is not reasonably foreseeable, ICE lacks authority to detain him

at all. And because ICE failed to follow the mandatory procedures under 8 U.S.C. § 1231(a) and 8 C.F.R. § 241.4, his detention is unlawful from its inception.

Immediate relief is required. Mr. Flores is a prostate cancer survivor requiring urology follow-up every three months and pulmonary evaluation for an abnormal lung finding. Detention has already disrupted his medical care and places him at grave risk. His continued detention constitutes a liability. *See Exh. C*, copy of Respondent's medical records. Additionally, his detention also inflicts severe harm on his 94-year-old U.S. citizen mother, who suffers from chronic obstructive pulmonary disease (COPD), cardiovascular disease, renal impairment, and mobility limitations and relies entirely on him for daily support. *See Exh. D*, medical records for mother. His U.S. citizen partner of eleven (11) years, who suffers from glaucoma and hypertension, likewise depends on him for daily stability. *See Exh. E* signed statement.

For all these reasons and in light of there being no change in circumstances, there is no significant likelihood of removal in the reasonably foreseeable future, and continued detention violates the fundamental constitutional protections of due process and those protections established in *Zadvydas v. Davis*, 533 U.S. 678 (2001). In *Zadvydas*, the Supreme Court held that the government may not detain individuals indefinitely where removal is not reasonably foreseeable. Removal has not been reasonably foreseeable against Mr. Flores for over thirty-four (34) years. There is nothing that has changed and his continued detention to by chance effectuate his removal order is unlawful and arbitrary. His detention and revocation of his OSUP with ICE's failure to comply with their statutory requirements violated his right to due process under the U.S. Constitution.

I. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241, which authorizes federal courts to grant a writ of habeas corpus to individuals held “in custody in violation of the Constitution or laws or treaties of the United States.” federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of their detention; as well as claims by noncitizens seeking to protect their due process rights. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Petitioner is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) within this judicial district, satisfying the “in custody” requirement at the time of filing. *See Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

This Court also has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) because the action arises under federal constitutional and statutory law, and under 5 U.S.C. §§ 701–706 (Administrative Procedure Act), as ICE acted arbitrarily, capriciously, and contrary to law by re-detaining a fully compliant supervisee without individualized review or adherence to statutory and regulatory procedures. While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, 8 U.S.C. § 1252(a)(1), (b), the federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear *habeas corpus* claims by aliens challenging “the constitutionality of the entire statutory scheme under the Fifth Amendment.”¹ This case arises under the United States Constitution; the Immigration and Nationality Act (“INA”), 8 U.S.C.

¹ *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018). District courts also have jurisdiction to review “collateral challenges to unconstitutional practices and policies” used by Respondents in reaching their decision. *McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 896 (1991).

§§1101 *et seq.*, and the Due Process Clause of the Fifth Amendment. This Court has remedial authority under its inherent authority and the All Writs Act, 28 U.S.C. §1651.

This Court additionally has jurisdiction under Article I, Section 9, Clause 2 of the U.S. Constitution, the Suspension Clause, which guarantees the availability of the writ of habeas corpus except in cases of rebellion or invasion. The claims raised herein are not barred by 8 U.S.C. § 1252, as Petitioner is not challenging the validity of the final order of removal, but rather the legality of detention in the absence of a foreseeable removal and in violation of due process under the Fifth Amendment. See *Clark v. Martinez*, 543 U.S. 371 (2005) (extending *Zadvydas* to inadmissible aliens); *Trump v. J.G.G.*, 145 S. Ct. 1003 (2025) (The constitutionality of immigration detention is in context of a habeas corpus claim) *Bunthoeun Kong v. United States AG*, 62 F.4th 608,614 (3d Cir. 2023) (8 USC § 1252(b)(9)'s phrase is not 'infinitely elastic' and does not encompass claims collateral to the removal order, such as unlawful detention); *E.D.Q.C. v. Warden, Stewart Det. Ctr.*, No. 4:25-cv-50-CDL-AGH, 2025 U.S. Dist. LEXIS 104781 (M.D. Ga. June 3, 2025) (the court does not read § 1252(g) to shield unlawful actions from judicial review).

Moreover, venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(e) because Petitioner is detained within this District, his immediate custodian is located within this District, and a substantial part of the events and omissions giving rise to this action occurred here. Petitioner is “in custody” for habeas purposes because he is detained by ICE at the Florida Soft Side South facility under the authority of the ICE Miami Field Office.

II. PARTIES

1. **Petitioner, Jose Tomas Flores-Vera** (“Mr. Flores”), A#  is a national and citizen of Cuba currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Florida Soft Side South facility pursuant to a decades-old final order of removal.

2. **Respondent Pam Bondi** is the Attorney General of the United States and is the chief legal officer responsible for the administration and enforcement of federal immigration laws.
3. **Respondent Kristi Noem** is the Secretary of the U.S. Department of Homeland Security and is responsible for the administration of DHS, including the detention and removal of noncitizens.
4. **Respondent Kelei Walker** is the Acting Field Office Director for the U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, Miami Field Office, and exercises custody and detention authority over immigrants in this jurisdiction.
5. **Respondent Nelson Perez** is an attorney with the Office of the Principal Legal Advisor at Krome, representing the government in immigration matters arising in this District.
6. **Respondent David L. Neal** is the Director of the Executive Office for Immigration Review, and is responsible for the administration of immigration court proceedings in the United States.
7. **Respondent Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement and is responsible for the nationwide detention and removal of noncitizens.
8. **Respondent Jason Reding Quiñones** is the United States Attorney for the Southern District of Florida and is the attorney of record in federal litigation arising in this District.
9. **Respondent Elisa M. Sukkar** is an Assistant Chief Immigration Judge, responsible for oversight of immigration court proceedings within this jurisdiction.

All Respondents are sued in their official capacities only.

III. STATEMENT OF FACTS

1. Petitioner, José Tomas Flores-Vera (“Mr. Flores”), is a Cuban national who was admitted to the United States on May 17, 1980, as part of the Mariel boatlift. He has lived virtually

his entire adult life in the United States and has been subject to a final order of removal since February 26, 1988, with the Board of Immigration Appeals dismissing his appeal on June 1, 1991, rendering the order administratively final as of thirty-four (34) years ago, way beyond the 180-day removal period. *See Exh. A.*

2. For decades, Mr. Flores lived in the community under an Order of Supervision, consistently complied with all ICE reporting requirements, and remained fully supervised without incident. ICE repeatedly determined that he posed neither a danger nor a flight risk. He has never absconded, failed to appear, or violated supervision, and has lived peacefully in the United States for forty-five (45) years. *See Exh. B.*
3. Despite this long-standing compliance and the absence of any new conduct or circumstance warranting re-detention, on November 12, 2025, ICE abruptly detained Mr. Flores during his routine reporting to OSUP and transferred him to the Florida Soft Side South Detention Facility. ICE provided no notice, no individualized review, and failed to follow the statutory framework governing custody determinations under 8 U.S.C. § 1231(a)(3) and (a)(6). ICE further failed to comply with the procedural safeguards set forth in its implementing regulations, including 8 C.F.R. § 241.4.
4. Mr. Flores is a cancer survivor who underwent eighteen (18) rounds of radiotherapy for prostate cancer and requires ongoing urology follow-up every three (3) months to monitor for recurrence. He also requires evaluation by a pulmonologist due to an abnormal lung finding that necessitates continued surveillance. His detention in a remote facility has interrupted his established treatment plan and placed him at heightened risk of undetected recurrence or pulmonary deterioration. *See Exh. C.*

5. Mr. Flores also provides essential daily and emotional support to his 94-year-old United States citizen mother, who suffers from multiple severe medical conditions—including chronic obstructive pulmonary disease (COPD), renal dysfunction, cardiovascular disease, and significant mobility limitations—and relies heavily on his presence for daily care and stability. *See Exh. D.*
6. Additionally, his United States citizen partner of eleven (11) years also depends on him for care and support, as she suffers from glaucoma requiring daily eye drops and hypertension requiring ongoing medication. Both U.S. citizens describe his sudden detention as devastating, destabilizing, and harmful to their medical and emotional well-being. *See Exh. E.*
7. Mr. Flores's forty-five (45) years in the United States have resulted in deep and substantial ties to the Miami community. Numerous friends, neighbors, coworkers, and community members have submitted letters describing him as a peaceful, honest, hardworking, and dependable individual who has consistently contributed positively to those around him. These declarations portray a man who has never posed a danger to anyone, has lived a quiet and law-abiding life, and is widely known for his willingness to assist elderly neighbors, longtime friends, and family members with compassion and reliability. Many individuals describe his unwavering devotion to caring for his 94-year-old mother, emphasizing the stability and emotional support he provides to her on a daily basis. Collectively, these letters reflect a person of strong moral character, deep integrity, and longstanding community presence. *See Exh. F.*
8. Removal to Cuba is not reasonably foreseeable due to longstanding diplomatic limitations, the absence of consistent repatriation flights, and Cuba's continuing refusal to issue travel

documents for many Mariel-era nationals. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), Mr. Flores’s continued detention is unlawful and arbitrary as there is no substantial likelihood of removal in foreseeable future. Moreover, his detention violates his right to due process as ICE failed to comply with its statutory and regulatory requirements.

IV. LEGAL FRAMEWORK

A. Statutory Authority Governing Post-Order Detention (8 U.S.C. § 1231)

9. The Due Process Clause of the Fifth Amendment states that “[n]o person shall be ... deprived of life, liberty, or property without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lie at the heart of the liberty that [the Due Process] Clause protects.”² This applies to everyone in this country, including aliens.³
10. Under 8 U.S.C. § 1231(a)(1), DHS may detain an individual during the 90-day “removal period.” After that period, Congress sharply limits DHS’s authority. 8 U.S.C. § 1231(a)(3) requires release under an Order of Supervision when removal is not reasonably foreseeable, unless DHS makes specific individualized findings supporting detention. 8 U.S.C. § 1231(a)(6) permits continued detention only in narrow circumstances that remain consistent with constitutional due process.
11. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that indefinite or speculative detention is unconstitutional, and removal must be reasonably foreseeable, not

² *Zadvydas v. Davis*, 533 U.S. 678, 690, (2001).

³ *Id.* at 693 (“[T]he Due Process clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful [or] unlawful”); *Reno v. Florida*, 507 U.S. 292, 306 (1993) (“the Fifth Amendment entitles aliens to due process of law in deportation proceedings”).

theoretical or hypothetical. The Supreme Court further held that detention beyond the 180 days after a final order of removal is presumptively unreasonable when there is no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. The Court extended this protection to all noncitizens ordered removed, regardless of inadmissibility. See *Clark v. Martinez*, 543 U.S. 371, 386 (2005).

12. For decades, ICE repeatedly concluded that Mr. Flores was not a danger, nor a flight risk, and that removal was not reasonably foreseeable. As such, Mr. Flores was placed on OSUP and maintained his supervision without incident. The 180-day removal period has long passed. ICE lacked the authority to abruptly reverse its past findings when no country was identified for Mr. Flores' removal and there was no indication that removal was reasonably foreseeable. Moreover, ICE failed to follow the statutory and regulatory procedures required for revocation. Because ICE failed to comply with the requirements of § 1231(a)(3) and (a)(6), its re-detention of Mr. Flores is unlawful.
13. Notwithstanding the above, nothing in *Zadvydas* bars early judicial intervention where detention is unconstitutional from the outset. Because Cuba routinely declines to repatriate Mariel-era nationals, Mr. Flores's removal is not reasonably foreseeable, and his detention is therefore unlawful. Cuba's refusal to accept repatriation of many Mariel-era nationals and ICE's failure to pre-identify any third country that Mr. Flores will be removed to makes removal speculative at best, and ICE's failure to follow § 241.4 procedures render this detention unlawful regardless of the duration. His detention is thus unlawful, arbitrary, and a violation of the Due Process Clause of the Fifth Amendment.

B. Revocation of Supervision Requires Strict Procedural Compliance with 8 C.F.R. § 241.4(l)

14. When DHS seeks to revoke an Order of Supervision, the regulations impose mandatory procedural safeguard that must be followed. Pursuant to 8 C.F.R. § 241.4(l)(1), ICE must provide an individual with (1) notice explaining the specific reasons for revocation and (2) a prompt informal interview affording him the opportunity to respond to the reasons for revocation as stated in the notification. ICE has failed to comply with these requirements. These safeguards ensure that ICE affords individuals an opportunity to contest the basis for detention in a fair and timely manner.

15. Mr. Flores was detained on November 12, 2025, without notice and without a prompt informal interview to allow him to respond to the reasons for the revocation. He remains detained without explanation, unlawfully, and arbitrarily. This failure to follow 8 C.F.R. § 241.4(l) renders his continued detention unlawful and violates core principles of due process.

C. Administrative Procedure Act (APA) Violations

16. Under 5 U.S.C. § 706(2), a court must set aside agency action that is arbitrary, capricious, an abuse of discretion, contrary to law, or taken without observance of procedure required by law. ICE's abrupt re-detention of a fully compliant supervisee—without notice, without an individualized assessment, and without following the mandatory procedures governing revocation of supervision—squarely meets this standard.

17. ICE conducted no review, provided no explanation or evidentiary basis, and failed to articulate any reasoning supporting its departure from decades of supervision. Such disregard for statutory and regulatory requirements—particularly where liberty is at stake—constitutes classic arbitrary and capricious agency action. Courts consistently hold

that when an agency violates its own regulations in a way that affects an individual's liberty interests, the action is invalid under both the APA and the Due Process Clause.

D. Fifth Amendment Due Process

18. The Fifth Amendment's Due Process Clause protects all persons in the United States—citizens and noncitizens alike—from arbitrary government action. It protects against detention imposed without procedural safeguards, and the deprivation of liberty without a meaningful opportunity to be heard. Mr. Flores's detention no longer serves any removal-related purpose as there is no significant likelihood that removal to Cuba is reasonably foreseeable. This has been the same determination that has been made for thirty-four (34) years. Detention that is not tied to a legitimate, forward-looking purpose becomes punitive and unconstitutional. *See Zadvydas*, 533 U.S. at 690.

19. Moreover, ICE failed to provide notice, an interview, an individualized custody review, or a meaningful opportunity to contest revocation of supervision. Courts consistently hold that when the Government deprives a person of liberty, it must provide "notice and opportunity for hearing appropriate to the nature of the case." *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (due process requires notice of the grounds for detention and a meaningful ability to contest them). Here, ICE conducted none of the mandatory procedural steps before re-detaining Mr. Flores. Mr. Flores' continued detention as a non-removable individual, without adequate process constitutes an ongoing due process violation that mandates his immediate release.

V. CLAIMS FOR RELIEF

COUNT I

**Violation of the Fifth Amendment Right to Due Process
(U.S. Const. amend. V)**

1. Petitioner realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
2. The Fifth Amendment of the U.S. Constitution provides that no person shall be deprived of life, liberty, or property without due process of law. This applies to all individuals in the country regardless of their citizenship.
3. The Fifth Amendment further prohibits detention that is indefinite, punitive, or unrelated to a legitimate removal purpose. In *Zadvydas v. Davis*, the Supreme Court held that detention beyond the removal period is unreasonable when there is no significant likelihood of removal in the reasonably foreseeable future.
4. Removal to Cuba is not reasonably foreseeable for Petitioner, as demonstrated by more than thirty-four years of failed removal efforts and Cuba's longstanding refusal to accept repatriation of many Mariel-era nationals.
5. Because Petitioner's detention is not reasonably related to effectuating removal, it has become punitive and unconstitutional.
6. Moreover, due process under the Fifth Amendment requires notice and a reasonable opportunity to be heard. Petitioner's detention without notice and meaningful opportunity to contest the basis for detention is a violation of his due process rights.
7. Petitioner's continued detention therefore warrants immediate habeas relief as it is an ongoing deprivation of liberty without due process and constitutes irreparable harm.

COUNT II

**Unlawful Post-Order Detention in Violation of the Immigration and Nationality Act
(8 U.S.C. § 1231(a)(3) and (a)(6))**

1. Petitioner realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
2. Under 8 U.S.C. § 1231(a)(3), when removal is not reasonably foreseeable, the Government must release a noncitizen under an Order of Supervision unless it makes specific, individualized findings that the person poses a danger to the community or a risk of flight.
3. Section 1231(a)(6) authorizes continued detention only in narrow circumstances consistent with constitutional due process.
4. For more than three decades since his release after his order of removal, ICE repeatedly determined that Petitioner posed no danger and no flight risk, releasing him under an Order of Supervision, with which he fully complied.
5. ICE abruptly re-detained Petitioner on November 12, 2025, without any individualized findings, without notice, and without identifying any change in circumstances justifying detention.
6. Because there is no significant likelihood that Mr. Flores will be removed in the reasonably foreseeable future, and because ICE failed to comply with the statutory requirements governing post-order custody, Petitioner's detention violates 8 U.S.C. § 1231(a)(3) and (a)(6).
7. Petitioner is therefore entitled to habeas relief and immediate release.

COUNT III
Violation of Mandatory Custody Review and Revocation Procedures
(8 C.F.R. § 241.4(l))

1. Petitioner realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
2. DHS regulations strictly govern the revocation of an Order of Supervision and require notice of the reasons for revocation and a prompt informal interview affording him the opportunity to respond to the reasons for revocation as stated in the notification.
3. ICE failed to comply with any of these mandatory procedural safeguards before or after re-detaining Petitioner. Mr. Flores was taken into custody of November 12, 2025, without any notice of the reasons for revocation, without interview and without affording him a meaningful opportunity to respond to the reasons for revocation, despite his decades-long compliance.
4. An agency's failure to follow its own binding regulations renders its actions ultra vires and unlawful.
5. ICE's violation of 8 C.F.R. § 241.4 constitutes a violation of due process and requires Petitioner's immediate release.

**VI. EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Under Federal Rule of Civil Procedure 65, a court may issue a Temporary Restraining Order ("TRO") preventing Respondents from removing or transferring the Petitioner outside of the jurisdiction pending resolution of the Petition for Writ of Habeas Corpus where the movant demonstrates (1) a likelihood of success on the merits; (2) a likelihood of irreparable injury in the absence of preliminary relief; (3) that the balance of equities tips in the movant's favor; and (4)

that an injunction serves the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Fed. R. Civ. P. 65(b)(1)*. Here, Petitioner meets all four prongs and thus a temporary restraining order (“TRO”) must be issued.

Mr. Flores is overwhelmingly likely to prevail on the merits of this writ of habeas corpus because his detention violates the Constitution, federal statutes, and the Government’s own mandatory regulations. Mr. Flores is being unlawfully detained without adequate notice and without opportunity to challenge his detention. Mr. Flores is not a “SLRRFF” as there is no significant likelihood of removal in the reasonably foreseeable future. Cuba’s longstanding refusal to repatriate many Mariel-era nationals makes removal not reasonably foreseeable. Over three (3) decades have passed without DHS being able to effectuate Mr. Flores’ removal. This further corroborates the lack of possibility of removal in the future. Mr. Flores has completed every check-in required of him, has never absconded, and does not pose a danger to the community or risk of flight. Moreover, ICE violated mandatory procedures under 8 C.F.R. § 241.4(l) in its detention of Mr. Flores. ICE’s failure to provide Mr. Flores with notice, an informal interview, and a meaningful opportunity to be heard constitute a direct violation of due process.

Moreover, Mr. Flores and his family will suffer irreparable injury if relief is not granted. Mr. Flores is a prostate cancer survivor requiring strict, timely urologic surveillance every three (3) months, and he requires ongoing evaluation for an abnormal lung finding. Detention has already interrupted this medical care, placing him at risk of undetected recurrence or pulmonary deterioration—injuries that are irreversible once they occur. Additionally, his 94-year-old U.S. citizen mother faces imminent medical and emotional harm. She suffers from COPD, cardiovascular disease, renal impairment, and severe mobility limitations and relies entirely on Mr. Flores for daily support. His detention has destabilized her medical and emotional well-being in

ways that future remedies cannot repair. Mr. Flores' U.S. citizen partner likewise faces immediate and irreparable harm. She suffers from glaucoma and hypertension and depends on Mr. Flores for medication management, transportation, and daily support. Her declaration describes ongoing destabilization from his detention. Mr. Flores' ongoing unlawful detention is causing irreparable harm to him and his family and thus, the TRO must be granted.

Additionally, the balance of harms overwhelmingly favors Mr. Flores. He poses no danger to the community and no risk of flight, as demonstrated by more than three (3) decades of perfect compliance under ICE supervision. Throughout this period, he consistently reported as required, maintained a stable residence, and lived peacefully without a single violation. This conclusion is further reinforced by the numerous letters from friends, neighbors, coworkers, and community members who attest to his longstanding reputation for honesty, kindness, and reliability. These declarations describe a man who has lived a quiet, law-abiding life, is deeply rooted in his community, and is known for offering assistance to elderly neighbors and supporting those around him. Their statements confirm that the community has always viewed him as peaceful, dependable, and trustworthy.

Releasing Mr. Flores would simply return him to the same supervised conditions under which he lived safely and without incident for decades. In contrast, continued detention inflicts profound, irreparable harm. It jeopardizes his health by disrupting critical cancer surveillance and pulmonary monitoring, and it causes catastrophic emotional and practical harm to his medically fragile 94-year-old U.S. citizen mother and his long-term U.S. citizen partner, both of whom rely on him for daily care, stability, and support. Their declarations make clear that his detention has destabilized their health and well-being in ways that cannot be repaired through later judicial relief.

On the other side of the scale, ICE suffers no legally cognizable harm from reinstating an Order of Supervision successfully used for decades. Mr. Flores does not present any public-safety concern. The extensive community support submitted in this case only further underscores this point. His release and compliance with the U.S. Constitution only serves the public interest. Thus, it is respectfully requested a TRO be issued.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Order Petitioner's immediate release from ICE custody;
2. Issue an immediate Temporary Restraining Order enjoining Respondents from continuing to detain Petitioner and/or preventing his removal from this jurisdiction;
3. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act, where applicable; and
4. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/Linda Osberg-Braun, Esq.
Fla. Bar No. 827282
OSBERG-BRAUN IMMIGRATION
Tel: (305) 350-0707
Email: osberg@osberglaw.com
Address: 10800 Biscayne Blvd.
Ste 925, Miami, FL 33161

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December 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:

Pamela Bondi

United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Kristi Noem

Secretary
United States Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Kelei Walker

Acting Executive Associate Field Officer Director
ICE Miami Office of Enforcement and Removal Operations
865 SW 78th Avenue, Suite 101
Plantation, FL 33144

Nelson Perez

Office of the Principal Legal Advisor (Krome)
18201 SW 12th Street, Suite 300
Miami, FL 33194

David L. Neal

Director, Executive Office for Immigration Review (EOIR)
EOIR Headquarters
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Todd Lyons

Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

JASON REDING QUIÑONES

U.S. Attorney - Southern District of Florida
99 N.E. 4th Street,
Miami, FL 33132

ELISA M. SUKKAR

Assistant Chief Immigration Judge
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, Falls Church, Virginia 22041

/s/ Linda Osberg-Braun

Fla. Bar No. 827282
OSBERG-BRAUN IMMIGRATION
Tel: (305) 350-0707
Email: osberg@osberglaw.com
Address: 10800 Biscayne Blvd. Ste 925
Miami, FL 33161

EXHIBITS

- Exh. A** Copy of the removal order.
- Exh. B** Order of Supervision.
- Exh. C** Respondent's medical records.
- Exh. D** Respondent's USC mother's medical records.
- Exh. E** Ms. Ana Maria Najri Declaration.
- Exh. F** Letters in support of Respondent's.