UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Guillermo Lageyre-Ravelo, Petitioner,	)	
	)	Case No.:
v.	)	
Garrett Ripa, Miami Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Kristi Noem, Secretary of the U.S. Department of Homeland Security; Pamela Bondi, Attorney General of the United States; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Respondents.	)	**PETITION FOR WRIT OF HABEAS CORPUS**

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

AND REQUEST FOR EXPEDITED REVIEW AND TEMPORARY

RESTRAINING ORDER

I. INTRODUCTION

1. Petitioner, **Guillermo Lageyre-Ravelo**, (hereinafter "Petitioner" or "Mr. Lageyre-Ravelo") by and through undersigned counsels, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and states as follows:

2. This case challenges the unlawful detention of Petitioner, who is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Dade-Collier Training and Transition Airport detention facility (hereinafter "Alligator Alcatraz") in Collier County, Florida.

3. Petitioner Guillermo Lageyre-Ravelo is a 71-year-old Cuban national, who was paroled into the United States in 1962, and who has lived in the United States for more than 60 years. He has extensive medical issues including high blood pressure, asthma, benign prostatic hyperplasia, and high cholesterol, amongst others. Although currently retired, the Petitioner owned and operated a successful business in the United States for over 25 years, contributing to his community and the economy.

4. The Petitioner is being unlawfully held at a facility unfit for human habitation and since he has been re-detained, Respondent ICE has not properly administered his daily prescription medicines.

5. The Respondent held lawful permanent resident status for over three (3) decades but lost his green card/permanent residence due to a criminal conviction back in 1983 and was ordered removed/deported in February of 1998.

6. Since then, he has shown rehabilitation and has filed an application in an attempt to regain permanent residency. This application is still pending with USCIS. Exhibit A - USCIS I-485 Receipt Notice

7. The petitioner was placed under an Order of Supervision by Respondent Department of Homeland Security ("DHS") and Respondent Immigration and Customs Enforcement ("ICE") on June 11, 2012. On Order of Supervision ("OSUP"), an individual can live and work in the U.S. with the permission of DHS; intermittent check-ins with DHS/ICE are part of the agreement. For over thirteen (13) years, from June 11, 2012 to the date that he was re-detained, October 30, 2025, he had never violated the conditions of his Order of Supervision ("OSUP"). However, his OSUP was revoked despite that fact. Exhibit B - Order of Supervision

8. Respondent DHS issued a Warrant for the Arrest of Alien on October 31, 2025. The Certificate of Service of this document states it was served on the Petitioner on 10/31/2025 at 2805 SW 145 Ave, Miramar, FL 33027. Exhibit C-Warrant for the Arrest of Alien

9. Respondent's Notice of Revocation of Release - Proof of Service document contains Petitioner's "alleged signature" dated 10/20/2025, which was ten (10) days before he checked-in for his OSUP appointment on October 30, 2025, this casts doubt about the validity of this Notice. Exhibit C - Warrant for the Arrest of Alien

10. In addition to this, on the above-mentioned Proof of Service for the Notice of Revocation of Release, where Petitioner's "signature" is located – on the top left corner of the document it states "Notice to Alien of File Custody Review" and has the name "Karel Estepe, [redacted]". This name is unassociated with the Petitioner and the Alien number listed is not his. Exhibit D - Notice of Revocation of Release

11. Respondent ICE also failed to conduct Petitioner's mandatory informal interview, and failed to articulate any lawful basis for detention.

12. These violations render Petitioner's custody unlawful. Courts nationwide have held that when ICE violates 8 C.F.R. § 241.4(l) and § 241.13(i), detention is per se unlawful and release is required. The violations here are even more egregious. *McSweeney v. Warden of the Otay Mesa Detention Facility,* No. 3:25-cv-02488-RBM-DEB, 2025 WL 2998376 (S.D. Cal. Oct. 24, 2025).

13. Petitioner also seeks his immediate release from detention, challenging the constitutionality of (1) his re-detention, and (2) the length of his re-detention, as the removal period has passed and thus re-detention is not reasonable under *Zadvydas v. Davis*, 533 U.S. 678 (2011).

14. Respondents' actions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the 8th Amendment to the Constitution, the Immigration and Nationality Act and implementing regulations, the Administrative Procedure Act, and the Accardi doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

15. Petitioner brings this action for injunctive, habeas, and declaratory relief ordering Respondents to release him.

II. JURISDICTION

16. Petitioner is in the physical custody of Respondent ICE, an agency of the DHS. He is re-detained at Alligator Alcatraz in Ochopee, Collier County, Florida, and is under the direct control of Respondents and their agents.

17. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA").

18. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, § 9, clause 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. §2201 et. seq. (Declaratory Judgment Act); 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C. § 702 (Administrative Procedure Act), and the INA, specifically, 8 U.S.C. § 1231(a)(1)-(3) and 8 C.F.R. §§ 241.4, 241.13.

19. Because Petitioner seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court.

20. Pending adjudication of these claims, Petitioner asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of Alligator Alcatraz - ICE, Office of Enforcement and Removal Operations ("ERO"), and this District.

III. VENUE

21. Venue is proper in this Court pursuant 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because the Petitioner is re-detained within this District. Petitioner is currently re-detained at Alligator Alcatraz - the South Florida Detention Facility located in Ochopee, Florida. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district and are directly responsible for the confinement of Petitioner. *Rumsfeld v. Padilla, 542 U.S. 426, 430 (2004).*

IV. PARTIES

22. Petitioner, Guillermo Lageyre-Ravelo, is a 71-year-old Cuban national with extensive family ties in the United States who over the past 30 years has rehabilitated himself after committing some crimes in the 1990's. His Alien Registration Number ("A number") is [redacted]. Petitioner is a resident of Florida. He is an alien with a final removal order. Petitioner is currently in custody at Alligator Alcatraz - ICE detention facility in Ochopee, Florida.

23. Respondent, Garrett Ripa, is being sued in his official capacity as the Field Office Director for the Miami Field Office for ICE within DHS. In that capacity, Field Director Ripa has supervisory authority over the ICE agents responsible for detaining Petitioner.

24. Respondent, Todd M. Lyons, is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Respondent Lyons is responsible for Petitioner's detention.

25. Respondent, Kristi Noem, is Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

26. Respondent, Pam Bondi, is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses The Board of Immigration Appeals and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem.

27. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations ("ERO").

28. Each Respondent is a legal custodian of Petitioner.

V. EXHAUSTION

29. There is no statutory exhaustion requirement in 28 U.S.C § 2241.

30. In fact, the Respondents' detention and intended removal of the Petitioner without any opportunity for meaningful judicial review violates the Suspension Clause. *See Perez v. Mordant, 2:25-cv-00947-SPC-DNF (M.D. Fla. Dec 03, 2025).*

31. "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I 9, cl. 2. The clause reflects that "the Framers considered the writ a vital instrument for the protection of individual liberty[.]" *Boumediene v. Bush*, 553 U.S. 723, 743 (2008). It ensures "the Judiciary will have a time-tested device, the writ, to maintain the delicate balance of governance that is itself the surest safeguard of liberty" and "protects the rights of the detained by affirming the duty and authority of the Judiciary to call the jailer to account." Id. at 745.

VI. STATEMENT OF FACTS

32. Petitioner, Guillermo Lageyre-Ravelo, is a 71-year-old Cuban national with extensive family ties in the United States and no criminal history for over 30 years. His Alien Registration Number ("A number") is [redacted]. Both of his parents, now deceased, were U.S. citizens, and his only two adult children were born in the United States.

33. Petitioner was paroled into the United States in 1962, and has lived in the United States since he was 7 years old, for more than 60 years. He has extensive medical issues including high blood pressure, asthma, benign prostatic hyperplasia, and high cholesterol.

34. Petitioner was placed under an Order of Supervision (hereinafter "OSUP") by Respondent DHS and Respondent ICE on June 11, 2012. To be put on an OSUP, the noncitizen must "demonstrate [] to the satisfaction of the

Attorney General . . . that his or her release will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such [noncitizen's] removal." 8 C.F.R. § 241.4(d)(1).

35. Petitioner never violated his OSUP for over thirteen (13) years, and reported to every OSUP check-in appointment he was scheduled since June 11, 2012, however, he was re-detained on October 30, 2025.

36. On October 30, 2025, Petitioner was arrested and re-detained by ICE the day of his most recent ICE OSUP check-in. He had successfully completed his OSUP check-ins time after time. Still, on that day, ICE arrested him without a warrant and without any notice or opportunity to be heard. The Officers did not ask him any questions, give him any paperwork, or provide any explanation for why his release was being revoked. In fact, the alleged Notice of Revocation for this case was issued at least 24 hours after he was arrested, allegedly on October 31, 2025. He has remained in Respondents' custody since that date.

37. No informal interview or any other administrative process has been provided to the Petitioner at any time regarding his continued custody.

38. Petitioner is currently being held at Alligator Alcatraz in Ochopee, Florida.

39. Amnesty International in a report titled "USA: Torture and enforcement disappearances in the Sunshine State: Human Rights Violations at 'Alligator Alcatraz' and Krome in Florida", page 6, dated December 4, 2025,

Index Number: AMR 51/0511/2025[1], stated the following regarding conditions in Alligator Alcatraz: "Consequently, not only is there no federal oversight of the facility. It is also not integrated into ICE's systems or databases. The absence of registration or tracking mechanisms for those detained at "'Alligator Alcatraz' facilitates incommunicado detention and constitutes enforced disappearances when the whereabouts of a person being detained there is denied to their family, and they are not allowed to contact their lawyer. Individuals detained at the facility face barriers to accessing legal representation and due process protections." (emphasis added) Exhibit E - Amnesty Int'l, USA: Torture and Enforced Disappearances in the Sunshine State Report

40. The same report further states: "Amnesty International's research concludes that people arbitrarily detained in 'Alligator Alcatraz' are being held in inhuman and unsanitary conditions including overflowing toilets with fecal matter seeping into where people are sleeping, limited access to showers, exposure to insects without protective measures, lights on 24 hours a day, poor quality food and water, and lack of privacy. People interviewed shared that access to medical care is inconsistent, inadequate, or denied altogether, placing individuals at serious risk of both physical and mental harm. People reported being always shackled when they were outside their cage. Other treatment people have endured amounts to torture, including being put in the 'box', described as a

[1] Amnesty Int'l, USA: Torture and Enforced Disappearances in the Sunshine State: Human Rights Violations at 'Alligator Alcatraz' and Krome in Florida 6 (Dec. 4, 2025), AMR 51/0511/2025, available at https://www.amnesty.org/en/documents/AMR51/0511/2025/en/

2x2 foot cage-like structure people are put in as punishment – sometimes for hours at a time exposed to the elements with hardly any water – with their feet attached to restraints on the ground." Exhibit E-Amnesty Int'l, USA: Torture and Enforced Disappearances in the Sunshine State Report

41. Since his re-detention, Petitioner has experienced high blood pressure, shortness of breath, chest pain, weight loss, and extreme anxiety. Petitioner has reported to his family that he is not given his medications on a regular basis, and even has been told that they ran out of his medications.

42. *Respondent is re-detained at Alligator Alcatraz* in inhumane conditions, and has been deprived of proper medical care as he is not receiving prescribed medications in violation of 8th Amendment of the United States Constitution, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII.

43. On October 30, 2025, multiple Freedom of Information Act requests were filed with different immigration enforcement agencies including Respondent-ICE by attorney Isadora Velazquez on behalf of the Petitioner. A FOIA response issued by United States Citizenship & Immigration Services ("USCIS") contains all documents being introduced into evidence in this matter relating to the Notice of Supervision revocation of the Petitioner. The FOIA control number is: [redacted].

44. Petitioner's OSUP was revoked and he was re-detained without due process of law. Furthermore, at the time of his re-detention, Respondent had a

pending relief request with USCIS as Petitioner filed a petition for Adjustment of Status (green card application) on July 3, 2025.

VII. LEGAL FRAMEWORK

A. Due Process Governs Decisions to Revoke an Order of Supervision

45. District courts have the authority to grant writs of habeas corpus. *See* 28 U.S.C. § 2241(a). Habeas corpus is fundamentally "a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). A writ may be issued to a petitioner who shows that he is being held in custody in violation of the Constitution or federal law. *See* 28 U.S.C. § 2241(c)(3). The Court's jurisdiction extends to challenges involving immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

46. "The Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690 (2001).

47. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363

(1997). The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

48. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

49. The Supreme Court has held that "[a]n elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (emphasis added).

50. In addition, the regulations provide specific circumstances and due process safeguards to individuals for whom ICE seeks to revoke an OSUP. 8 C.F.R. 241.13.

51. Furthermore, Civil immigration detention is only permissible where it bears a "reasonable relation to the purpose for which the individual was committed." *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Zadvydas*, 533 U.S. at

690. Those purposes are limited: preventing flight and protecting the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003).

52. The Due Process Clause of the Fifth Amendment provides Petitioner with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

53. Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241.

VIII. CLAIMS FOR RELIEF

COUNT ONE: VIOLATION OF THE CONSTITUTION'S - FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

A. The Notice of Revocation produced by the Respondent ICE - obtained through a FOIA from USCIS - casts doubts as to its authenticity or at the very least, contains errors that make it impossible to ascertain whether the Petitioner was in fact given proper Notice of Revocation and notice of re-detention as required by the 5th Amendment to the U.S. Constitution.

54. Petitioner realleges all paragraphs above as if fully set forth here.

55. On October 31, 2025, Respondent ICE, through a Notice of Revocation of Release, alleged that Petitioner's case had been reviewed and it was determined that he would be re-detained in ICE custody at this time. ICE states: "This decision has been made based on a review of your file and/or your personal interview on account of the changed circumstances in your case. ICE has determined that there is a significant likelihood of removal in the reasonably foreseeable future in your case."

56. Respondent ICE asserts that the Notice of Revocation of Release was served on Petitioner on October 31, 2025. However, the "Proof of Service" page (page 2) produced by ICE pursuant to a Freedom of Information Act Request, contains Petitioner's alleged "signature" but is dated October 20, 2025—eleven days prior to the alleged service and ten days prior to his detention date.

This is a photo showing the deficiencies noticed:

Notice to Alien of File Custody Review
Karel ESTEPE, [redacted]
Page 2

PROOF OF SERVICE

(1) Personal Service

(a) I [redacted] (b)(6) (b)(7)(c) Deportation Officer
Name of ICE Officer Title

certify that I served : **LAGEYRE-RAVELO Guillermo;** [redacted]

with a copy of Name of detainee

this document at Miramar Holding Cell Institution on 10/31/2025 Date at 4:05 PM Time

Detainee Signature [redacted] Date: 10/20/2025

( ) cc: Attorney of Record or Designated Representative (b)(6) (b)(7)(c)
( ) cc: A-File

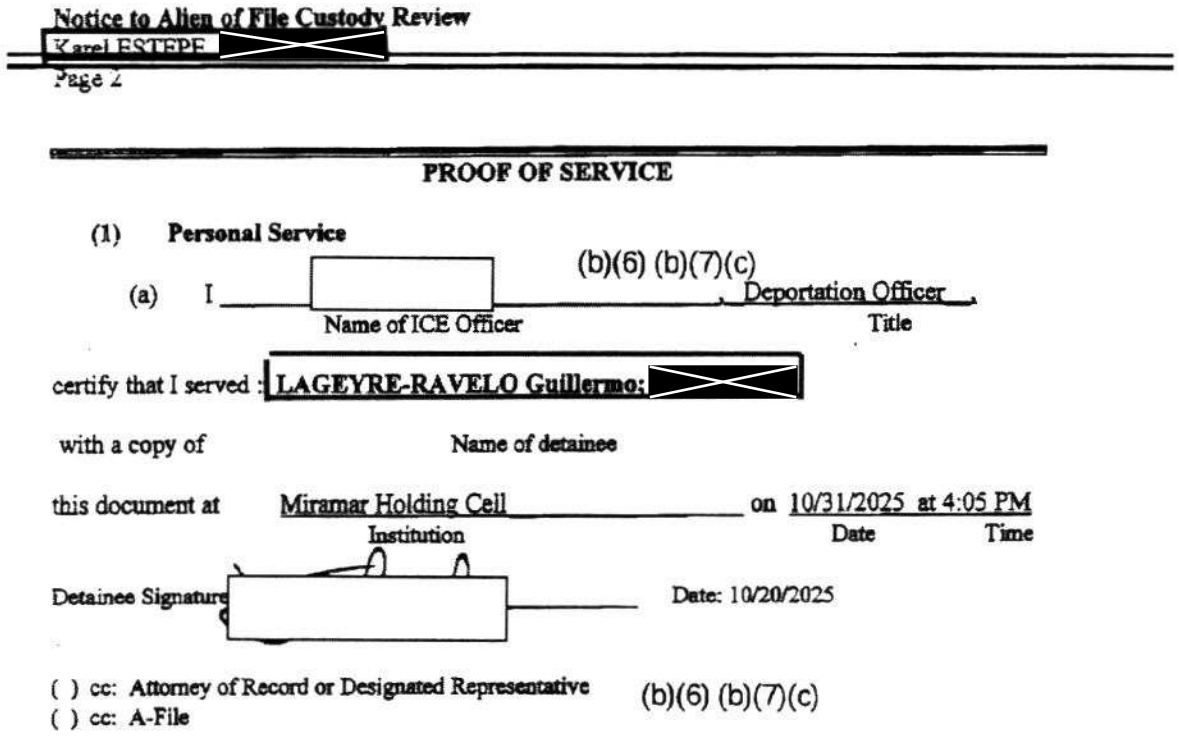
57. Petitioner could not have possibly signed the Notice on October 20, 2025 as according to the Notice, the document was issued on October 31, 2025. Furthermore, the Petitioner did not have a meeting of any kind on October 20th, 2025 with ICE. Therefore, this Notice violates the 5th amendment as (1) A respondent cannot acknowledge receipt of a document that did not yet exist; (2) The inconsistency is so blatant that calls into question whether the document was served at all, and if so, when; and (3) more apprehensible and worrying, the blatant defects raise the concern that this document could have been fabricated.

B. The Notice of Revocation - Proof of Service has blatant errors that makes it impossible to ascertain whether service was proper, that this court should find that the Petitioner has not been given proper notice and that he should be released immediately:

58. Petitioner realleges all paragraphs above as if fully set forth here.

59. On this same Proof of Service for the Notice of Revocation of Release, in the top left corner of the Proof of Service page it states "Notice to Alien of File Custody Review," the document lists the name – "Karel Estepe" – and A-number "[redacted]", a completely different and unknown individual to the Petitioner, and who has no relationship to the Petitioner.

60. Here is a photo of the Notice showing two names:



Notice to Alien of File Custody Review
Karel ESTEPE [redacted]
Page 2

PROOF OF SERVICE

(1) **Personal Service**

(a) I [redacted] (b)(6) (b)(7)(c), Deportation Officer,
Name of ICE Officer Title

certify that I served : LAGEYRE-RAVELO Guillermo; [redacted]

with a copy of Name of detainee

this document at Miramar Holding Cell Institution on 10/31/2025 at 4:05 PM Date Time

Detainee Signature [redacted] Date: 10/20/2025

( ) cc: Attorney of Record or Designated Representative
( ) cc: A-File

(b)(6) (b)(7)(c)

61. Further down in the center of the Proof of Service page it states that the Deportation Officer served "Lageyre-Ravelo Guillermo, [redacted]".

62. The fact that two different non-citizens and two different A numbers are listed on Notice of Revocation violates the 5th amendment of the Constitution as the Petitioner has been deprived of liberty with improper notice violating the due process clause.

63. Furthermore, the blatant errors make it impossible for a court of law to ascertain whether this notice was meant to be served on the Petitioner. Therefore, the immediate release of the Petitioner from detention is appropriate.

COUNT TWO: RESPONDENTS HAVE FAILED TO FOLLOW ITS OWN REGULATIONS IN VIOLATION OF ACCARDI DOCTRINE

64. Petitioner realleges all paragraphs above as if fully set forth here.

65. In *United States v. Accardi*, the Supreme Court held that when the government promulgates regulations "with the force and effect of law," agencies are bound to follow their own "existing valid regulations." 347 U.S. 266, 268 (1954). This also applies to agencies' own internal manuals. See *Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

66. "Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures." *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). This principle is known as the Accardi doctrine. *See United States Ex Rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954); Alcaraz v. INS, 384 F.3d 1150, 1162 (9th Cir. 2004).

67. The "procedures" that agencies are required to follow include both formal agency regulations and informal operating procedures and guidance. *Church of Scientology of Cal. v. United States*, 920 F.2d 1481, 1487 (9th Cir. 1990). The *Accardi* doctrine applies "even where the internal procedures are possibly more rigorous than otherwise would be required." *Alcaraz*, 384 F.3d at 1162 (quoting *Morton*, 415 U.S. at 235).

A. Furthermore, even if this court were to find that the Petitioner did receive proper notice, we submit that the Notice of Revocation is unlawful because it was not signed by an official authorized by 8 C.F.R. § 241.4(l)(2):

68. Petitioner realleges all paragraphs above as if fully set forth here.

69. The regulations governing the revocation of Order of Supervision permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4).

70. For a delegated official to have authority to revoke an order of supervision, the delegation order must explicitly say so. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that "refers only to a limited set of powers under part 241 that do not include the power to revoke release" insufficient to grant authority to revoke an order of supervision).

71. In this case, the Notice of Revocation allegedly served on the Petitioner was signed by two officers who are not authorized to revoke a Notice of Revocation. Specifically, the Notice produced by FOIA was signed by a deportation officer and an Assistant Field Office Director in violation of 8 C.F.R. § 241.4(l)(2).

B. Respondent ICE has failed to provide adequate reasons for the revocation of Petitioner's OSUP as required by 8 C.F.R. § 241.4(l)(2):

72. Petitioner realleges all paragraphs above as if fully set forth here.

73. The Notice of Revocation of Release does not provide a reasoned basis for believing that there is now a significant likelihood of removal in the reasonably foreseeable future. Rather, ICE merely made the vague statement: "ICE has determined that there is a significant likelihood of removal in the reasonably foreseeable future in your case."

74. As per 8 C.F.R. § 241.4(l)(2) - "Release may be revoked in the exercise of discretion when, in the opinion of the revoking official: (i) The purposes of release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate."

75. None of the four (4) abovementioned provisions in 8 C.F.R. § 241.4(l)(2) have been met or occurred that would allow for the revocation of Petitioner's release.

76. There has been no information provided by ICE that the purpose of Petitioner's release has been served.

77. The Petitioner has not violated any of the conditions of his release on OSUP.

78. No evidence or statement by ICE was found on the FOIA as to why it is now appropriate to enforce a removal order against Petitioner.

79. Petitioner has not violated the conditions of his release nor does his conduct over the past thirteen (13) years under OSUP indicate that release would no longer be appropriate.

80. Even if this court were to find that the Petitioner did receive proper notice, the Notice does not provide Petitioner with sufficient information to be in a position to rebut the factual allegations underlying the Notice at an informal interview.

81. The Notice also does not provide enough information or detail to allow this Court to meaningfully review the relevant claims made in the Notice.

82. The Notice does not allege that Petitioner has failed to comply with any of the terms of his OSUP.

83. The Notice does not allege any new facts that might form an independent basis for taking Petitioner into custody. Simply put, the Respondents failed to demonstrate any change in circumstances.

84. Therefore the notice is in violation of 8 C.F.R. § 241.13(i)(2)-(3).

C. Despite Petitioner having been in ICE custody for 47 days already, Respondent ICE has failed to promptly hold a mandatory informal interview for Petitioner to respond to the allegations violating 8 C.F.R. § 241.4(l) and the Due Process Clause of the US Constitution.

85. Petitioner realleges all paragraphs above as if fully set forth here.

86. 8 C.F.R. § 241.4(l) - Revocation of Release - mandates that:

> "Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview **promptly** after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." (emphasis added).

87. The Petitioner contends that no informal interview has been conducted and the FOIA records contains no information regarding an information interview.

88. To determine what is promptly in this case, the decision of the Supreme Court in *County of Riverside v. McLaughlin,* 500 U.S. 44, 111 S. Ct. 1661, 114 L.Ed.2d 49 (1991) applies. Prior to *McLaughlin*, the Supreme Court held that "the Fourth Amendment requires a timely judicial determination of probable cause as a prerequisite to detention." *Gerstein v. Pugh,* 420 U.S. 103, 126, 95 S. Ct. 854, 869, 43 L.Ed.2d 54 (1975). Then, in *McLaughlin*, the Supreme Court ruled that "a jurisdiction that provides judicial determinations of probable cause within 48 hours of arrest will, as a general matter, comply with the promptness requirements of Gerstein." *McLaughlin*, 500 U.S. at 56, 111 S. Ct. at 1670.

89. Therefore, the Respondents are in violation of the Accardi doctrine because A) did not follow its procedures regarding the issuance of an order of supervision as it was not signed by an official authorized by 8 C.F.R. §

241.4(l)(2); B) Respondent ICE has failed to provide adequate reasons for the revocation of Petitioner's OSUP as required by 8 C.F.R. § 241.4(l)(2); and C) Respondent ICE to date has failed to provide Petitioner with an informal interview promptly in violation of 8 C.F.R. § 241.4(l).

COUNT THREE: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT DETENTION AFTER REMOVAL PROCEEDINGS

90. Petitioner realleges all paragraphs above as if fully set forth here.

91. The Petitioner has been subject to a significant restraint of his liberty since he was placed under an order of supervision on June 11, 2012, over 13 years ago.

92. The United States Supreme Court found in *Jones v. Cunningham, 371 U.S. 236, 239 (1963)*, that § 2241's 'in custody' requirement should be construed 'very liberally' and that habeas petitioners 'need only show that they are subject to a significant restraint on their liberty that is not shared by the general public.'"

93. Furthermore, the 11th Circuit decided in *Romero v. Sec'y, U.S. Dep't of Homeland Sec.*, 20 F.4th 1374, at 1379 (11th Cir. 2021), that an individual who was subject to a deportation order and pre-deportation supervision was "in custody" within the meaning of § 2241. The petitioner in that case was required to report to a representative of the federal government on a quarterly basis and was

forbidden from travelling outside his state of residence for more than 48 hours without notifying the government.

94. INA § 236(a), codified in 8 U.S.C. §1226, allows detention only to facilitate the removal process; it does not allow DHS to hold individuals in prolonged civil custody for an indefinite amount of time.

95. If the government fails to remove the individual during the 90-day removal period, 8 U.S.C. § 1231(a)(6) provides that the government may detain an individual or release him under terms of supervision under paragraph 3 of the subsection. *See* 8 U.S.C. § 1231(a)(6). ("An alien ordered removed who is [1] inadmissible . . . , [2] removable [as a result of violations of status requirements or entry conditions, violations of criminal law, or reasons of security or foreign policy,] or [3] who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be re-detained beyond the removal period and, if released, shall be subject to [certain] terms of supervision in paragraph (3).").

96. Paragraph (3) provides that an individual who is not removed "shall be subject to supervision" under specific terms, including requirements that he or she appear periodically before an immigration officer, obey any written restrictions, and other conditions. 8 U.S.C. § 1231(a)(3). *See* also 8 C.F.R. § 241.5 (providing for specific conditions for release—involving but not limited to reporting requirements and travel document acquisition requirements—should an order of supervision be issued).

97. The Petitioner was ordered removed in 1998 and was not detained at that time as he was unable to be removed within the reasonably foreseeable future. ICE through its own actions confirmed Petitioner's removal was not likely as they put him under an OSUP in June of 2012 until they decided to detain him without notice or due process in October 2025.

98. No circumstances have changed since the original order of removal in 1998 in the Petitioners case.

99. No statute authorizes re-detention at this time, outside the removal period, without cause, prior notice, and an opportunity to be heard. Rather, the only statutory provision that applies to him is the statute that provides that noncitizens "shall" be subject to an order of "supervision" as opposed to "detention." *See* 8 U.S.C. 1231(a)(6).

100. Section 1231 mandates detention "[d]uring the removal period." *Accord* 8 U.S.C. § 1231(a)(1)(A), (a)(2). However, the same sections also require the government to actually remove the alien during this removal period. 8 U.S.C. § 1231(a)(1)(A).

101. The "removal period" is "90 days." 8 U.S.C. § 1231(a)(1)(A). Petitioner's "removal period" ended on or around May 1998, 90 days after he was ordered removed in February of 1998. Alternatively, Petitioner filed an appeal and a motion to reopen regarding his removal order which was ultimately denied on June 12, 2002 – meaning his "removal period" would then have ended in September 2002 – 90 days after the denial of his appeal and motion to reopen.

102. The removal period begins on the latest of the following: (i) The date the order of removal becomes administratively final; (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order; (iii) If the alien is re-detained or confined (except under an immigration process), the date the alien is released from detention or confinement. 8 U.S.C. § 1231(a)(1)(B)

103. Detention past the removal period can be lawful in circumstances not presented here. *See* 8 U.S.C. § 1231(a)(1)(C), (a)(6).

104. After a noncitizen has been detained past the removal period, they may seek and obtain their release by demonstrating "there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." 8 C.F.R. § 241.13(a).

105. Once a noncitizen is released on an OSUP, they are subject to certain conditions of release. *See* 8 C.F.R. § 241.13(h)(1).

106. Redetention is permitted where it is alleged a noncitizen violated the conditions of release. *See* 8 C.F.R. § 241.13(h)(2), (i).

107. Regulations also permit the government to withdraw or otherwise revoke release under specific circumstances. *See* 8 C.F.R. § 241.13(h)(4).

108. One permissible reason to revoke release occurs when, "on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2).

109. Once such a determination is made, the noncitizen must "be notified of the reasons for revocation of [their] release" and must be provided with "an initial informal interview... to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.13(i)(3). "The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.*

110. Under the Supreme Court's decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be re-detained indefinitely pending removal. 533 U.S. 678, 699-700 (2001).

111. *Zadvydas* also stated: "After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink. 533 U.S. at 701 (emphasis added).

112. *Zadvydas* further held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (immigration detention must remain "nonpunitive in purpose and effect") (emphasis added).

113. The Petitioner was ordered removed from the United States on February, 25, 1998—over 25 years ago. He was put under an OSUP beginning June 11, 2012—over 13 years ago. He was physically re-detained by ICE on October 30, 2025.

114. "[T]he Government ordinarily secures [a noncitizen]'s removal during" the ninety days following a final order for the person to be removed. *Zadvydas*, 533 U.S. at 682; 8 U.S.C. § 1231(a)(1). During that ninety-day "removal period," the person subject to removal is typically detained. *Zadvydas*, 533 U.S. at 682. Beyond that point, the Government may in some situations continue detaining them for as long as is "reasonably necessary" to secure their removal. *Id.*; 8 U.S.C. § 1231(a)(6). The Supreme Court has recognized a "presumptively reasonable period of detention" of six months following the removal period. *Id.* at 701.

115. The 6-months following Petitioner's removal period has long past, as he was ordered removed in February of 1998, and subsequently put under an OSUP 13 years ago in June of 2012. Additionally, Petitioner having been under an OSUP for 13 years qualifies as him having been "in custody" for purposes of this habeas petition.

116. Habaeas Petitioners need only show that their liberties are subject to significant restraint that is not shared by the general public. *Romero v. Sec'y, U.S. Dep't of Homeland Sec.*, 20 F.4th 1374, 1379 (11th Cir. 2021)

117. There has been no evidence provided by Respondents establishing to where nor when they intend to remove the Petitioner in the reasonably foreseeable future.

118. The Respondents have unlawfully re-detained and held Petitioner without cause nor notice and without an established plan of actually removing him in the reasonably foreseeable future. Rather they have simply made a vague statement that circumstances in his alleged case have changed and he is to remain in ICE custody as they have determined that there is a significant likelihood of removal in the reasonably foreseeable future.

119. Petitioner's ongoing detention violates the Fifth Amendment's guarantee that "[no person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., amend. V.

120. As such, the Petitioner is entitled to bring forth a habeas corpus claim and request immediate release from ICE custody.

121. Due Process requires that detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas, v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

COUNT FOUR: THE RESPONDENTS HAVE VIOLATED THE ADMINISTRATIVE PROCEDURES ACT AS THE DETENTION OF THE PETITIONER IS ARBITRARY, CAPRICIOUS , AND ABUSE

OF DISCRETION AND OTHERWISE NOT IN ACCORDANCE WITH THE LAW

122. Petitioner realleges all paragraphs above as if fully set forth here.

123. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

124. Respondents have failed to articulate any reasoned explanation for deviating from or otherwise ignoring or failing to comply with the plain language of 8 C.F.R. § 241.13(i)(2)-(3).

125. Respondents' decision to detain Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

COUNT FIVE: PETITIONER'S DETENTION BEARS NO REASONABLE RELATIONSHIP TO ANY LEGITIMATE PURPOSE AS HIS REMOVAL IS NOT REASONABLY FORESEEABLE - VIOLATING HIS DUE PROCESS RIGHTS

126. Petitioner realleges all paragraphs above as if fully set forth here.

127. To comply with due process, detention must bear a reasonable relationship to its two regulatory purposes—to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending

the completion of removal. *Zadvydas v. Davis*, 533 U.S. at 690–691 (2001); *Diop v. ICE*, 656 F.3d 221, 233–234 (3d Cir. 2011); *Gordon v. Shanahan*, No. 15-Civ-261, 2015 WL 1176706 at *10 (S.D.N.Y. Mar. 13, 2015). Such a justification for detention is required to be particularly strong once detention is presumptively unconstitutional.

128. The detention of the Petitioner is arbitrary on its face. As ICE recognized when they placed Petitioner on OSUP on June 11, 2012, and determined he was not a danger to the community, nor was he a flight risk. In the interim for some 13 years, Petitioner was not arrested or convicted of any crimes. Petitioner has dutifully complied with every condition of his OSUP. Thus, DHS's justification for Petitioner's current detention cannot be based on any new criminal convictions or non-compliance with his OSUP. Without any explanation or new basis for why Petitioner is now subject to detention, his continued detention is arbitrary and violates due process. *See* supra, First Cause of Action.

129. Nor has the government met its burden of proof that Petitioner's removal is reasonably foreseeable as is required by *Zadvydas*, 533 U.S. at 701. The Board of Immigration Appeals has issued a stay of removal for the duration of its review. Generally, those cases take longer than the 90-day period to complete, even for re-detained individuals. Therefore, removal is not reasonably foreseeable. Moreover, there is a strong likelihood of success for Petitioner to obtain his permanent residency through the Cuban Adjustment Act, which is currently pending with USCIS.

130. The Supreme Court has specifically determined release from custody is appropriate in both contexts: where removal is not reasonably foreseeable, and where removal is reasonably foreseeable. The Supreme Court has indicated:

> "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances, and the alien may no doubt be returned to custody upon a violation of those conditions. And if removal is reasonably foreseeable, the habeas court should consider the risk of the alien's committing further crimes as a factor potentially justifying confinement within that reasonable removal period. *Zadvydas v. Davis*, 533 U.S. 678, 699-700, 121 S. Ct. 2491, 2504 (2001)(internal citations omitted)(emphasis added).

131. Consistent with the Supreme Court's holding, Petitioner should be released from detention as his removal is not reasonably foreseeable and there is no evidence to suggest otherwise.

132. Finally, and in the event that the court deems appropriate, an individual such as Petitioner, who almost thirty (30) years after his final removal order has now been re-detained by Respondents, and who had integrated into his community, should not be subject to detention without at minimum his initial

informal interview. His detention is presumptively unconstitutional, and the government has failed to rebut that presumption by articulating any legitimate purpose with which Petitioner's continued detention comports.

133. Moreover, given that there is nothing to suggest that Petitioner is a danger to the community or a flight risk, Respondents having determined that for some thirteen (13) years while he was on OSUP, his continued detention is punitive in violation of the Due Process Clause of the Constitution.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner, Guillermo Lageyre Ravelo, asks this Court for the following relief:

1. Assume jurisdiction over this matter;

2. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

3. Issue an emergency preliminary order restraining Respondents from attempting to move the Petitioner from the State of Florida during the pendency of this Petition;

4. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner;

5. Order Respondent to reinstate the Order of Supervision;

6. Grant expedited review due to the Petitioner's age and health;

7. Declare that Respondents' actions are arbitrary and capricious, thus the Petitioner shall be released immediately;

8. Declare that the Respondents failed to provide proper Notice of Revocation to the Petitioner in violation of the 5th amendment of the U.S. Constitution; thus the Petitioner shall be released immediately;

9. Declare that Respondents did not follow its procedures regarding the issuance of an order of supervision as it was not signed by an official authorized by 8 C.F.R. § 241.4(l)(2); thus the Petitioner shall be released immediately;

10. Declare that Respondents failed to provide adequate reasons for the revocation of Petitioner's OSUP as required by 8 C.F.R. § 241.4(l)(2); thus the Petitioner shall be released immediately;

11. Declare that Respondents failed to provide Petitioner with an informal interview promptly in violation of 8 C.F.R. § 241.4(l); thus the Petitioner shall be released immediately;

12. Declare that Petitioner's detention bears no Reasonable Relationship to any legitimate purpose as his removal is not reasonably foreseeable - violating His Due Process Rights; thus the Petitioner shall be released immediately;

13. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;

14. Grant all further relief this Court deems just and proper.

Dated: December 15, 2025 Respectfully submitted,

/s/Patricia Castillo Flanagan

Patricia Castillo Flanagan, Esq.
Work Visa Lawyers, P.A.
261 N. University Drive,
Suite 500
Plantation, FL 33324
P: 754-888-0116
patricia@workvisalawyers.com

/s/Melisa Pena

Melisa Pena, Esq.
Jarbath Peña Law Group
14 NE 1st Ave Ste 1200
Miami, FL 33132-2405
P: 305-615-1005
mpena@jp-lawgroup.com

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

We represent Petitioner, Guillermo Lageyre Ravelo, and submit this verification on his behalf. We hereby verify that the factual allegations made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: December 15, 2025

/s/Patricia Castillo Flanagan

Patricia Castillo Flanagan, Esq.
Work Visa Lawyers, P.A.
261 N. University Drive,
Suite 500
Plantation, FL 33324
P: 754-888-0116
patricia@workvisalawyers.com

/s/Melisa Pena

Melisa Pena, Esq.
Jarbath Peña Law Group
14 NE 1st Ave Ste 1200
Miami, FL 33132-2405
P: 305-615-1005
mpena@jp-lawgroup.com