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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

SAMUEL RODRIGUEZ,

Petitioner,

v.

GEO GROUP, Warden, Broward Transitional
Center; **SUSAN QUINTANA**, Oakland Park Field
Office Director, U.S. Immigration and Customs
Enforcement; **KRISTI NOEM**, Secretary of the
U.S. Department of Homeland Security; and **PAM
BONDI**, Attorney General of the United States,
in their official capacities,

Respondents

)
) Case No. _____
)

) **PETITION FOR WRIT OF**
) **HABEAS CORPUS**
)

INTRODUCTION

1. Petitioner is native and citizen of El Salvador, who initially arrived in the United States through the Mexican border on October 31, 1996, at or near Douglas, Arizona. He spent twelve days in detention and originally released on bond providing a mailing address so that he could present himself at any future hearings. However, he never received any notifications for any future hearings. Unbeknownst to the Respondent, he received an Order of Deportation issued in absentia on May 21, 1997.

2. On May 21, 2018, the Petitioner married Mrs. Aylemis Reinoso, a Cuban citizen and national who obtained Lawful Permanent Resident status under Cuban Adjustment Act. He travelled abroad with his LPR spouse using his approved advance parole document on February 27, 2019. The Petitioner paroled back into the United States again on March 2, 2019 in Miami.
3. On [REDACTED] 2019, the Petitioner and his LPR Cuban spouse Mrs. Aylemis Reinoso welcomed their USC child Samuel J [REDACTED]. On August 5, 2020, the Respondent filed a Form I-485 under Section 1 of the Cuban Refugee Adjustment Act of 1966 (CAA) based on the Respondent's bonafide marriage to his Cuban LPR wife Mrs. Aylemis Reinoso, Form I-601, and Form I-212 because while preparing his I-485 he first discovered that he received an Order of Deportation on May 21, 1997. On August 22, 2024, USCIS issued a Notice of Administrative Closure, finding that USCIS did not have authority over Applicant's Form I-485 based on Applicant's deportation at the Miami Immigration Court.
4. A Motion to Reopen the Petitioner's Immigration Court proceedings has been pending in the Miami Immigration Court as instructed by USCIS since September 2025.
5. Although the Petitioner does not have any arrests or criminal history anywhere in the world, ICE detained him at the beginning of September 2025 after a stop of a minor traffic infraction for which he never received any citations. The prolonged detention while the Petitioner's Motion to reopen is pending at the Miami Immigration Court is unlawful and unconstitutional. Meanwhile release is not reasonably foreseeable until the Miami Immigration Court eliminates the Petitioner's Removal Order in absentia mistakenly issued after DHS failed to notify him of his hearing dates despite having his mailing address.
6. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

7. Petitioner has been detained for an unreasonable amount of time despite being eligible for TPS from El Salvador and having a plausible legal remedy under the Cuban Adjustment Act based on his marriage to his LPR Cuban spouse since 2018 because of an Order issued by DHS failing to inform the Petitioner of his hearings despite having his address. Absent an order from this Court, Petitioner will remain detained for an unreasonable amount of time while the Motion to reopen his immigration proceedings remains pending before the Miami Immigration Court.
8. Petitioner asks this Court to find that he has been unreasonably detained and order the Petitioner released from detention or eligible for bond proceedings while his Motion to reopen remains pending before the Miami Immigration Court.

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. Venue is proper because Petitioner is detained at the Broward Transitional Center in Pompano Beach, Florida, which is within the jurisdiction of this District.

13. In addition, venue is proper in this District because Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to the claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

15. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

16. Petitioner has a Motion to Reopen pending to eliminate the Order issued due to DHS's mistake in not properly sending him notices for hearings despite having his correct mailing address in order to pursue his residency through the Cuban Adjustment Act based on his marriage with his Cuban LPR spouse since 2018 with whom he has a minor USC son. ICE/DHS are currently detaining the Petitioner at the Broward Transitional Center.

17. Respondent GEO Group is the private contractor for ICE who serves as Warden of the Broward Transitional Center, and has immediate physical custody of Petitioner pursuant to the facility’s

contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

18. Respondent Susan Quintana is sued in her official capacity as the Director of the Oakland Park Field Office of U.S. Immigration and Customs Enforcement. Respondent Quintana is a legal custodian of Petitioner and has authority to release him.

19. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

20. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

21. Petitioner is a 49-year-old citizen of El Salvador who has been in the US since 1996. He is eligible for TPS and Adjustment of Status under the Cuban Adjustment Act based on his marriage to his Cuban LPR spouse since 2018 with whom he has a minor USC child.

22. He has a pending Motion to reopen with the Miami Immigration Court since September 22, 2025 to eliminate the Order of Deportation mistakenly issued after DHS failed to inform him of his future hearings despite having his mailing address as he consistently applied for TPS from El Salvador after his entry in 1996.

23. Petitioner received a Order of Deportation due to DHS's failure to send him notice of his future hearings after his entry to the United States in 1996 despite keeping DHS updated as to his correct mailing address and whereabouts and consistently applying for TPS from El Salvador through DHS/USCIS, always granted consistently without issue.
24. Petitioner did not know about his Order of Deportation until he applied for adjustment of status after his marriage to his LPR Cuban spouse in 2018 with whom he has a minor USC child.
25. Although the Petitioner does not have a criminal record and has never been arrested anywhere in the world, he was detained by ICE after a stop for a minor traffic infraction at the beginning of September 2025.

LEGAL FRAMEWORK

26. The Petitioner will be able to continue with his application for Adjustment of Status based on his marriage to his LPR Cuban spouse with whom he has a minor USC child as soon as the Miami Immigration Court grants his Motion to Reopen eliminating his in absentia Order of Deportation due to DHS's failure to properly send notice of hearings.
27. Petitioner received an Order of Deportation in absentia that required the Motion to reopen at the Miami Immigration Court due to DHS's failure to notify him of his upcoming hearings properly despite having his correct mailing address since the Respondent had been applying for TPS from El Salvador since his entry to the US in 1996.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

28. The allegations in the above paragraphs are realleged and incorporated herein.

29. Although Petitioner is eligible for TPS and Adjustment of Status based on his marriage to his LPR Cuban spouse in 2018 with whom he has a minor USC son, ICE detained him despite never having any prior arrest.

30. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment,
4. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or at the very least allow for the scheduling of a prompt bond hearing before an immigration judge and, at such hearing, afford Petitioner the ability to seek proper bond for his release while his Motion to Reopen remains pending before the Miami Immigration Court;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Isadora Velazquez

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Counsel for Petitioner

Dated: December 15, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Samuel Rodriguez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 15th day of December 2025

/s/ Isadora Velazquez

Isadora Velázquez, Esq.