

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

JOSE A SALINAS,

Petitioner/Plaintiff, v.

KRISTI NOEM, in their official capacity as Secretary of the United States Department of Homeland Security;

PAMELA BONDI, in their official capacity as Attorney General of the United States;

GARRET RIPA, in their official capacity as Director of Miami Field Office, U.S. Immigration Customs Enforcement;

DAVID HARDIN, in his official capacity as Sheriff of Glades County,

Respondents/Defendants.

Case No.



**PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)**

INTRODUCTION

Petitioner, Jose A. Salinas Mencia ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is civilly detained by U.S. Immigration and Customs Enforcement ("ICE") pursuant to INA § 236(a), 8 U.S.C. § 1226(a). His continued detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment. Petitioner seeks an order requiring a prompt bond hearing with the burden on the Government, or, in the alternative, immediate release.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and is detained in violation of the Constitution and laws of the United States.
2. Venue is proper in the Southern District of Florida because Petitioner is detained at the Glades County Detention Center, 1279 East State Road 78, Moore Haven, Florida 33471, which lies within this District.

PARTIES

3. Petitioner JOSE A. SALINAS MENCIA is a citizen and national of Honduras and is currently detained at the Glades County Detention Center.
4. Respondent KRISTI NOEM is sued in her official capacity as Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the Immigration and Nationality Act.
5. Respondent PAMELA BONDI is sued in her official capacity as Attorney General of the United States.
6. Respondent GARRETT RIPA is sued in his official capacity as Field Office Director for ICE's Miami Field Office and exercises authority over Petitioner's detention.
7. Respondent DAVID HARDIN, in his official capacity as Sheriff of Glades County, Florida, is the immediate physical custodian of Petitioner.

FACTUAL BACKGROUND

8. Petitioner entered the United States in or about May 2003 and has resided in the United States for over twenty years.
9. Petitioner is married and the father and stepfather of multiple United States citizen children. He has a stable residence in Lake Worth, Florida, and deep ties to the community.
10. Petitioner has been steadily employed as a painter and has strong community support, including a United States citizen bond sponsor willing to ensure his appearance at all proceedings.
11. Petitioner has minimal criminal history consisting only of minor traffic-related offenses from 2005 and 2007. He has no history of violence and poses no danger to the community.
12. Petitioner is currently in removal proceedings and has applied for relief in the form of Cancellation of Removal for Certain Nonpermanent Residents under INA § 240A(b).
13. An Immigration Judge has recommended approval of Petitioner's cancellation application, and his case remains pending only due to the statutory annual cap on grants of such relief.
14. Petitioner is not subject to mandatory detention under INA § 236(c).

15. Petitioner has been continuously detained since November 23, 2025. To this date, DHS has not filed Form I-830 with the Judge at the Miami Immigration Court to change the venue to the detainee docket.

LEGAL FRAMEWORK

16. Pre-final-order immigration detention under INA § 236(a) is civil, not punitive, and must be reasonably related to the purposes of ensuring appearance and protecting the community.
17. Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.
18. Federal courts have repeatedly held that detainees held under § 1226(a) are entitled to a constitutionally adequate bond hearing where the Government bears the burden of proving danger or flight risk by clear and convincing evidence.

COUNT I

Violation of the Due Process Clause (Fifth Amendment)

19. Petitioner incorporates all preceding paragraphs.
20. Petitioner's continued detention has become prolonged and unreasonable.
21. Petitioner has not received a constitutionally adequate bond hearing at which the Government bears the burden of justifying continued detention.
22. Continued detention under these circumstances is arbitrary, excessive, and punitive in violation of the Fifth Amendment.

COUNT II

Violation of INA § 241(a)

23. Petitioner incorporates all preceding paragraphs.
24. INA § 236(a) does not authorize prolonged detention without meaningful procedural safeguards.
25. ICE's continued detention of Petitioner exceeds its statutory authority and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this action;

- B.** Issue a Writ of Habeas Corpus ordering Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is justified;
- C.** Alternatively, order Petitioner's immediate release under reasonable conditions of supervision;
- D.** Enjoin Respondents from transferring Petitioner outside this District without prior Court approval; and
- E.** Grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all Respondents and counsel for Respondents by U.S. Mail and/or electronic service on this day of December 18, 2025.

Respectfully submitted,

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Dated: December 18, 2025