

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

ISABELLA MARYANOVKSY,

Petitioner,

v.

Case No. 3:25-cv-1599

Garrett RIPA, Field Office Director of Enforcement and Removal Operations, Miami, Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Scotty RHODEN, Sheriff of Baker County Detention Center,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1. Petitioner ISABELLA MARYANOVSKY is in the physical custody of Respondents at the Baker County Detention Center. She now faces unlawful detention because the Department of Homeland

Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is a noncitizen previously released from immigration custody under an Order of Supervision (“OSUP”) pursuant to 8 C.F.R. § 241.4.

3. Petitioner has been periodically attending “check-in” appointments under an Order of Supervision (OSUP) since on or about September 29, 2009.

4. Prior to her re-detention, Petitioner had been lawfully released on an Order of Supervision, with which she fully complied since on or about that date, and has remained in, and permitted to lawfully reside in, the United States since.

5. ICE’s decision to re-detain Petitioner constitutes “custody” for purposes of habeas review.

6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be released as removal is not reasonably foreseeable, and her continued detention is constitutionally limited. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

## **JURISDICTION**

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Baker County Detention Center, in Sanderson, Florida.

8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

10. Habeas jurisdiction exists because Petitioner challenges the legality of her detention, not the validity of any removal order. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

## **VENUE**

11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which Petitioner currently is detained.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

**REQUIREMENTS OF 28 U.S.C. § 2243**

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

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

## **PARTIES**

15. Petitioner ISABELLA MARYANOVSKY is a former citizen of the USSR, and now stateless after its dissolution, who has been in immigration detention since December 15, 2025. Petitioner is a noncitizen previously released from immigration custody under an Order of Supervision (“OSUP”) pursuant to 8 C.F.R. § 241.4.

16. Respondent Garrett Ripa is the Director of the Miami Field Office of ICE’s Enforcement and Removal Operations division. As such, Mr. Ripa is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

18. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

19. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

20. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

21. Respondent Scotty Rhoden is the Sheriff and Chief Correctional Officer of the Baker County Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

### **LEGAL FRAMEWORK**

22. Detention authority following a final order of removal is governed by 8 U.S.C. § 1231 and implementing regulations at 8 C.F.R. §§ 241.4 and 241.13.

23. When removal is not reasonably foreseeable, continued detention is constitutionally limited. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

24. DHS regulations impose mandatory procedural safeguards before revoking an Order of Supervision, including notice, opportunity to respond, and review by authorized officials.

25. Government agencies are constitutionally required to follow their own regulations. *Morton v. Ruiz*, 415 U.S. 199 (1974).

26. ICE, like any agency, “has the duty to follow its own federal regulations.” *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003) (quoting *Nelson v. I.N.S.*, 232 F.3d 258, 262 (1st Cir. 2000)). To be sure, not every procedural misstep raises a constitutional issue. See *Matias v. Sessions*, 871 F.3d 65, 72 (1st Cir. 2017) (involving an inaccurate translation). However, where an immigration “regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute,” like the opportunity to be heard, “and [ICE] fails to adhere to it, the challenged [action] is invalid ....” *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993); see also *Ying Fong v. Ashcroft*, 317 F.Supp.2d 398, 403–04 (S.D.N.Y. 2004) (granting alien's habeas petition where she was deported fewer than 72 hours after her arrest and regulation mandated 72-hour rule).

## **FACTS**

27. Petitioner is subject to a final order of removal. Because Petitioner's removal could not be effectuated within the statutory removal period, ICE released her under an Order of Supervision pursuant to 8 C.F.R. § 241.4.

28. Petitioner complied with all conditions of supervision, including reporting, residence requirements, and any additional conditions imposed by ICE.

29. On or about December 15, 2025, ICE re-detained Petitioner under the pretense that her GPS Ankle Monitor was faulty, asking her to come to an unscheduled meeting at the Ft. Lauderdale ICE/ERO Sub Office where she was re-detained.

30. ICE did not provide Petitioner with notice of the reasons for revoking her supervision, did not conduct a prompt informal interview, and did not provide an opportunity to contest the alleged grounds for re-detention.

31. ICE has not identified any violation of supervision conditions, new removal prospects, or changed circumstances justifying re-detention under the governing regulations.

32. Petitioner is a member of the LGBTQI Community, and is of Jewish faith. *See Ex. A.*

33. Petitioner currently has a Motion to Reopen pending before the Board of Immigration Appeals (BIA) since June 20, 2023. *See Ex. B.*

34. Petitioner's Immigration Attorney has filed an Emergency Motion for Stay of Removal with the BIA on December 15, 2025 with relevant documentary evidence for the Board to consider. *See Ex. C.*

35. Petitioner is diagnosed with, inter alia, hypertension and diabetes. *See Ex. D.*

36. Petitioner has had ongoing medical condition and treatment since at least 2010. *See Ex. E.*

37. Petitioner, born in Ukraine, is stateless and the Country of Ukraine does not recognize her as one of their citizens. *See Ex. F.*

### **LACK OF JURISDICTIONAL BAR**

38. This petition does not challenge Petitioner's removal order, removability, or prosecutorial discretion.

39. 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not apply because Petitioner challenges only the legality of her detention.

40. Federal courts retain habeas jurisdiction over detention challenges independent of removal proceedings. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Unlawful Revocation of Order of Supervision (Due Process Violation)**

41. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

42. ICE revoked Petitioner's Order of Supervision without complying with 8 C.F.R. § 241.4. The regulations require notice of the reasons for revocation and a prompt informal interview allowing the noncitizen to respond.

43. Sections 241.4 and 241.13 both require ICE to provide "an initial informal interview promptly ... to afford the alien an opportunity to respond to the reasons for revocation." See §§ 241.4(l)(1), 241.13(i)(3). ICE failed to provide these procedural protections.

44. The revocation of Petitioner’s supervised release without due process renders her current detention unlawful.

## **COUNT II**

### **Detention in Violation of *Zadvydas v. Davis***

45. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

46. Petitioner’s removal is not reasonably foreseeable.

47. ICE has not identified a country willing to accept Petitioner or any concrete steps demonstrating imminent removal.

48. Continued detention under these circumstances violates the Due Process Clause as interpreted in *Zadvydas*.

## **COUNT III**

### **Detention Not Authorized by Statute**

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

50. The government may not deprive a person 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—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

51. Petitioner has a fundamental interest in liberty and being free from official restraint.

52. ICE cannot lawfully detain Petitioner absent compliance with § 1231 and its implementing regulations. *See Gonzalez v. Reno*, 212 F.3d 1338, 1349 (11th Cir.2000) (“Agencies must respect their own procedural rules and regulations.”).

53. Where DHS fails to comply with the regulatory framework governing supervision and re-detention, detention exceeds statutory authority and is unlawful.

#### **EXPEDITED CONSIDERATION**

54. Petitioner remains unlawfully deprived of liberty.

55. Immediate judicial intervention is necessary to prevent continued constitutional injury.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Middle District of Florida while this habeas petition is pending;
- c. Grant the Petition for Writ of Habeas Corpus;
- d. Order Petitioner's immediate release from ICE custody;
- e. Order DHS to reinstate Petitioner's prior Order of Supervision, or impose appropriate conditions of release; pursuant to 8 U.S.C. § 1226(a) within seven days;
- f. Enjoin Respondents from re-detaining Petitioner absent full compliance with governing regulations and constitutional requirements;;
- g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper.

DATED this 23rd day of December, 2025.

By: /s/Joel Alexis Caminero  
Joel Alexis Caminero, Esq.  
Florida Bar # 127294  
Caminero Law, PLLC  
5728 Major Blvd, STE 750  
Orlando, FL 32819  
Tel. (407) 409-2529  
Email: joel@caminerolawfirm.com  
Attorney for Petitioner

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send

notice of electronic filing to all counsel in this case on December 23rd,  
2025.

/s/ Joel Alexis Caminero  
Joel Alexis Caminero, Esq.  
Florida Bar # 127294  
Attorney for Petitioner