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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

Mario Benito Gutierrez Gutierrez,

Petitioner,

v.

Miami Field Office Director, Immigration and  
Customs Enforcement and Removal Operations  
("ICE/ERO"); Acting Director of U.S.  
Immigration and Customs Enforcement  
("ICE"); U.S. Immigration and Customs  
Enforcement ("ICE"); U.S. Secretary of  
Homeland Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY ("DHS"); Attorney  
General of the United States; WARDEN,  
Warden of Florida Soft Side South Detention  
Center.

Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**EXPEDITED HEARING REQUESTED**

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**INTRODUCTION**

1. Petitioner Mario Benito Gutierrez Gutierrez brings this Petition for a Writ of Habeas Corpus to seek enforcement of his rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Florida Soft Side South Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Department of Justice (DOJ) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the District Court granted partial summary judgment on behalf of individual Plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners’ Motion for Partial Summary Judgment).

3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

1 4. Petitioner Mario Benito Gutierrez Gutierrez is a member of the Bond Eligible  
2 Class, as he:

- 3 a. does not have lawful status in the United States and is currently detained at the  
4 Florida Soft Side South Detention Center. He was encountered by immigration  
5 authorities on or about December 21, 2025;  
6 b. entered the United States without inspection almost five (5) years ago, was  
7 encountered shortly after arrival but was released on bond and resided in the  
8 United States in liberty for nearly 5 years, *cf. id.*; and  
9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 5. After encountering Petitioner on or about on or around April 2021, the DHS  
11 placed him in removal proceedings pursuant to 8 U.S.C. § 1229a, and released him on bond on  
12 or around June 2021. DHS has charged Petitioner as being inadmissible under 8 U.S.C. §  
13 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

14 6. Respectfully, the Court should expeditiously grant this Petition.

15 7. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
16 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue  
17 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful  
18 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible  
19 Class member.

20 8. Immigration judges have informed class members in bond hearings that they have  
21 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not  
22 controlling, even with respect to class members, and that instead IJs remain bound to follow the  
23 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

24 9. Because Respondents are detaining Petitioner in violation of the declaratory  
judgment issued in *Maldonado Bautista* and under the guise of *Yajure*, the Court should  
accordingly order that within one day, Respondent DHS must release Petitioner.

1 10. Alternatively, the Court should order Petitioner's release unless Respondents  
2 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

3 11. On September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued  
4 a precedent decision, binding on all immigration judges, holding that an immigration judge has  
5 no authority to consider bond requests for any person who entered the United States without  
6 admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board  
7 determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
8 therefore ineligible to be released on bond

9 12. Even assuming *arguendo* that Petitioner is not a member of the *Maldonado*  
10 *Bautista* class, Petitioner's detention violates the plain language of the Immigration and  
11 Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
12 previously entered and are now residing in the United States for many years. Instead, such  
13 individuals are subject to a different statute, § 1226(a), that allows for release on conditional  
14 parole or bond. § 1226(a), expressly applies to people who, like Petitioner, are charged as  
15 inadmissible for having entered the United States without inspection.

16  
17 **JURISDICTION**

18 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florida  
19 Soft Side South Detention Center, in Ochopee, Florida.

20 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
21 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
22 Constitution (the Suspension Clause).



**PARTIES**

1  
2           21.     Petitioner Mario Benito Gutierrez Gutierrez is a citizen of Nicaragua who has  
3 been in immigration detention since December 21, 2025. Petitioner has resided in the United  
4 States at liberty since on or about June 2021.

5           22.     Respondent is the Field Office Director for the Miami Field Office, Immigration  
6 and Customs Enforcement and Removal Operations (“ICE”). The Miami Field Office is  
7 responsible for local custody decisions relating to non-citizens charged with being removeable  
8 from the United States, including the arrest, detention, and custody statutes of non-citizens. As  
9 such, the Miami Filed Office Director is Petitioner’s immediate custodian and is responsible for  
10 Petitioner’s detention and removal. He is sued in his official capacity.

11           23.     Respondent is the acting director of U.S. Immigration and Customs Enforcement,  
12 and has authority over the actions of ICE in general. Respondent is therefore a legal custodian of  
13 the Petitioner. Respondent is sued in his official capacity.

14           24.     Respondent U.S. Immigration and Customs Enforcement is the federal agency  
15 responsible for custody decisions relating to non-citizens charged with being removable from the  
16 United States, including the arrest, detention, and custody status of non-citizens.

17           25.     Respondent is the U.S. Secretary of Homeland Security (DHS) and has authority  
18 over the actions of all other DHS Respondents in this case, as well as all operations of DHS.  
19 Respondent is a legal custodian of Petitioner and is charged with  
20 faithfully administering the immigration laws of the United States. Respondent is sued in her  
21 official capacity.

22           26.     Respondent U.S. Department of Homeland Security is the federal agency that has  
23 authority over the actions of ICE and all other DHS Respondents.



1 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section  
2 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1,  
3 139 Stat. 3 (2025).

4 35. Following the enactment of the IIRIRA, EOIR (as part of the DOJ) drafted new  
5 regulations explaining that, in general, people who entered the country without inspection were  
6 not considered detained under § 1225 and that they were instead detained under § 1226(a). *See*  
7 *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of*  
8 *Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

9 36. Thus, in the decades that followed, most people who entered without inspection  
10 and were placed in standard removal proceedings received bond hearings, unless their criminal  
11 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
12 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
13 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
14 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
15 “restates” the detention authority previously found at § 1252(a)).

16 37. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
17 rejected well-established understanding of the statutory framework and reversed decades of  
18 practice.

19 38. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
20 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
21 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The  
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23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 policy applies regardless of when a person is apprehended, and affects those who have resided in  
2 the United States for months, years, and even decades.

3 39. On September 5, 2025, the BIA adopted this same position in a published  
4 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the  
5 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
6 ineligible for IJ bond hearings.

7 40. Since Respondents adopted their new policies, dozens of federal courts have  
8 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected  
9 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

10 41. Even before ICE or the BIA introduced these nationwide policies, IJs in the  
11 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
12 entered the United States without inspection and who have since resided here. There, the U.S.  
13 District Court in the Western District of Washington found that such a reading of the INA is  
14 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not  
15 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d  
16 1239 (W.D. Wash. 2025).

17 42. Subsequently, court after court has adopted the same reading of the INA's  
18 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,  
19 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,  
20 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);  
21 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,  
22 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL  
23 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025

1 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,  
2 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-  
3 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-  
4 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),  
5 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-  
6 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-  
7 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-  
8 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
9 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*  
10 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);  
11 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,  
12 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.  
13 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.  
14 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.  
15 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2  
16 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §  
17 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL  
18 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-  
19 RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

20 43. On or about December 23, 2025, in *Ariza v. Kristi Noem, et al*, the United States  
21 District Court, W.D. Kentucky, continued to follow this analysis and determined that §1225 is  
22 for arriving aliens or those who have not been “physically present in the United States  
23 continuously for the two (2) year period immediately prior to the date of determination of  
24

1 inadmissibility.” 8 C.F.R. § 235.3(b)(1)(ii). *ELIZABETH ROMAN ARIZA, Petitioner, v. KRISTI*  
2 *NOEM, et. al., Respondents. Additional Party Names: CBP, Dep't of Homeland Sec., DHS,*  
3 *Immigrations & Customs Enf't, United States*, No. 4:25-CV-165-RGJ, 2025 WL 3722014, at \*7  
4 (W.D. Ky. Dec. 23, 2025), wherein Petitioner was a native citizen of Colombia, who had been  
5 present in the United States approximately two (2) years prior to her Petition for Writ of Habeas  
6 Corpus, who was apprehended and paroled into the United States as an alternate to detention on  
7 December 25, 2022).

8 44. Courts have uniformly rejected DHS's and EOIR's new interpretation because it  
9 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
10 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

11 45. Section 1226(a) applies by default to all persons “pending a decision on whether  
12 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
13 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

14 46. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
15 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
16 (E)'s reference to such people makes clear that, by default, such people are afforded a bond  
17 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress  
18 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,  
19 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
20 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025  
21 WL 1869299, at \*7.



1 53. His current detention arises solely from a separate arrest on or about December  
2 21, 2025, when he was stopped at a routine ICE check, which is the arrest that triggered the  
3 present custody determination.

4 54. Accordingly, the relevant inquiry for determining whether a noncitizen was  
5 apprehended “upon arrival” is the most recent arrest resulting in the current detention, not a  
6 historical encounter years earlier that ended in release on bond.

7 55. Looking to the December 21, 2025 arrest, Respondent was plainly not  
8 apprehended upon arrival, as he has lived in the United States for close to five (5) years at  
9 liberty.

10 56. Therefore, Respondent should not be considered “apprehended upon arrival” and  
11 satisfies the second prong of the Maldonado class.

12 57. Respondent is not subject to detention under U.S.C. § 1226(c), § 1225(b)(1), or §  
13 1231 as he is not, and has never been, charged, arrested, or convicted of any of the crimes  
14 delineated therein.

15 58. Based on the analysis herein, the Respondent satisfies all three (3) prongs  
16 required to be part of the Maldonado Bautista class.

17 59. DHS placed Petitioner in removal proceedings before the Miami Immigration  
18 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being  
19 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States  
20 without inspection.

21 60. Petitioner is neither a flight risk nor a danger to the community. Petitioner has  
22 strong ties to the community where he lives and has extended family residing in Key West,  
23 including his six (6) month old U.S. Citizen son, his Mother, and his Father. His six (6) month  
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1 old U.S. Citizen baby is in his tender years where it is critical to have contact with both parents.  
2 Petitioner has maintained steady employment since 2021 and has consistently appeared at all  
3 prior immigration hearings. The Petitioner has a pending asylum application wherein he alleges a  
4 bonafide claim of credible fear if returned to Nicaragua. Petitioner has no criminal history and  
5 there is no evidence that Petitioner poses any threat to any person or property. Petitioner's  
6 circumstances demonstrate he is not a flight risk or a danger to the community.

7 61. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
8 Petitioner's bond request, necessitating this Petition and the remedies requested herein.

9 62. As a result, Petitioner remains in detention. Without relief from this Court, he  
10 faces the prospect of months, or even years, in immigration custody, separated from his family,  
11 six (6) month old U.S. Citizen baby who desperately needs his Father's care, and community.

12 63. Under *Ariza v. Noem*, Petitioner should not be considered held under §1225 as he  
13 has been present in the United States for close to five (5) years after he was released on bond in  
14 2021 and therefore not "seeking admission" as it relates to his current detention.

15 64. The Seventh Circuit, the first court of appeals to reach this issue, stated that the  
16 United States was "not likely to succeed on the merits of their argument" that Section 1225 governs  
17 the arrest of noncitizens *already present* in the United States. *See generally, Castañon-Nava*, \_\_\_  
18 F. 4th \_\_\_, 2025 WL 3567469 at \*9. The Seventh Circuit held that, "while a noncitizen arrested in  
19 the Midwest might qualify as 'an alien present in the United States who had not been admitted,' §  
20 1225(a)(1), the mandatory detention provision upon which Defendants rely, limits its scope to an  
21 'applicant for admission' who is 'seeking admission,' § 1225(b)(2)(A)." *Castañon-Nava*, \_\_\_ F.  
22 4th \_\_\_, 2025 WL 3552514, at \*9. Aziza has been here for more than two years and is not "seeking  
23 admission." *See ELIZABETH ROMAN ARIZA, Petitioner, v. KRISTI NOEM, et. al., Respondents.*

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1 *Additional Party Names: CBP, Dep't of Homeland Sec., DHS, Immigrations & Customs Enf't,*  
2 *United States*, No. 4:25-CV-165-RGJ, 2025 WL 3722014, at \*7 (W.D. Ky. Dec. 23, 2025).

3 65. As in *Ariza*, the Petitioner has been “already present” in the United States for an  
4 extended period of time prior to the apprehension at issue, and the plain language of 8 C.F.R.  
5 §235.3(a)-(b) makes clear that the detention under Section 1225 is for arriving aliens or those  
6 who have **not** been physically present in the United States continuously for a period of time (in  
7 *Ariza* two (2) years but in the present case, five (5) year), prior to the date of determination of  
8 inadmissibility, and therefore Petitioner should be classified under §1226, not subject to  
9 mandatory detention, and eligible for a bond.

10 66. In both the case at bar and *Ariza*, the Petitioners were both apprehended upon  
11 arrival to the United States and released shortly thereafter- *Ariza* on parole and the Petitioner at  
12 issue on bond. Their release, and their subsequent years at liberty living in the United States,  
13 under the plain reading of the statute indicates that they are not “arriving aliens” and **not** subject  
14 to mandatory detention under §1225, but are eligible for bond under §1226.

15  
16 **CLAIMS FOR RELIEF**

17 **COUNT I**

18 **Violation of the INA:**

19 **Request for Relief Pursuant to *Maldonado Bautista***

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

22 68. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
23 release on bond under 8 U.S.C. § 1226(a).  
24



1 75. Nonetheless, pursuant to *Matter of Yajure Hurtado*, the EOIR, which is part of the  
2 DOJ, has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

3 76. The application of § 1225(b)(2) to Petitioner unlawfully mandates [his] continued  
4 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

5 77. Petitioner was released on bond in June 2021 and therefore not subject to  
6 mandatory detention, and therefore his detention under *Yajure* is contrary to law.

7  
8 **COUNT III**  
**Violation of Due Process**

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

11 79. The government may not deprive a person of life, liberty, or property without due process  
12 of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,  
13 detention, or other forms of physical restraint—lies at the heart of the liberty that the  
14 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

16 81. The government’s detention of the Petitioner by classifying him under §1225 is contrary  
17 to the current case law. Pursuant to *Ariza*, Section 1225 does not apply to aliens who have  
18 been continuously present in the United States at liberty for multiple years as they are not  
19 considered “seeking admission.” *Ariza v. Noem*, et al, No. 4:25-CV-165-RGJ, 2025 WL  
20 3722014, at \*7 (W.D. Ky. Dec. 23, 2025). Petitioner entered the United States on or  
21 around March 30, 2021, and was released on bond sometime in June 2021. He spent  
22 almost five (5) years at liberty in the United States after his release on bond and therefore  
23 he cannot be considered “seeking admission” under §1225 and is eligible for bond under  
24 §1226.

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82. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates [his] right to due process.

**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. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- d. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner’s detention is unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

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DATED this 30<sup>th</sup> day of December, 2025.

Respectfully Submitted,

/s/ Allison Rub, Esq.  
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Allison Rub, P.A.  
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