

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Gaspar Gernaldo Ramirez Rafael

CASE NO.: 2:26-CV-00017-KCD-NPM

Petitioner,

vs.

Miami Field Office Director, Immigration
and Customs Enforcement and Removal
Operations ("ICE/ERO"), et al

Respondent,

_____ /

PETITIONER'S EMERGENCY MOTION FOR IMMEDIATE RELEASE

COMES NOW, Petitioner Gaspar Gernaldo Ramirez Rafael, by and through the undersigned counsel, and respectfully files this Emergency Motion for Immediate Release, based on newly obtained information, and states as follows:

1. Pending before this Honorable Court is the Petitioner's Petition for Writ of Habeas Corpus challenging his current detainment at Florida Soft Side South Detention Center.
2. Since the filing of the Petition, new information has been discovered by the undersigned.
3. Petitioner was detained by ICE on or about December 29, 2025.
4. An Immigration Judge dismissed the Petitioner's Removal Proceedings on or about June 12, 2023.

5. As of the date of this filing, no Notice to Appear in Immigration Court (EOIR) has been issued against the Petitioner. A copy of a screenshot showing that there are no current removal proceedings, and the dismissal of the previous removal proceedings pending is attached hereto as Exhibit "A."
6. Therefore, there is no current removal proceedings pending against the Petitioner and he is therefore unlawfully detained.
7. The relief sought herein constitutes an emergency because the Petitioner has been detained for close to one (1) month without legal justification. His continued detention without legal justification violates his due process rights.

WHEREFORE, the Petitioner Gaspar Gernaldo Ramirez-Rafael, respectfully requests this Honorable Court Order his immediate release from custody, and all other remedies this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 21, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing to all parties of record.

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

acis.eoir.justice.gov/en/caseinformation

An official website of the United States government [Here's how you know](#)

 **EOIR** Automated Case Information

Court Closures Today January 21, 2026 | Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > RAMIREZ-RAFAEL, GASPAR GERNALDO 



Automated Case Information

Name: RAMIREZ-RAFAEL, GASPAR GERNALDO | A-Number: 

 **Next Hearing Information**



There are no future hearings for this case.

 **Court Decision and Motion Information**

The immigration judge ordered **DISMISSAL**.

DECISION DATE
June 12, 2023

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