

JAN 5 2026 PM 3:17  
FILED - USDC - FLMD - JAX

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

Jose A. FRANCO,

*Petitioner,*

v.

**Case No.:**

WARDEN, BAKER COUNTY DETENTION CENTER;  
ICE FIELD OFFICE DIRECTOR, MIAMI;  
SECRETARY, DEPARTMENT OF HOMELAND SECURITY;  
ATTORNEY GENERAL OF THE UNITED STATES,

3:26-CV-15-WWB-SJH

*Respondents.*

**MOTION FOR IMMEDIATE  
RELEASE**

PLEASE TAKE NOTICE that Petitioner respectfully moves this Court for immediate release pending resolution of the Petition for Writ of Habeas Corpus.

Petitioner has demonstrated that continued detention is unlawful under Zadvydas v. Davis and that removal is not reasonably foreseeable because Cuba refuses repatriation.

Petitioner has complied with all prior conditions of supervision for multiple years and presents no flight risk or danger to the community.

Petitioner satisfies the standard for immediate release because the Petition raises substantial constitutional claims and continued detention causes irreparable harm.

Petitioner has demonstrated a likelihood of success on the merits, irreparable harm absent release, and that the balance of equities and public interest favor release, as Petitioner has previously been found suitable for supervision

WHEREFORE, Petitioner requests immediate release under reasonable conditions.

Executed on January 6, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Rivas", is written over a horizontal line.

Maria C. Rivas

Next Friend for Petitioner

