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DETAINED

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF FLORIDA

ARNOLD DAVID VILORIO MONCADA)

A# )

Petitioner,)

v.)

WARDEN, GLADES COUNTY DETENTION CENTER,)

KRISTI NOEM, SECRETARY OF HOMELAND)

SECURITY, TODD M. LYONS, ACTING DIRECTOR)

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,)

DHS, AND PAMELA BONDI, ATTORNEY GENERAL)

OF THE UNITED STATES)

Respondents.)

CASE No.: 2:26-cv-00033-JES-DNF

AMENDED PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

I. INTRODUCTION

1. Petitioner Arnold David Vilorio Moncada is a national of Honduras [SEE EXHIBIT A] currently detained at Glades County Detention Center.
2. Petitioner has been in Ice custody since November 21, 2025, without a meaningful opportunity for release on bond.
3. Petitioner has lived in the United States for more than a decade, has strong family ties in the United States, and is pursuing relief from removal before the Immigration Court. [SEE EXHIBIT B]
4. Petitioner challenges his continued civil immigration detention as unlawful and in violation of the Due Process Clause of the Fifth Amendment.

II. BACKGROUND

5. Petitioner is a national of Honduras who entered the United States seeking protection. At the time Petitioner departed his home country, conditions were extremely unsafe due to widespread violence and instability. Petitioner feared for his life and personal safety, which motivated his departure. (SEE EXHIBIT C).
6. Petitioner first arrived in the United States on or about October 10, 2010 at or near Laredo, Texas. He was not inspected or admitted by an immigration officer at the time of entry.

III. JURISDICTION AND VENUE

7. Mr Vilorio Moncada is detained at the Glades County Detention Center in Moore Haven, Florida, within the Middle district of Florida. [SEE EXHIBIT D]
8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because petitioner is currently in federal immigration custody and seeks to challenge the legality of his ongoing detention. Venue is proper in in the Middle District of Florida because Petitioner is detained within this District.

9. This Court has subject-matter jurisdiction under the Suspension Clause of the U.S. Constitution, Art. I, § 9, cl. 2, and 28 U.S.C. § 1651 (All Writs Act), because Petitioner is presently held in federal custody under the authority of the United States. His detention by Respondents constitutes a severe restraint on his liberty in violation of the Constitution and laws of the United States. See *Hensley v. Municipal Court*, 411 U.S. 345 (1973)

IV. PARTIES

10. Petitioner Arnold David Vilorio Moncada is a national and citizen of Honduras currently detained at Glades County Detention Center.
11. Warden, Glades County Detention Center where petitioner is apprehended since November 21, 2025.
12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. She is sued in her official capacity.
13. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, responsible for ICE's detention and removal operations among all its other functions. He is sued in his official capacity.
14. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States. She is sued in her official capacity

V. FACTS

Petitioner is the father of three children. Two of his children, E [REDACTED] and J [REDACTED], were born in the State of Florida and are United States citizens. His third child was born in Honduras. Petitioner also suffered the tragic loss of a child in 2017 and petitioner's wife, Nancy Jasmin Escoto, is currently pregnant, and petitioner is expecting his fourth child. The anticipated due date of the pregnancy is [REDACTED] [SEE EXHIBIT E]. Petitioner has always been an exemplary member of the community, maintains strong family

bonds, and has consistently contributed to the United States economy [SEE EXHIBIT F]. He is not, and has never been, a burden on the government, nor are his children.

Petitioner has no criminal record and poses no danger to the community. He has never been detained by the police, has never received any traffic citations, and does not drive because he does not have a driver's license. Prior to his arrest, Mr Vilorio Moncada was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

On November 21, 2025, while Petitioner was beginning his work day, he was traveling with his brother, Walver Daniel Vilorio Moncada, to his employment at Garden time Inc, where he works doing landscape. The company truck was driven by Cornelio Telles, Nicaraguan, a company driver. Petitioner and his brother were seated as passengers simply commuting to their place of work.

Without warning, the vehicle was stopped by state troopers and plainclothes immigration agents. Petitioner and his brother were subjected to inspection and immediately arrested between Griffin road and Flamingo road. The police then transported them to Miramar for processing, and the next day, they were taken to Alligator Alcatraz, and on December 1, 2025, they were transferred to the Glades County Detention Center, where they have remained for nearly two months. During this time, Petitioner has had no meaningful opportunity for release, despite his strong family ties in the United States, his role as a devoted parent, and his long history of contributing to the community and the economy. His continued detention has imposed a serious and unnecessary hardship on Petitioner and his family, depriving him of his liberty without any individualized assessment of flight risk or danger. If Petitioner remains detained, he will be unable to be present for the birth of his child, causing further irreparable harm to his family.

A United States citizen friend, Inarbys de la Caridad Castillo Suarez, is willing and able to provide housing and financial support to Petitioner if he is released. The sponsor is prepared to ensure that Petitioner appears at all future proceedings. [SEE EXHIBIT G]

VI. LEGAL FRAMEWORK AND ARGUMENT

15. Petitioner's Detention Violates the Fifth Amendment Due Process Clause

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Freedom from imprisonment—whether by government custody, detention, or other forms of physical restraint—lies at the heart of this protection. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention must “bear a reasonable relation to the purpose for which the individual [was] committed.” *Jackson v. Indiana*, 406 U.S. 715, 738 (1972).

Here, Petitioner has been detained for nearly two months without individualized review, despite having no criminal history, posing no danger to the community, and having a U.S. citizen friend willing to serve as sponsor. His detention no longer serves a reasonable purpose and violates the Fifth Amendment.

16. Detention Must Be Statutorily and Constitutionally Valid

Under 8 U.S.C. §1226(a), individuals like Petitioner who are awaiting a determination in removal proceedings may be detained only after consideration of alternatives and an individualized assessment. *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999); *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976). Respondents have provided no individualized determination or evidence justifying continued detention. This violates statutory requirements and the Fifth Amendment.

17. Alternatives to Detention Are Available

Petitioner has strong family ties in the United States, including U.S. citizen children, and a responsible U.S. citizen friend willing to serve as a sponsor. Such arrangements satisfy the government's legitimate interests in preventing flight or ensuring participation in immigration proceedings.

Because there is no indication that Petitioner is a flight risk or danger to the community, and effective alternatives exist, continued detention is unnecessary, overly restrictive, and unconstitutional. *Zadvydas*, 533 U.S. at 700.

18. The Government Bears the Burden of Justifying Detention

Due process principles require the government to demonstrate that detention is legally and constitutionally justified. *Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996) (“due process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake... are particularly important”).

Respondents have failed to meet this burden. Petitioner’s lack of criminal history, strong community ties, and ready sponsor demonstrate that continued detention cannot be legally or constitutionally justified.

VII. PRAYER FOR RELIEF

1. Assume jurisdiction over this matter;
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, because it is an action brought under chapter 153 (habeas corpus) of Title 28;
3. Issue an order to show cause pursuant to 28 U.S.C. § 2243, directing the Respondents to explain within three (3) days why the writ of habeas corpus should not be granted;
4. Grant a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, or, in the alternative, release on bond with any conditions the Court deems appropriate, including supervision by a responsible sponsor, pursuant to 8 C.F.R. § 241.5; and
5. Grant any and all further relief that this Court deems just and proper.

VIII. DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 01/16 / 2026

Detained

Signature of Petitioner

AMENDED PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

In the matter of: Vilorio Moncada, Arnold David

File No.: A# [REDACTED]

TABLE OF CONTENTS

Exhibits

Exhibit A: IDENTIFICATION DOCUMENTS

Respondent's Biographical page of Honduran passport

Exhibit B: EVIDENCE SHOWING RESPONDENT'S RELIEF

IN COURT IN THE FORM OF CANCELLATION OF REMOVAL

Form E-42B, Cancellation of Removal for non-permanent residents

Copy of Respondent's son, J [REDACTED] US birth Certificate.

[REDACTED]'s medical record confirms diagnoses including learning difficulty (F81.9), developmental language disorder (F80.9), transient alteration of awareness (R40.4), and poor fine motor skills (R29.898). He also suffers from chronic dermatologic and respiratory conditions, including eczema and atopic dermatitis with recurrent skin infections, as well as reactive respiratory symptoms requiring nebulizer treatments and inhaled medications. His treatment requires continuous medical supervision, uninterrupted access to prescribed medications-including antibiotics and steroid creams-and ongoing pediatric and therapeutic follow-ups.

Copy of Respondent's son, B [REDACTED] US birth Certificate.

B [REDACTED]'s medical record confirms he is undergoing evaluation and treatment for developmental language disorder (F80.9), learning difficulty (F81.9), and poor fine motor skills (R29.898). These diagnoses require access to early-intervention services, including speech therapy and occupational therapy, which are critical to preventing long-term developmental

impairment. He also suffers from persistent dermatologic issues, requiring specialized care and daily assistance to manage symptoms and medications.

ASJ: "Inefficiency leaves millions of Hondurans without medical care"

"Medical care in the public health system decreased from 21,599,568 to 10,481,825 between 2016 and 2024, affecting the right to health of millions of Hondurans, denounced the Association for a More Just Society (ASJ) this Tuesday in the presentation of the second installment of the State of the Country 2025 series, dedicated to the health sector.

Despite an increase in the health budget and the construction of new hospitals, the implementation of these projects has been slow.

Furthermore, health spending remains low compared to GDP, at 3%, well below the 6% recommended by the WHO.

This has led to problems such as a lack of hospital beds, a high infant mortality rate, and an increase in preventable diseases such as dengue fever.

The report also highlights the surgical backlog, with thousands of patients waiting for surgery, and a significant drop in polio vaccination coverage. Although there were improvements in the supply of medicines, budget execution remains inefficient.

The ASJ report indicates that, in 2024, 177,209 cases of dengue were reported, and 160 deaths were attributed to this preventable disease.

The number of cases is seven times higher than the average recorded in the last 10 years and double the regional average. "

Inefficiency and lack of investment worsen crisis in health sector

"Budget execution for medicines in 2024 was 74%, with 31% of that execution in the last quarter. In addition, Honduras faces a serious lack of infrastructure, as it does not even have one hospital bed for every 1,000 inhabitants, which severely limits the capacity for medical care.

Although the government increased the budget of the Ministry of Health

by L 2,493.5 million and prioritized the construction of nine hospitals with a total cost of L 13,000 million, the execution has been slow and investment in health remains low compared to the Gross Domestic Product (GDP), standing at 3%, well below the 6% recommended by the World Health Organization (WHO).

A major challenge is improving coverage in rural areas to reach the most excluded populations. Currently, Honduras lacks a comprehensive health system, continues to rely on a curative care model, and primary health care is not prioritized. "

Exhibit C: HONDURAS 2010 HUMAN RIGHTS REPORT

"Human rights problems reported included the following: unlawful killings by police and government agents, which the government took some steps to prosecute; arbitrary and summary killings committed by vigilantes and former members of the security forces; harsh prison conditions; violence against detainees; corruption and impunity within the security forces; lengthy pretrial detention and failure to provide due process of law; politicization, corruption, and institutional weakness of the judiciary; corruption in the legislative and executive branches; government restrictions on the recognition of some civil society groups; violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor. "

EXHIBIT D: PROOF OF IMMIGRATION DETENTION LOCATION

EXHIBIT E:

Copy of the death certificate of Petitioner's child, documenting the death in 2017.

Medical records from the follow-up prenatal visit of Petitioner's wife, Nancy Jasmin Escoto documenting:

- Current pregnancy and anticipated due date of 

- Delay in completing the anatomy ultrasound due to the impact of Petitioner's detention.
- The financial and logistical challenges caused by the detention as noted in the medical record.

EXHIBIT F: GOOD MORAL CHARACTER EVIDENCE

Letter from Urias Lopez attesting to the Respondent's good moral character.

Letter from Erlin O. Reyes attesting to the Respondent's good moral character.

Letter from Juan Elias Matos attesting to the Respondent's good moral character.

EXHIBIT G: SPONSOR'S DOCUMENTS

Sponsor Affidavit stating that she will ensure that the Respondent complies with the immigration laws, attends any court hearings, and will ensure that he meets his legal obligations with the immigration court, along with the following:

- U.S. Birth Certificate;
- Form I-134, Declaration of Financial Support;
- 2024 U.S IRS Transcripts;
- Sponsor's employment letter showing employment stability, alongside payment stubs to show financial support.