

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WALVER DANIEL VILORIO  
MONCADA,

Plaintiff,

v.

Case No.: 2:26-cv-00006-SPC-NPM

WARDEN, GLADES COUNTY  
DETENTION CENTER and U.S.  
ATTORNEY GENERAL,

Defendants,

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**OPINION AND ORDER**

Before the Court is Walver Daniel Vilorio Moncada's *pro se* Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1). Immigration and Customs Enforcement (ICE) arrested Moncada on November 21, 2025, and he is currently detained at Glades County Detention Center. Moncada claims his detention violates the Fifth Amendment's Due Process Clause because he has not received a bond hearing. The Court reviews the petition under Rule 4 of the Rules Governing Section 2254 cases.<sup>1</sup>

Courts in this district and around the country have found recent changes to ICE policies on bond hearings unlawful as applied in certain situations. *See*,

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<sup>1</sup> Courts may apply the rules to habeas actions brought under § 2241. *See* Section 2254 Rule 1(b).

*e.g.*, *Bautista v. Santacruz*, --- F. Supp. 3d ---, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025). But Moncada does not provide enough detail for the Court to determine whether ICE violated his rights. The petition does not include potentially important facts, like when and how he entered the country, his current immigration status, the status of any removal proceedings, and the circumstances of his arrest. Conclusory allegation are not enough to warrant habeas relief. *See Chavez v. Sec’y, Fla. Dep’t of Corr.*, 647 F.3d 1057, 1061 (11th Cir. 2011). The exhibits attached to Moncada’s petition—nearly 800 pages of entirely irrelevant documents—do not cure the deficient pleading.

Moncada is not entitled to habeas relief on any ground in his petition. Accordingly, the petition (Doc. 1) is **DISMISSED without prejudice**. Moncada may file an amended petition within **21 days** of this order. Otherwise, the Court will enter judgment and close this case without further notice.

**DONE AND ORDERED** in Fort Myers, Florida on January 12, 2026.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

SA: FTMP-1