

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ARIEL DIEZ DIAZ, A# [REDACTED]  
Petitioner,

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;  
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);  
WARDEN, FLORIDA BAKER CORRECTIONAL INSTITUTE,  
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. § 2241)

#### INTRODUCTION

This is a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed on behalf of Ariel Diez Diaz, a Cuban national, currently detained by Immigration and Customs Enforcement (ICE). Petitioner challenges the legality, constitutionality, and conditions of his detention, which constitute grave violations of the United States Constitution, federal law, and binding Supreme Court precedent.

#### JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241. Venue is proper in this District because Petitioner is detained within the Middle District of Florida.

#### PARTIES

Petitioner: Ariel Diez Diaz, A# [REDACTED] Cuban national.

Next Friend: Xinia Nolanini Varona Montero, A# [REDACTED]

Respondents: United States Department of Homeland Security (DHS); Immigration and Customs Enforcement (ICE); Warden, Florida Baker Correctional Institute.

#### STATEMENT OF FACTS

On June 13, 2025, Petitioner appeared for his first immigration court hearing. The Immigration Judge dismissed the case. Immediately after exiting the courtroom, Petitioner was arrested by seven to eight masked ICE agents without a judicial warrant,

probable cause, or lawful justification.

Petitioner was shackled at the hands and feet and detained inside a vehicle while being pressured to sign deportation documents. He refused. He was then placed on a bus and confined for 24 hours without air, food, or water.

Upon arrival at a holding facility, Petitioner was confined for five days in a space designed for 23 people but holding 57 detainees, without showers, sanitation, or adequate medical care, resulting in illness and infections.

Petitioner was subsequently held for two months in a tent facility with scarce food and degrading conditions, then transferred to criminal housing despite having no criminal record. Officers indiscriminately deployed pepper spray during an unrelated altercation, affecting Petitioner without cause.

As retaliation for filing complaints, officers deprived detainees of food and water for 48 hours. Petitioner is now held at an ICE facility where food and water are restricted, and he is subjected to harassment, intimidation, and retaliation.

## EXPANDED FEDERAL JURISPRUDENCE

### I. HABEAS JURISDICTION OVER IMMIGRATION DETENTION

Federal courts retain habeas jurisdiction under 28 U.S.C. § 2241 to review the legality and constitutionality of immigration detention. *INS v. St. Cyr*, 533 U.S. 289 (2001); *Boumediene v. Bush*, 553 U.S. 723 (2008).

### II. FOURTH AMENDMENT VIOLATIONS

Warrantless arrests by ICE officers are subject to Fourth Amendment scrutiny. *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973); *Morales v. Chadbourne*, 793 F.3d 208 (1st Cir. 2015).

### III. COERCION AND DUE PROCESS

Coerced waivers of immigration rights violate due process. *United States v. Raya-Vaca*, 771 F.3d 1195 (9th Cir. 2014); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549 (9th Cir. 1990).

### IV. PROLONGED AND PUNITIVE DETENTION

Civil detention becomes unconstitutional when it is arbitrary or punitive. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

#### V. CONDITIONS OF CONFINEMENT

Punitive conditions imposed on civil detainees violate due process. *Bell v. Wolfish*, 441 U.S. 520 (1979); *Jones v. Blanas*, 393 F.3d 918 (9th Cir. 2004).

#### VI. EXCESSIVE FORCE AND COLLECTIVE PUNISHMENT

Gratuitous infliction of pain violates constitutional protections. *Hope v. Pelzer*, 536 U.S. 730 (2002).

#### VII. DETENTION WITH CRIMINAL INMATES

Civil detainees must not be housed under criminal incarceration conditions. *Youngberg v. Romeo*, 457 U.S. 307 (1982).

#### VIII. HABEAS AVAILABLE DESPITE REMOVAL ORDERS

The existence of a removal order does not bar habeas relief. *Demore v. Kim*, 538 U.S. 510 (2003); *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

#### IX. NEXT FRIEND STANDING

Next Friend standing is proper where detainees lack access to courts. *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

#### X. AUTHORITY TO ORDER RELEASE

Federal courts have equitable authority to order immediate release. *Munaf v. Geren*, 553 U.S. 674 (2008); *Padilla v. ICE*, 953 F.3d 1134 (9th Cir. 2020).

#### RELIEF REQUESTED

Petitioner respectfully requests that this Court:

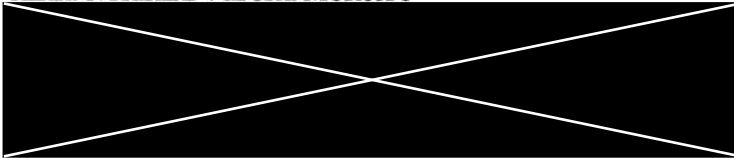
1. Order immediate release from ICE custody;
2. Alternatively, order release under supervision or bond;
3. Enjoin Respondents from further constitutional violations;
4. Grant any other relief deemed just and proper.

NEXT FRIEND DECLARATION

I, Xinia Nolanini Varona Montero, declare under penalty of perjury that I am the partner of Ariel Diez Diaz and submit this Petition as his Next Friend due to his detention and inability to freely access the courts.

Signature: Xinia  
Date: 01/05/2026

Respectfully submitted,  
Xinia Nolanini Varona Montero



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PROOF OF SERVICE

I, Xinia Nolanini Varona Montero, hereby certify under penalty of perjury that on this date I served a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Immediate Release
- Sworn Declaration of Next Friend

by U.S. Mail and/or certified mail, postage prepaid, to the following parties:

1. UNITED STATES ATTORNEY  
Middle District of Florida  
Office of the United States Attorney  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602

2. DEPARTMENT OF HOMELAND SECURITY (DHS)  
Office of the General Counsel  
245 Murray Lane, SW  
Washington, DC 20528

3. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)  
Office of the Principal Legal Advisor (OPLA)  
ICE OPLA – Orlando Field Office  
3755 North John Young Parkway


Orlando, Florida 32804

4. WARDEN

Florida Baker Correctional Institute  
1 S Courthouse Square  
Macclenny, Florida 32063

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 01 day of 05, 2025, in 2026.



\_\_\_\_\_  
Xinia Nolanini Varona Montero  
Next Friend for Petitioner

