


UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ARIEL DIEZ DIAZ, A   
Petitioner,

v.

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

EMERGENCY MOTION FOR IMMEDIATE RELEASE  
(28 U.S.C. § 2241 – Due Process and Equitable Relief)

#### INTRODUCTION

Petitioner Ariel Diez Diaz, through his Next Friend, respectfully moves this Honorable Court for an Order of Immediate Release from immigration detention. Extraordinary circumstances warrant emergency relief, as Petitioner's continued detention violates the Constitution, federal law, and binding Supreme Court precedent, and places his physical and psychological safety at imminent risk.

#### JURISDICTION

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241 and possesses inherent equitable authority to order immediate release where detention is unlawful or unconstitutional.

#### STATEMENT OF FACTS

On June 13, 2025, after an Immigration Judge dismissed Petitioner's immigration case, ICE agents arrested him outside the courtroom without a warrant. He was shackled, coerced to sign deportation documents, denied food and water, subjected to overcrowded and unsanitary conditions, sprayed with chemical agents without cause, and punished for asserting his rights.

Petitioner has no criminal history, was employed prior to detention, and poses no danger or flight risk. His detention has become punitive, retaliatory, and constitutionally intolerable.

LEGAL STANDARD

Federal courts may order immediate release when civil detention violates due process or becomes punitive. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Boumediene v. Bush*, 553 U.S. 723 (2008); *Munaf v. Geren*, 553 U.S. 674 (2008).

ARGUMENT

**I. CONTINUED DETENTION VIOLATES DUE PROCESS**

Petitioner's detention lacks a legitimate governmental purpose and has become punitive, arbitrary, and excessive.

**II. CONDITIONS OF CONFINEMENT REQUIRE IMMEDIATE RELEASE**

The inhumane conditions endured by Petitioner violate *Bell v. Wolfish* and render continued detention unconstitutional.

**III. PETITIONER POSES NO FLIGHT RISK OR DANGER**

Petitioner has strong community ties, no criminal record, and a history of lawful employment.

**IV. EQUITABLE RELIEF IS WARRANTED**

This Court has authority to order immediate release to prevent irreparable harm.

RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Order Petitioner's immediate release from ICE custody;
2. Alternatively, order release under supervision;
3. Grant any other relief deemed just and proper.

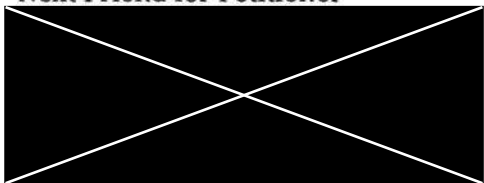
CERTIFICATION

This motion is supported by the Petition for Writ of Habeas Corpus and the Sworn Declaration of the Next Friend.

Respectfully submitted,



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



Date: 01/05/2026