

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

ROGELIO BOLUFE IZQUIERDO,
Plaintiff,

v.
WARDEN, ALLIGATOR ALCATRAZ,
Defendant.

Case No.: 2:26-cv-00035-KCD-NPM

FEB 17 2026 PM 1:41
FILED - USDC - FLMD - FTM

**PLAINTIFF'S OBJECTION TO
RECHARACTERIZATION OR TRANSFER
OF CIVIL RIGHTS COMPLAINT**

Plaintiff Rogelio Bolufe Izquierdo, proceeding pro se, respectfully submits this objection to any attempt to recharacterize or transfer this civil rights action as a habeas petition or to relate it to proceedings in New Mexico, and states:

I. THIS ACTION IS NOT A HABEAS CORPUS PETITION

1. This case was filed as a civil rights complaint, not as a petition for writ of habeas corpus.
2. The Complaint alleges:
 - o Torture
 - o Psychological abuse
 - o Inhumane conditions of confinement
 - o False imprisonment
 - o Retaliation
3. The Complaint seeks:
 - o Compensatory and punitive damages
 - o Declaratory relief
 - o Injunctive relief
4. The Complaint does not seek immediate release from custody as its primary relief, which is the defining characteristic of a habeas petition.

Therefore, this action cannot legally be recharacterized as a habeas corpus proceeding.

II. THE CLAIMS ARISE FROM EVENTS IN FLORIDA, NOT NEW MEXICO

5. The Complaint clearly states that the alleged violations occurred at the detention facility commonly referred to as "Alligator Alcatraz," located in the State of Florida.
 6. All relevant events described in the Complaint:
 - Took place in Florida; and
 - Were carried out by officials, contractors, and personnel operating in Florida.
 7. The Complaint expressly states that venue is proper in the Middle District of Florida because the events giving rise to the claims occurred there.
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III. THIS IS A CIVIL RIGHTS ACTION UNDER FEDERAL LAW

8. The Complaint is brought under:
 - The United States Constitution;
 - *Bivens v. Six Unknown Named Agents*; and
 - Federal civil rights principles.
 9. The action alleges violations of:
 - The Fifth Amendment (due process);
 - The First Amendment (retaliation); and
 - Fundamental constitutional protections against inhumane treatment.
 10. These are classic civil rights claims seeking relief for unconstitutional conditions and abuse, not a challenge to the fact or duration of confinement. Accordingly, this action is not a habeas petition.
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IV. TRANSFERRING OR RECHARACTERIZING THIS ACTION AS HABEAS WOULD BE LEGALLY IMPROPER

11. Treating this civil rights complaint as a habeas action would:

- Mischaracterize the nature of the claims;
- Change the legal framework of the case; and
- Potentially prejudice the Plaintiff's rights and remedies.

12. This action seeks accountability and relief for constitutional violations, not release from custody. It is therefore properly brought as a civil rights complaint.

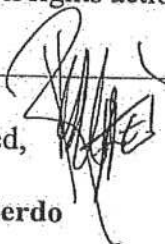
13. If the Court determines that venue is improper, the appropriate course would be:

- To transfer the case to the proper federal district in Florida;
- Not to recharacterize the action as a habeas petition; and
- Not to relate it to detention proceedings in New Mexico.

V. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Recognize this action as a civil rights complaint, not a habeas petition;
2. Decline to recharacterize the action as habeas corpus;
3. Decline to relate this case to any New Mexico detention proceedings; and
4. Allow this civil rights action to proceed in the appropriate federal district in Florida.

Respectfully submitted, 

Rogelio Bolufe Izquierdo

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Torrance County Detention Center

P.O. Box 837

Estancia, NM 87016

Pro Se Plaintiff

Date: 2/13/2026