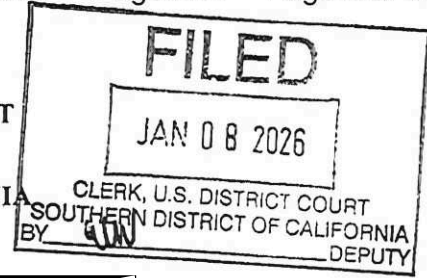


UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA



DELFIN-RICARDO, ENYERT)
Petitioner)
v.)
Attorney General)
PAMELA BONDI)
Respondent)

File No.

'26CV0136 RSH BJW

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

I. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement (ICE).
2. Venue is proper because Petitioner is detained within the territorial jurisdiction of this Court.

II. PARTIES

3. Petitioner: Enyert Delfin Ricardo, a citizen of Cuba, detained at Detention Center located at 7488 Calzada de la Fuente, Otay Mesa, CA 92154.
4. Respondents: Federal officials responsible for Petitioner's detention.

III. FACTUAL BACKGROUND

5. Petitioner is a native of Cuba.
6. Petitioner was previously released under an I-220A Release on Recognizance on August 13, 2021 after a fear interview was performed by an immigration officer at the border of Del Rio Tx.
7. Petitioner was detained by ICE on or about October 07, 2025, during his rutinary check-in.
8. Petitioner has now been detained for more than 90 days.
9. ICE has not demonstrated that removal to Cuba is reasonably foreseeable.
10. Travel documents have not been issued.

IV. LEGAL CLAIMS

- A. Prolonged Detention Violates Zadvydas v. Davis.
- B. Detention Violates Procedural and Substantive Due Process.
- C. Detention Is Contrary to INA § 241(a)(6).

V. RELIEF REQUESTED

- Petitioner respectfully requests:
1. Immediate release under supervision.
 2. A declaration that the detention is unlawful.
 3. Any further relief deemed just and proper.

VI. DECLARATION

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

Date: January 07, 2026
Name: Enyert Delfin Ricardo



**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

INTRODUCTION

This Memorandum of Law is submitted in support of Petitioner Enyert Delfin Ricardo, a Cuban national who has been detained by U.S. Immigration and Customs Enforcement (ICE) since October 07, 2025, following his annual check-in, despite previously being released under an I-220A Release on Recognizance. Petitioner has now remained in ICE custody beyond the statutory removal period, and his continued detention violates the U.S. Constitution and controlling Supreme Court precedent.

STATEMENT OF FACTS

Petitioner is a native and citizen of Cuba. He complied with all requirements of his I-220A Release on Recognizance and appeared for his mandatory annual check-in on October 07, 2025. ICE detained him at that appointment without evidence of danger or flight risk.

Petitioner has now been detained for more than 90 days, and ICE has not produced evidence demonstrating that his removal to Cuba is significantly likely in the reasonably foreseeable future. Historically, ICE has faced significant diplomatic and logistical barriers to repatriating Cuban nationals. Travel documents have not been issued, and ICE has not shown meaningful progress toward effectuating removal.

LEGAL STANDARD

Under 28 U.S.C. § 2241, a federal district court has jurisdiction to review the legality of immigration detention. The writ of habeas corpus is available when a detainee is held in violation of the Constitution, laws, or treaties of the United States.

ARGUMENT

I. PETITIONER'S CONTINUED DETENTION VIOLATES ZADVYDAS v. DAVIS, 533 U.S. 678 (2001)

In *Zadvydas*, the Supreme Court held that ICE may not detain a noncitizen indefinitely when removal is not reasonably foreseeable. The Court established a presumptively reasonable detention period of six months. After that period, once the detainee shows evidence that removal is unlikely, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

Here, Petitioner has been detained beyond the 90-day removal period and potentially approaching or exceeding six months. ICE has not obtained travel documents from Cuba, nor demonstrated that repatriation is foreseeable. Accordingly, continued detention violates *Zadvydas*.

II. ICE'S DETENTION OF PETITIONER IS ARBITRARY AND VIOLATES DUE PROCESS UNDER THE FIFTH AMENDMENT

The Fifth Amendment prohibits deprivation of liberty without due process of law. Immigration detention must serve a legitimate government purpose—either preventing flights or protecting the community.

Petitioner previously lived under an I-220A Release on Recognizance without incident and consistently complied with all reporting requirements. Petitioner also has a pending appeal with the Board of Immigration Appeals (BIA) because the immigration judge denied the asylum application. Under 8 CFR § 1003.6(a) filing an appeal with the BIA suspends the execution of the removal order until the appeal is resolved. ICE lacks the authority to carry out the deportation while the appeal is pending, and the stay is in effect.

Petitioner has a pending petition for Adjustment of status under the Cuban Adjustment Act with USCIS since September,2023 which demonstrate the interest of the Petitioner for complied with the immigration proceedings to obtain status relief. Petitioner has been working and reporting taxes since he received the employment authorization, and he has been collaborating with the community which demonstrates good moral conduct. ICE has not alleged new facts supporting danger or flight risk.

Where detention no longer serves its stated purpose, because removal is not possible, continued confinement becomes arbitrary and unconstitutional.

III. DETENTION IS NOT AUTHORIZED UNDER INA § 241(a)(6)

The Immigration and Nationality Act does not authorize indefinite detention. Where the government cannot effectuate removal within a reasonable period, detention becomes unlawful.

Because Cuba has not accepted Petitioner for repatriation and ICE has not indicated any likelihood of imminent removal, detention under INA § 241(a)(6) exceeds statutory authority.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order his immediate release under appropriate supervision, and provide any further relief the Court deems just and proper.

Date: January 07,2026

Name: Enyert Delfin Ricardo



CERTIFICATE OF SERVICE

I, Enyert Delfin Ricardo, hereby certify that on January 07,2026, I served a true and correct copy of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, along with all supporting documents, by U.S. Mail, postage prepaid, addressed to:

1. U.S. Attorney's Office

Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

2. Office of the Attorney General

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

3. Field Office Director

ICE – Enforcement and Removal Operations
San Diego Field Office
1624 Lemon Grove Avenue
Lemon Grove, CA 91945

Executed on: January 07,2026

Signature: _____

A black rectangular box with a white 'X' drawn across it, used to redact the signature.

Enyert Delfin Ricardo