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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Michael Alard-Gonzalez,

Petitioner,

v.

Case No.: 3:26-cv-88-JEP-PDB

U.S. DEPARTMENT OF HOMELAND SECURITY;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
WARDEN, BAKER COUNTY DETENTION CENTER;
ATTORNEY GENERAL OF THE UNITED STATES,

Respondents,

**PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Michael Alard-Gonzalez, proceeding pro-se, respectfully states:

I. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody within this District.
2. Petitioner challenges only the lawfulness of continued detention, not the validity of the underlying removal order.

II. PARTIES

3. Petitioner is a native and citizen of Cuba currently detained by U.S. Immigration and Customs Enforcement ("ICE") at Baker County Detention Center, 20706 US 90 W, Sanderson, Florida 32087.
4. Respondents are the federal officials who exercise legal custody over Petitioner.

III. FACTUAL BACKGROUND

5. Petitioner entered the United States from Cuba during the Mariel Boatlift and has lived in the United States since approximately age three.
6. Petitioner lost his immigration status due to a criminal conviction in 1996, and completed all criminal sentences and penalties imposed by the criminal court.
7. Following completion of his sentence, Petitioner was detained by ICE and later released under an Order of Supervision in 2001.
8. After release, Petitioner lived in the community for many years without any new criminal incidents, complied with all ICE supervision requirements, and maintained a known address.
9. Petitioner never missed a check-in, never absconded, and fully complied with all conditions of supervision.
10. Petitioner is not alleged to have committed any new crimes or violated any condition of supervision.
11. Despite full compliance and no change in circumstances, ICE abruptly re-detained Petitioner in early November 2025, without any pre-deprivation hearing or explanation of changed circumstances.
12. Petitioner has been legally married to a United States citizen for over 10 years and is the stepfather of a U.S. citizen daughter.
13. Petitioner suffered a heart attack in 2020, has a cardiac stent, and requires ongoing medical monitoring and medication.
14. While detained, Petitioner has experienced dangerous and degrading detention conditions, including lack of medical access, unsanitary flooding, prolonged deprivation of food and bathroom access.

15. Petitioner's health has deteriorated in detention, including episodes of chest pain. These facts are alleged solely to demonstrate irreparable harm from continued detention, not as a separate condition-of-confinement claim.
16. Petitioner is subject to a final order of removal.
17. Petitioner's removal is not reasonably foreseeable. Cuba has consistently refused repatriation, ICE lacks travel documents, and no removal timeline has been provided.
18. Petitioner's detention therefore has no foreseeable end.
19. Petitioner has an active appeal pending before the Board of Immigration Appeals.

20. IV. LEGAL ARGUMENT

Although Petitioner is currently detained under 8 U.S.C. § 1231(a)(6), the principles governing re-detention without changed circumstances under § 1226(a) apply with equal force because ICE previously determined Petitioner was neither a flight risk nor a danger.

A. Indefinite Post-Removal-Order Detention Violates Due Process

21. Immigration detention is civil and may not be punitive.
22. Detention is constitutional only when it bears a reasonable relation to its purpose.
23. When removal is not reasonably foreseeable, continued detention loses its justification.
24. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that indefinite post-removal-order detention violates due process. "Once a noncitizen's order of removal becomes administratively final, the Government "shall" remove the person within 90 days" *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1313 (11th Cir. 2019) (quoting 8 U.S.C. § 1231(a)(1)(A)).
25. "The Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

B. 8 U.S.C. § 1231(a)(6) Does Not Authorize Indefinite Detention

26. Petitioner is detained under 8 U.S.C. § 1231(a)(6). Once detention exceeds six months, the burden shifts to the Government to rebut the showing that removal is not reasonably foreseeable.
27. Zadvydas held that this statute contains an implicit temporal limitation.
28. Detention is permitted only for a period reasonably necessary to secure removal.
29. Six months is the presumptively reasonable period. As the Eleventh Court recognized, “[t]he Supreme Court’s stated rationale for establishing a presumptively reasonable ‘6-month period’ for detention pending removal supports our conclusion that this period commences at the beginning of the removal period.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 n.3 (11th Cir.2002).

C. Removal to Cuba Is Not Reasonably Foreseeable

30. ICE has not provided Petitioner with any repatriation date, itinerary, or travel document. ICE officers have acknowledged the absence of travel documents and have attempted to secure Petitioner’s consent to removal to a third country, which Petitioner lawfully refused. These facts confirm that removal is speculative and not reasonably foreseeable. Petitioner’s refusal to consent to third-country removal cannot justify continued detention, as ICE may not detain a noncitizen indefinitely to compel consent.
31. Petitioner was re-detained without notice, without a hearing, and without any individualized determination of flight risk or dangerousness, in violation of procedural due process.
32. Petitioner has now been detained over 70 days as of the filing of this petition, and was previously detained for over 300 days in 2001.
33. Courts have repeatedly recognized the longstanding difficulties in removing Cuban nationals absent travel documents.
34. The Government cannot rebut this showing.

D. Re-Detention Without Changed Circumstances Is Arbitrary and Unlawful

35. Petitioner was previously released and complied with supervision for years.
36. Nothing about Petitioner's circumstances has changed.
37. Re-detention without new facts is arbitrary, capricious, and unconstitutional. It also violates fundamental principles of procedural due process because Petitioner received no notice, no hearing, and no opportunity to contest the basis for re-detention.
38. Courts have recognized that re-detention under such circumstances is arbitrary and unlawful. See *Fanfan v. Noem*, No. 3:25-cv-03291-DMS-BJW (S.D. Cal. Dec. 12, 2025)
39. Immigration detention "has two regulatory goals: ensuring the appearance of [noncitizens] at future immigration proceeding and preventing danger to the community." *Zadvydas*, 533 U.S. at 678 (internal citations omitted); see also 8 U.S.C. 1226(a), (b); 8 C.F.R. § 1236.1(c)(8).
40. Those previously released by DHS, like Petitioners, have necessarily been deemed neither a flight risk nor a danger. 8 C.F.R. § 1236.1(c)(8) (authorizing release of noncitizens under 1226(a) if they "would not pose a danger to property or persons," and are "likely to appear for any future proceeding"); 8 C.F.R. 212.5(b) (authorizing parole from custody of noncitizens deemed "neither a security risk nor a risk of absconding").
41. In cases of individuals previously released by DHS, re-detention under section 1226(a) requires an individualized determination of a material change in circumstances relating to flight risk or danger. See *Ortega*, 415 F.Supp.3d at 968 ("DHS re-arrests individuals only after a 'material' change in circumstances." (citing *Saravia*, 280 F.Supp.3d at 1197)); see also *Matter of Sugay*, 171 I&N Dec. 637, 640 (B.I.A. 1981) ("[W]here a previous bond determination has been made by an immigration judge, no change should be made by [DHS] absent a change of circumstance.")
42. Absent a material change in circumstances, the re-detention of noncitizens previously released by DHS violates the INA because it does not serve the purpose of the statute. See *Beltran v. Ripa* No. 2:25-cv-01174-SPC-NPM (United States District Court Middle District of Florida, Ft Myers Division Jan.2, 2026).

E. Petitioner Is Not a Flight Risk or Danger

43. Years of compliance demonstrate Petitioner is not a flight risk. Respondents have failed to explain why less restrictive alternatives to detention-such as telephonic reporting, or supervision would be insufficient.
44. Petitioner poses no danger to the community. The Government has previously decided to release a noncitizen and there is no evidence in the record of any changed circumstance that might have caused the Government to reconsider its initial decision to release the noncitizen, courts have found the Government's interest in re-detention is low. *Doe v. Chestnut*, No. 1:25-cv-01372CDB (HC), 2025 WL 3295154, at *10 (E.D. Cal. Nov. 26, 2025) (citations omitted). This factor, too, weighs in favor of the Petitioner.
45. Less restrictive alternatives are sufficient.

F. Less Restrictive Alternatives Exist

46. ICE has already determined supervision is sufficient.
47. Continued detention serves no legitimate governmental purpose.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this matter;
2. Grant the Petition for Writ of Habeas Corpus;
3. Order Petitioner's immediate release under reasonable conditions of supervision;
4. Alternatively, Order Respondents to show cause why Petitioner should not be released;
5. Grant any additional relief this Court deems just and proper.

Executed on 1/17, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Alard-Gonzalez', is written over a horizontal line.

Michael Alard-Gonzalez
Petitioner, Pro Se
Baker County Detention Center
20706 US 90 W
Sanderson, FL 32087