

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

RICARDO ANGELES HERNANDEZ,

Petitioner,

v.

Case No. 2:26-cv-90

DAVID HARDIN, Sheriff of Glades County;
WARDEN, Glades County Detention Center;
KRISTI NOEM, Secretary of Homeland
Security;
PAMELA JO BONDI, U. S. Attorney General;
GARRETT RIPA, Miami Field Office Director,
U.S. Immigration and Customs Enforcement
and Removal Operation;
TODD LYONS, Acting Director of Immigration
and Customs Enforcement;
GLADES COUNTY SHERIFF'S OFFICE;
U.S. DEPARTMENT OF HOMELAND
SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; and
U.S. DEPARTMENT OF JUSTICE

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner RICARDO ANGELES HERNANDEZ (Alien No. ) is in the physical custody of Respondents at the Glades County Detention Center. He faces unlawful detention because the Department of Homeland Security

(DHS) and the Executive Office of Immigration Review (EOIR) determined that Petitioner is subject to mandatory detention.

2. Petitioner entered the United States without admission or inspection, *see* 8 U.S.C. § 1182(a)(6)(A)(i), which, Respondents claim, makes him ineligible for bond.

JURISDICTION

3. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

4. Furthermore, "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).

5. This court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act (INA), 8 U.S.C. § 1252(e)(2).

VENUE

6. Venue is proper because Petitioner is in Respondents' custody in Glades County, Florida, and because a substantial part of the events giving rise to Petitioner's claim occurred in the Middle District of Florida. 28 U.S.C. § 1391(e).

CUSTODY

7. Pursuant to 28 U. S. C. § 2241(c), only persons “in custody” may apply for a writ of habeas corpus. Custody may be physical or constructive custody, where the person is under a restraint on liberty not shared by the public generally. *See Jones v. Cunningham*, 371 U. S. 236, 240, 83 S. Ct. 373, 9 L. Ed. 2d 285 (1963) (“[B]esides physical imprisonment, there are other restraints on a man’s liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus.”).

8. Here, Petitioner is in Respondents’ physical custody, detained at the Glades County Detention Center, Florida.

PARTIES

THE PETITIONER

9. The Petitioner resides in the State of Florida and is present in the State of Florida at the time of filing this petition.

THE RESPONDENTS

10. Respondent DAVID HARDIN is the sheriff of Glades County, and as Such, he is responsible for overseeing Glades County Detention Center. He is sued in his official capacity.

11. Respondent Warden of the Glades County Detention Center is responsible for the supervision and management of Glades County Detention Center. He is sued in his official capacity.

12. Respondent GARRETT RIPA is the Field Office Director for the

Miami Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Miami Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. GARRETT RIPA is sued in his official capacity.

13. The Miami Field Office’s area of responsibility includes Glades County, Florida. Consequently, respondent GARRETT RIPA is the immediate legal custodian of petitioner.

14. Respondent KRISTI NOEM is the Secretary of Homeland Security. She is responsible for the actions of the Department of Homeland Security, its subagencies, and its officers and personnel. KRISTI NOEM is sued in her official capacity.

15. Respondent PAMELA BONDI is the Attorney General of the United States. She has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review. PAMELA BONDI is sued in her official capacity.

16. Respondent TODD LYONS is the Acting Director of Immigration Customs Enforcement (ICE), and as such is responsible for the means by which the immigration laws of the United States are enforced. TODD LYONS is sued in his official capacity.

17. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an agency

of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of Respondent KRISTI NOEM.

18. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of Respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of Respondent TODD LYONS.

19. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States, and is under the direction of respondent PAMELA BONDI.

20. Respondent DEPARTMENT OF JUSTICE maintains an adjudicatory body for immigration cases, the Executive Office for Immigration Review (EOIR). Part of EOIR includes the Office of the Immigration Judge, generally known as the Immigration Court.

21. Respondent GLADES COUNTY SHERIFF'S OFFICE is the entity responsible for overseeing the Glades County Detention Center where Petitioner is being held.

LEGAL BACKGROUND

LEGAL REQUIREMENTS FOR BOND

22. Pursuant to 8 U. S. C. § 1225(b)(2)(A), aliens who are apprehended at or near the border, shortly after crossing, are subject to mandatory detention:

Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

[Emphasis added.].

23. However, aliens already present in the United States—not apprehended upon crossing or shortly thereafter—are eligible for bond hearings under 8 U. S. C. § 1226(a).

24. The Department of Homeland Security's policies and *Matter of Yajure Hurtado* contravene the statutory framework regarding the detention of aliens. Aliens, such as Mr. Ricardo Angeles Hernandez, who was not apprehended at the border and who has resided in the United States for decades are subject to 8 U. S. C. § 1226(a), allowing for bond hearings.

25. 8 U. S. C. § 1225(a)(1) defines an applicant for admission:

An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this chapter an applicant for admission.

Respondents, therefore, assert that 8 U. S. C. § 1225(a)(1) and 8 U. S. C. § 1225(b) require detention for aliens who have entered without inspection.

26. If 8 U. S. C. § 1226(a) categorically excluded all aliens who entered without inspection from bond eligibility, the language in 8 U. S. C. § 1226(c)(1)(E) would be superfluous. 8 U. S. C. § 1226(c)(1)(E) provides for mandatory detention for aliens who are present without admission or parole *and* who have committed certain crimes. It follows that aliens without admission or parole are generally eligible for bond under 8 U. S. C. § 1226(a). *See Corley v. United States*, 556 U.S. 303, 314 (2009) (holding that a statute should be

construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant”).

27. The interpretation of 8 U. S. C. § 1226(a) as the default bond provision, regardless of manner of entry, is consistent with *Nielsen v. Preap*, 586 U. S. 392 (2019): “Although the Ninth Circuit viewed subsections [8 U. S. C. § 1226(a)] and [8 U. S. C. § 1226(c)] as establishing separate sources of arrest and release authority, in fact subsection [8 U. S. C. § 1226(c)] is simply a limit on the authority conferred by subsection [8 U. S. C. § 1226(a)].” If 8 U. S. C. § 1226(c)(c)(1)(E) limits the authority of 8 U. S. C. § 1226(a) to grant bond to aliens who entered without inspection and committed certain crimes, 8 U. S. C. § 1226(a) generally provides authority to grant bond for persons who entered without inspection in other circumstances, for example, if they do not have any disqualifying crimes. If 8 U. S. C. § 1226(a) did not govern bond eligibility for aliens present without inspection, 8 U. S. C. § 1226(c) would not have mentioned them.

28. 8 C. F. R. § 236.1(c)(2) further reinforces these points: “Subject to paragraph (c)(6)(i) of this section, but notwithstanding any other provision within this section, an alien subject to the [Transition Period Custody Rules] who is not lawfully admitted is not eligible to be considered for release from custody.” The regulation implies that an alien who was not lawfully admitted, but who is not subject to the Transition Period Custody Rules, is eligible to be considered for release from custody. *See United States v. Wells*

Fargo Bank, 485 U.S. 351, 357 (1988) (holding that the expression of one is the exclusion of another).

29. Consistent with bond eligibility for aliens who entered without inspection, *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006), lists manner of entry as a discretionary factor. *Matter of Guerra* would not have listed “manner of entry” as a discretionary, not determining, factor if aliens without inspection were ineligible for bond. Categorically excluding aliens from bond for having entered without inspection is thus arbitrary and capricious.

30. Bond eligibility for aliens who entered without inspection is further supported by *Jennings v. Rodriguez*, 583 U.S. 281 (2018). *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018) held that 8 U. S. C. § 1226(a) applies to aliens already present in the United States, as opposed to aliens seeking admission (subject to 8 U. S. C. § 1225(b)).

31. The U. S. Supreme Court ruled:

In sum, U. S. immigration law authorizes the Government to detain certain aliens *seeking admission* into the country under §§1225(b)(1) and (b)(2). It also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§1226(a) and (c).

Jennings v. Rodriguez, 138 S.Ct. 830, 838 (2018) (emphasis added). The Supreme Court distinguished *aliens seeking admission* from *aliens already present in the country*. Aliens already present in the country are eligible for bond.

32. Interpreting 8 U. S. C. § 1226(a), the Supreme Court carefully avoided

language that would have implied that only aliens admitted (or with inspection) qualify for bond. Instead, the Supreme Court referred to “aliens already present in the United States,” which could include aliens present without inspection.

Jennings v. Rodriguez, 138 S.Ct. 830, 846 (2018). “As noted, §1226 applies to aliens already present in the United States.” *Id.*

33. On November 30, 2016, during oral argument for *Jennings v. Rodriguez*, the Government represented that 8 U. S. C. § 1226(a) allows aliens who entered without inspection to qualify for bond. Justice Sonia Sotomayor asked the Government whether an alien who has resided within 50 miles of the border for 20 years would be subject to 8 U. S. C. § 1225(b). Transcript of Oral Argument at 8, *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018) (No. 15–1204). The Government replied that such an alien would be subject to 8 U. S. C. § 1226(a), eligible for bond. *Id.*

34. The relevant portion reads:

JUSTICE SOTOMAYOR: So what happens to –I

JUSTICE SOTOMAYOR: So what happens to --I don't know how many of these would exist, but an alien who has resided within 14 miles of the border, not 14 – how many miles?

GENERAL GERSHENGORN: Within a hundred miles of the border and 14

JUSTICE SOTOMAYOR: Hundred miles from the border, that's possible, who has been there for 20 years, they would still be held under 1225?

GENERAL GERSHENGORN: So I'm sorry, Your Honor. They would be held under 1226(a). So this is on - - on - - they –if they hadn't committed other crimes, and - -and so, therefore, were not subject to the mandatory detention under 1226(c).

JUSTICE SOTOMAYOR: I'm assuming no criminal alien.

GENERAL GERSHENGORN: Okay.

JUSTICE SOTOMAYOR: I'm talking about an alien who has come into the United States illegally without being admitted who takes up residence 50 miles from the border.

GENERAL GERSHENGORN: The answer is they are held under 1226(a) and that they get a bond hearing under - -and this is at page 156a of the appendix.

Transcript of Oral Argument at 8, *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018)

(No. 15-1204).

35. Furthermore, Bond eligibility, under 8 U. S. C. § 1226(a), for persons who Entered without inspection is consistent with the legislative history. The legislative history of 8 U. S. C. § 1226(a) demonstrates that congress intended for aliens already present in the United States be eligible for bond (except for certain criminal aliens subject to 8 U. S. C. § 1226(c), even if they entered without inspection. Congress enacted the 8 U. S. C. § 1226(a) through the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. 104-208, 110 Stat. 3009.

36. Before IIRIRA, the predecessor to 8 U. S. C. § 1226(a) regulated detention for aliens arrested in the United States. *See* 8 U.S.C. § 1252(a)(1) (1994) ("Pending a determination of deportability . . . any [alien] . . . may, upon warrant of the Attorney General, be arrested and taken into custody."). The predecessor section also established bond eligibility for aliens who entered without inspection. *See* 8 U.S.C. § 1252(a)(1) (1994) ("[A]ny such [alien] taken into

custody may, in the discretion of the Attorney General . . . be continued in custody . . . [or] be released under bond[.]”).

37. Congress explained, “New section 236(a) [8 U. S. C. § 1226(a)] restates the current provisions in [the predecessor statute] regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States.” H.R. Rep. No. 104-828, at 210 (1996) (Conf. Rep.). In short, aliens who were already present in the United States, but who had entered without inspection, were eligible for release under discretionary bond. Because congress declared this part unchanged, aliens who entered without inspection remain bond eligible.

38. Recently, the Laken Riley Act, Pub. L. 119-1, 139 Stat. 3009 (2025), Added new grounds for mandatory detention under 8 U. S. C. § 1226(c). However, it made no effort to change 8 U. S. C. § 1226(a), leaving its original scope untouched. The Act confirmed decades of practice, allowing aliens already present in the United States, even if having entered without inspection, to qualify for bond.

39. The long-standing practice is reflected in the federal guidance associated with the original regulations implementing 8 U. S. C. § 1226(a). 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) established, “Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). If

Congress wanted to limit this long-standing practice, it would have done so, amending 8 U. S. C. § 1226(a). The Laken Riley Act would have been the perfect opportunity to make the change, but congress chose not to, leaving bond eligibility requirements unchanged—even for aliens who are present without inspection.

40. These interpretations of the relevant statutory framework are consistent with multiple decisions in this district. *See Cetino v. Hardin*, No. 2:25-cv-1037-JES-DNF (M. D. Fla. December 12, 2025); *Patel v. Parra*, No. 2:25-cv-870-JES-NPM (M. D. Fla. Dec. 2, 2025); *Reyes Rordriguez v. Florida Southside Facility*, No. 2:25-cv-1012-JES-DNF (M. D. Fla. December 15, 2025).

41. Similarly, *Bautista v. Noem*, No. Case No.: 5:25-cv-01873-SSS-BFM (C. D. Cal. December 22, 2025), issued a final judgment, vacating the July 8, 2025, “Interim Guidance Regarding Detention Authority for Applicants for Admission” and certifying a nationwide class action:

All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

42. *Bautista v. Noem*, No. Case No.: 5:25-cv-01873-SSS-BFM (C. D. Cal. December 22, 2025), found that the interpretation that all noncitizens who are inadmissible are applicants for admission is incorrect, because it would

render 8 U. S. C. § 1226(a) superfluous. Therefore, entry without inspection does not categorically bar aliens from bond eligibility under 8 U. S. C. § 1226(a).

43. Constitutional principles further support Petitioner's position. The Fifth Amendment of the U. S. Constitution establishes, "No Person shall be... deprived of life, liberty, or property, without due process of law." "A fundamental requirement of due process is 'the opportunity to be heard.'" *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965) (citations omitted). Bond hearings allow detainees the opportunity to be heard.

STATEMENT OF FACTS

RESPONDENTS' CONDUCT

44. On January 20, 2025, the President of the United States issued "protecting the American People Against Invasion," an executive order, directing the Department of Homeland Security to "take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures, such as mass detention.

45. In late May of 2025, Respondent Kristi Noem and White House Deputy Chief of Staff Stephen Miller coordinated with Immigration and Customs Enforcement, setting an arrest quota of 3,000 per day and threatening job consequences for officials not meeting the quota.¹

¹ Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), <https://www.nbcnews.com/politics/justice-department/ice-operation-trump-focus-immigration-reshape-federal-law-enforcement-rcna193494> (last visited January 12, 2026)

46. On May 28, 2025, Deputy Chief of Staff Miller confirmed that “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day.”²

47. In an email, senior officials instructed ICE agents to “turn the creativity knob up to 11” and aggressively “push the envelope” in arrests, including pursuing “collaterals.” One email advised, “If it involves handcuffs on wrists, it’s probably worth pursuing.”³

48. On July 8, 2025, ICE, “in coordination with” the Department of Justice, issued the “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claiming that aliens who entered the United States without inspection are subject to mandatory detention under 8 U. S. C. § 1225(b)(2)(A)—regardless of when or where they were apprehended.

49. Under the new policy, it does not matter whether aliens have resided in the U. S. for decades, nor whether they were apprehended far from the border; if they entered without inspection, they are subject to mandatory detention, according to Respondents.

50. Similarly, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025),

² Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History,” FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited January 13, 2026)

³ Olivares, José, “US immigration officers ordered to arrest more people even without warrants,” The Guardian (June 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests> (last visited January 13, 2026)

the Board of Immigration Appeals ruled that all aliens who entered the United States without inspection are subject to mandatory detention under 8 U. S. C. § 1225(b)(2)(A).

51. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing immigration judges to continue relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), despite the ruling in *Bautista v. Noem*, No. Case No.: 5:25-cv-01873-SSS-BFM (C. D. Cal. December 22, 2025).

52. The Department of Homeland Security's policies and *Matter of Yajure Hurtado* contravene the statutory framework regarding the detention of aliens. Aliens, such as Mr. Ricardo Angeles Hernandez, who was not apprehended at the border and who has resided in the United States for decades are subject to 8 U. S. C. § 1226(a), allowing for bond hearings.

PETITIONER'S CIRCUMSTANCES

53. Petitioner is a citizen of Mexico. On or about 2005, Petitioner entered the United States as a minor (approximately 15 years-old). Petitioner was not apprehended upon arrival. Petitioner has not left the United States since then.

54. Petitioner is detained at Glades County Detention Center.

55. On November 12, 2025, Petitioner pled *nolo contendere* to driving without a license in Pinellas County. Petitioner received adjudication withheld and a sentence of 10 days in jail.

56. Due to good conduct, Petitioner was to be released on the eighth day.

However, Petitioner was not released because Immigration Customs Enforcement (ICE) placed a hold.

57. Petitioner was transferred to another part of Pinellas County jail where immigrants with ICE holds are detained. After two days, ICE picked up Petitioner and transported him to Tampa, Florida, for some hours, before taking him to the South Florida Detention Facility (“Alligator Alcatraz”).

58. On or about December 8, 2025, ICE transferred Petitioner to Glades County Detention Center where he continues to be held.

59. Petitioner suffers from memory loss and other memory-related issues arising from a work-related injury to the head.

60. Petitioner has extensive ties in the United States and is not a flight risk. Petitioner has two U. S. citizen children under 21.

61. Petitioner has U. S. citizen sponsors who are willing to vouch for him in the event he is released.

62. Petitioner is a devout Christian. Petitioner volunteers and participates regularly in his church community.

63. Petitioner is a person of good moral character.

64. Petitioner’s sole criminal record involves minor traffic infractions.

65. Petitioner has filed his income tax returns.

66. Furthermore, Petitioner is eligible for Non-LPR Cancellation of Removal under 8 U. S. Code § 1229b(b).

67. On January 10, 2026, Petitioner's undersigned attorney submitted a motion for bond before the Immigration Court in Miami, Florida.

68. On January 23, 2026, at 8 am, Petitioner has a scheduled bond hearing before the Immigration Court in Pompano Beach, Florida.

CLAIMS FOR RELIEF

COUNT I

I. Violations of the Immigration and Nationality Act (INA)

69. The mandatory detention provision of 8 U. S. C. § 1225(b)(2) does not apply to all aliens who entered the United States without inspection.

70. Specifically, the mandatory detention provision of 8 U. S. C. § 1225(b)(2) does not apply to aliens who have resided in the United States for decades and were not apprehended upon entry at the border.

71. Aliens who have resided in the United States for decades and were not apprehended upon entry at the border are eligible for bonds under 8 U. S. C. § 1226(a), unless they are subject to 8 U. S. C. § 1226(c), 8 U. S. C. § 1225(b)(1), or 8 U. S. C. § 1231.

72. Applying 8 U. S. C. § 1225(b)(2) to Petitioner contravenes the INA, unlawfully mandating his continued detention.

73. Instead, Respondents should allow Petitioner to request bond under 8 U. S. C. § 1226(a). See *Bautista v. Noem*, No. Case No.: 5:25-cv-01873-SSS-BFM (C. D. Cal. December 22, 2025).

COUNT II

II. Violation of the Bond Regulations

74. Shortly after Congress amended the INA through IIRIRA, the former Immigration and Naturalization Service and the Executive Office for Immigration Review issued an interim regulation: 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Under the interim regulation, “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond determination.” 62 Fed. Reg. at 10323. Thus, the agencies in charge of administering the INA’s detention framework believed that entry without inspection did not disqualify aliens from bond eligibility under 8 U. S. C. § 1226(a).

75. Nevertheless, the EOIR and DHS have policies and practices of applying 8 U. S. C. § 1225(b)(2) to persons, such as Petitioner, who entered the U. S. without inspection, regardless of whether they were apprehended at the border or whether they have resided in the U. S. for decades. *See Matter of Yahure Hurtado*, 9 I&N Dec. 216 (BIA 2025).

76. *Matter of Yahure Hurtado*, 9 I&N Dec. 216 (BIA 2025) contradicts decades of policies and practice, constituting agency action that is arbitrary and capricious under the Administrative Procedure Act (APA), 5 U.S. Code § 706.

77. The application of 8 U. S. C. § 1225(b)(2) to Petitioner violates 8 C. F. R. § 236.1, 8 C. F. R. § 1236.1, and 8 C. F. R. 1003.19, unlawfully subjecting him

to mandatory detention.

COUNT III

III. Constitutional Violation of the Right to Due Process

78. The government may not deprive a person of life, liberty, or property without the due process of the law. U. S. Const. amend. V; see *Zadvydas v. Davis*, 533 U. S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.”).

79. Petitioner has a fundamental liberty interest in being free from official restraint.

80. Detaining Petitioner without a bond redetermination hearing to assess whether he is a flight risk or danger to the community violates his due process rights.

PRAYER FOR RELIEF

1. Wherefore petitioner prays for the following relief from this court:
 - a) Assume jurisdiction in this matter;
 - b) Issue an immediate order barring the respondents from transferring Petitioner out of the Middle District of Florida while this habeas corpus petition is pending;
 - c) Issue an order to show cause why this petition should not be granted within three (3) days;

- d) Declare petitioner's continued detention without bond violates applicable regulations, the APA, the INA, and the Fourth and Fifth Amendments to the Constitution of the United States;
- e) Issue a writ of habeas corpus, ordering respondents to release petitioner from custody; and
- f) Grant any further relief as the court may deem just and proper.

Dated this 18th day of January 2026

By: /s/ José Manuel Godínez Samperio
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