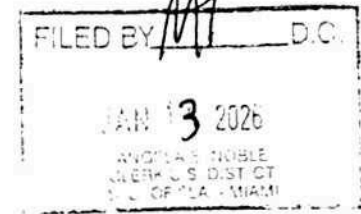


PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA



PETITIONER:
JULIO ALARCÓN GÓMEZ



v.

RESPONDENTS:
WARDEN, FLORIDA SOFT SIDE SOUTH
U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PETITION FOR WRIT OF HABEAS CORPUS
AND MEMORANDUM OF LAW

INTRODUCTION

This is an ultra-extensive Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed on behalf of Julio Alarcón Gómez, a Cuban national, who is unlawfully detained by Immigration and Customs Enforcement (ICE) despite the absence of any criminal record, flight risk, or danger to the community.

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241, the Suspension Clause

of the United States Constitution, and controlling Supreme Court precedent including

Zadvydas v. Davis, 533 U.S. 678 (2001).

PARTIES

Petitioner: Julio Alarcón Gómez

DOB: [REDACTED]

Nationality: Cuban

Date of Entry: June 16, 2017

Date of Detention: November 3, 2025

Facility: Florida Soft Side South, Ochopee, Florida

Next Friend:

Yaremis Bergel, U.S. Citizen

DOB: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

FACTUAL BACKGROUND

Petitioner was arrested while responsibly appearing at his annual ICE check-in.

At the time of arrest, he possessed valid employment authorization, Social Security number, and Florida driver's license.

Petitioner alleges severe and unconstitutional detention conditions including:

- Shower access only once every five days
- Severely rationed food, often spoiled
- Unsafe drinking water
- Denial of medical care and prescribed medication

Petitioner has no criminal record and has extensive family and community ties.

He fulfills a parental role to a minor child who has been gravely affected by the separation.

Petitioner suffers anxiety and depression due to prolonged detention.

LEGAL ARGUMENT

I. UNLAWFUL CIVIL DETENTION

Civil immigration detention cannot be punitive. *Bell v. Wolfish*, 441 U.S. 520 (1979).

II. DUE PROCESS VIOLATIONS

Petitioner's detention violates the Fifth Amendment Due Process Clause.

See *Zadvydas v. Davis*, 533 U.S. 678 (2001);

Demore v. Kim, 538 U.S. 510 (2003);

Jennings v. Rodriguez, 583 U.S. ____ (2018).

III. CONDITIONS OF CONFINEMENT

The denial of medical care and basic human necessities violates constitutional standards.

Estelle v. Gamble, 429 U.S. 97 (1976).

IV. FAMILY UNITY AND HUMANITARIAN GROUNDS

The separation of Petitioner from his U.S. citizen spouse and minor child violates

fundamental family integrity protections recognized by the Supreme Court.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests:

1. Immediate release from ICE custody
2. Alternatively, bond hearing before an Immigration Judge
3. Injunctive relief prohibiting removal during pendency of this Petition
4. Any further relief deemed just and proper

DECLARATION OF NEXT FRIEND

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

Signature: 

Yaremis Bergel, Next Friend

Date: 1/7/2026

PROOF OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JULIO ALARCÓN GÓMEZ,

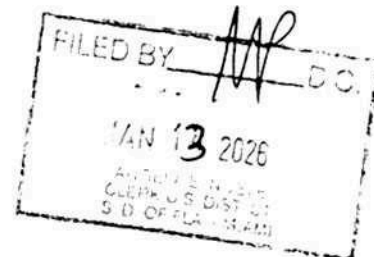
A# ~~XXXXXXXXXX~~,

Petitioner,

v.

WARDEN, FLORIDA SOFT SIDE SOUTH, et al.,

Respondents.



PROOF OF SERVICE

I, Yaremis Bergel, hereby certify that on the date indicated below, I caused to be served

a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Immediate Release
- Emergency Motion to Expedite
- Declaration of Next Friend

Service was completed by depositing the documents in the United States Mail,

first-class postage prepaid, addressed to the following parties:

1. CLERK OF COURT

United States District Court

Southern District of Florida
Miami Division
400 North Miami Avenue, Room 8N09
Miami, FL 33128

2. U.S. ATTORNEY'S OFFICE

United States Attorney
Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132

3. DEPARTMENT OF HOMELAND SECURITY

Office of the General Counsel
Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, DC 20536

4. WARDEN

Florida Soft Side South Detention Facility
54575 Tamiami Trail E
Ochopee, FL 34141

I declare under penalty of perjury under the laws of the
United States of America that the
foregoing is true and correct.

Executed on: 1/7/2026

Signature: 

Yaremis Bergel

Next Friend for Julio Alarcón Gómez

Address: 

Hialeah, FL 33014

Phone: 

Email: 