

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JEAN CARLOS CUEVAS MEDINA,
Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;
TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;
GARRETT J. RIPA, in his official capacity
as Field Office Director, Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement (Miami Field
Office);
FACILITY ADMINISTRATOR (OR
WARDEN) OF FLORIDA SOFT SIDE
SOUTH, as Immediate Custodian;
Respondents.

Civil Action No.

2:26-cv-116-SPC-NPM

Immigration No. A

PLAINTIFF'S ORIGINAL VERIFIED
PETITION FOR WRIT OF HABEAS
CORPUS PRO SE
UNDER 28 U.S.C. § 2241

JAN 22 2026 04:11:07
FILED - USDC - FLMD - FTM

I. INTRODUCTION

1. Petitioner, Jean Carlos Cuevas Medina ("Petitioner"), respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his current civil immigration detention by U.S. Immigration and Customs Enforcement ("ICE"). This is a pro se filing, and all factual assertions herein are grounded in and supported by the evidence identified in the Index of Exhibits filed contemporaneously in support of this Petition.
2. Petitioner is a citizen of the Dominican Republic, born on [REDACTED], and identified by ICE as A# [REDACTED]. Petitioner's asylum filing further reflects his Dominican passport number [REDACTED] and identifies his spouse as Jennifer Massiel Cordoba de Cuevas, with whom he shares a daughter.

3. Petitioner is currently detained in ICE custody as reflected in the detention documentation included in the evidentiary record for this Petition. Petitioner was detained by ICE on January 1, 2026, in the Florida Keys (Marathon / Seven Mile Bridge area), following a roadside stop by an ICE agent driving a white Suburban. According to the case information summary, the agent demanded Petitioner's driver's license and additional documentation; Petitioner also presented his work permit. The agent stated Petitioner "had to be taken" in order to "advance" his court date. Petitioner states he was not advised of rights, did not sign any documents, and was transferred through multiple holding locations (Key West and Miramar) before being moved to the Alligator detention complex, where he remains detained.
4. Petitioner is also an asylum applicant. In his Form I-589 and supporting testimony, Petitioner requests asylum and related protection. Petitioner had an immigration court hearing scheduled for August 11, 2027, as reflected in the automated case information included in the record. See Ex. F (Automated Case – Next Hearing). Petitioner fears return to the Dominican Republic and/or Panama due to threats and violence connected to organized criminal groups and the government's inability to control them.
5. Petitioner has substantial equities supporting release and demonstrating he is not a danger to the community and not a flight risk. His employer confirms that Petitioner has worked since August 2022, has resided in Islamorada since that time, and is a clean, responsible, committed worker with strong moral principles and family responsibility. Multiple community members and family submit letters describing Petitioner as honest, family-oriented, and a positive presence in the community.
6. This Petition is also presented against the current legal backdrop in which DHS and immigration courts have relied on recent Board of Immigration Appeals ("BIA") precedent—

particularly *Matter of Q. Li* and *Matter of Yajure Hurtado*—to narrow or deny bond consideration in cases like Petitioner’s. Petitioner therefore seeks habeas relief under 28 U.S.C. § 2241, including an order directing Respondents to release Petitioner or, at minimum, provide a prompt, individualized custody redetermination consistent with the Immigration and Nationality Act and the Due Process Clause.

II. JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.
8. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of that custody under the Constitution and laws of the United States. This action also invokes the Court’s authority under the All Writs Act, 28 U.S.C. § 1651.
9. Venue is proper in the Middle District of Florida because Petitioner is physically detained at Florida Soft Side South, 54575 Tamiami Trl E, Ochopee, Florida 34141, and Petitioner’s immediate custodian (the Facility Administrator/Warden or equivalent official) is located within this District. See Ex. A.
10. Jurisdiction and venue are proper under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), because this Petition names Petitioner’s immediate custodian and is filed in the judicial district of Petitioner’s physical confinement. Jurisdiction and venue are further proper under controlling Eleventh Circuit authority. See *Fernandez v. United States*, 941 F.2d 1488, 1495 (11th Cir. 1991) (holding that jurisdiction under 28 U.S.C. § 2241 lies in the district of confinement and that the proper respondent is the petitioner’s immediate custodian).

III. PARTIES

11. Petitioner, Jean Carlos Cuevas Medina (A# ) , is a citizen and national of the Dominican Republic. Petitioner is currently in the physical custody of U.S. Immigration and Customs Enforcement ("ICE") at Florida Soft Side South, (also known as the South Florida Soft-Sided Facility South) located at 54575 Tamiami Trl E, Ochopee, Florida 34141. See Ex. A.
12. Respondent, FACILITY ADMINISTRATOR (OR WARDEN), Florida Soft Side South (Immediate Custodian), is the official with day-to-day authority over Petitioner's physical confinement and is sued in his or her official capacity as Petitioner's Immediate Custodian.
13. Respondent, GARRETT J. RIPA, is the Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (Miami Field Office). He is sued in his official capacity and is responsible for ICE detention, custody classification, and bond-related determinations associated with Petitioner's detention. See Ex. A.
14. Respondent, TODD LYONS, is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), a component agency within the Department of Homeland Security ("DHS"). He is sued in his official capacity.
15. Respondent, KRISTI NOEM, is the Secretary of the U.S. Department of Homeland Security ("DHS"). She is sued in her official capacity.

IV. STATEMENT OF FACTS

16. Petitioner, Jean Carlos Cuevas Medina ("Petitioner"), is a citizen and national of the Dominican Republic and is identified by ICE as A#  Petitioner's Dominican

Republic passport is included in the evidentiary record filed in support of this Petition. See Ex. D (Dominican Republic Passport).

17. Petitioner is currently in the physical custody of U.S. Immigration and Customs Enforcement ("ICE"). According to the detention facility record, Petitioner is detained at Florida Soft Side South, located at 54575 Tamiami Trl E, Ochopee, Florida 34141. See Ex. A (Proof of Detention Information).
18. Petitioner has been issued a Notice to Appear commencing removal proceedings, which is included in the evidentiary record filed with this Petition. See Ex. H (Notice to Appear).
19. Petitioner is also an asylum applicant. Petitioner's Form I-589 (Application for Asylum and for Withholding of Removal) is included in the evidentiary record filed in support of this Petition. See Ex. I (Form I-589).
20. The record also includes documentation reflecting Petitioner's prior ICE custody and release documentation. See Ex. B (Petitioner's Release).
21. Petitioner has substantial equities demonstrating stability and ties to the community. Petitioner's family relationship documentation is included in the record. See Ex. J (BC Family Relationship Documents).
22. Petitioner also submits documentary proof of residence and community ties. See Ex. K (Proof of Residence and Community Ties).
23. Petitioner has a documented employment and tax history in the United States. Petitioner's employment and tax documentation is included in the evidentiary record. See Ex. L (Employment & Tax Documentation).

24. Petitioner's employer has also provided an employer support letter and a reference letter confirming Petitioner's employment and positive character. See Ex. M (Employer Letter of Support; Employer Reference Letter — Eduardo Aquino (Owner, E.D.A Painting)).
25. Multiple individuals, including family and community members, submit letters of support describing Petitioner as honest, family-oriented, hardworking, and supported by a stable community network. These letters are included as a grouped exhibit. See Ex. N (Letters of Support).
26. Petitioner's medical records are also included in the evidentiary record filed with this Petition. See Ex. O (Medical Records).
27. Finally, the record filed with this Petition includes legal authorities relevant to custody and bond determinations, including recent Board of Immigration Appeals decisions on bond, pre-2025 unpublished BIA bond decisions, and an appendix of recent habeas decisions. See Ex. C (Recent BIA Decisions on Bond); Ex. E (Group Exhibit: Pre-2025 Unpublished BIA Bond Decisions); and Ex. G (Appendix of Recent Habeas Decisions).
28. In sum, the evidentiary record shows that Petitioner is currently detained in ICE custody within this District, has been placed into removal proceedings, has a pending protection claim, and has substantial equities—including family ties, community ties, documented employment and tax history, strong employer support, multiple letters of support, and medical documentation. Petitioner seeks habeas relief because his continued detention is unlawful under the Constitution and laws of the United States and must be remedied by this Court.

V. LEGAL STANDARD

29. Immigration detention is governed primarily by two statutory provisions of the Immigration and Nationality Act ("INA"): INA § 235(b), 8 U.S.C. § 1225(b), and INA § 236(a), 8 U.S.C.

§ 1226(a). Section 1226(a) generally governs detention pending removal proceedings under INA § 240, and it authorizes DHS to continue detention or release the noncitizen on bond (or conditional parole) after an individualized custody determination. By contrast, Section 1225(b) applies to specific categories of noncitizens the Government treats as subject to mandatory detention in expedited or threshold screening contexts.

30. The Supreme Court has recognized the distinction between these detention schemes and has addressed the statutory framework governing immigration detention. See *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (discussing the different detention provisions, including § 1225(b) and § 1226(a)). The Board of Immigration Appeals has long treated custody redeterminations as a core feature of bond-eligible detention under § 1226(a). See *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).
31. The Supreme Court has expressly distinguished discretionary detention under INA § 236(a), which authorizes release on bond following an individualized custody determination, from mandatory detention provisions. See *Demore v. Kim*, 538 U.S. 510, 523 (2003) (noting that § 1226(a) “permits the Attorney General to release the alien on bond”); *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018) (recognizing that § 1226(a) authorizes release on bond after a custody hearing).
32. A recurring legal issue in recent detention litigation is whether DHS is misclassifying certain noncitizens—who are already in removal proceedings and have substantial ties in the United States—under § 1225(b) in a way that forecloses an immigration judge’s bond authority and prevents any individualized custody determination. DHS has relied on recent BIA precedent in support of that position, including *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Those decisions, however, do not eliminate

this Court's habeas power to remedy unlawful custody where detention rests on statutory misapplication and results in ongoing constitutional harm.

33. Federal district courts have repeatedly confirmed that habeas relief is available to correct statutory misclassification and to order the process required by § 1226(a), including an individualized bond hearing, when the Government's asserted § 1225(b) authority is erroneous in the circumstances presented. See, e.g., *Lopez Santos v. Noem*, No. 3:25-cv-01193 (W.D. La. Sept. 11, 2025) (granting habeas relief in part and ordering a bond hearing under § 1226(a)); *Kostak v. Trump*, No. 3:25-cv-01093 (W.D. La. Aug. 27, 2025) (ordering a § 1226(a) bond hearing and injunctive relief where the Government's § 1225 theory was found likely erroneous); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC (W.D. Tex. Sept. 22, 2025) (granting habeas relief in part in challenge to detention without a bond hearing after a period of release); *Salazar v. Dedos*, No. 1:25-cv-00835 (D.N.M. Sept. 17, 2025) (Memorandum Opinion and Order addressing unlawful detention and bond-hearing relief); *Hernandez Lopez v. Hardin*, No. 2:25-cv-00830 (M.D. Fla. Oct. 29, 2025) (ordering Respondents to provide the statutory process required under § 1226, including a bond hearing).
34. Federal courts retain habeas jurisdiction to review questions of law underlying immigration detention, including statutory interpretation and misclassification of custody authority. See *INS v. St. Cyr*, 533 U.S. 289, 301–05 (2001) (confirming that habeas corpus remains available to review pure questions of law arising from immigration detention).
35. Independent of the statutory error, immigration detention is civil, not punitive, and it must comply with constitutional limits. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (recognizing that freedom from physical restraint lies at the core of liberty protected by the Due Process Clause). The Fifth Amendment prohibits deprivation of liberty without adequate

process, and prolonged or erroneous civil detention without an individualized custody determination can constitute irreparable constitutional injury.

36. Nothing in *Jennings v. Rodriguez* authorizes the Government to detain a noncitizen under an inapplicable statutory provision or to foreclose bond eligibility where the individual is properly detained under INA § 236(a). Where detention rests on statutory misclassification, habeas relief remains available to correct the legal error and compel the process Congress required.
37. Accordingly, habeas relief under 28 U.S.C. § 2241 is appropriate where custody is unlawful at its inception, becomes constitutionally excessive, or is maintained without the procedures and safeguards required by statute and the Constitution.

VI. CLAIMS FOR RELIEF

Count I — Violation of INA § 236(a) (8 U.S.C. § 1226(a))

38. Petitioner incorporates by reference the foregoing factual allegations as if fully set forth herein.
39. Petitioner is currently in ICE custody at Florida Soft Side South, 54575 Tamiami Trl E, Ochopee, Florida 34141. (Ex. A). Petitioner has been issued a Notice to Appear commencing removal proceedings. (Ex. H). Petitioner has a pending protection claim supported by his asylum filing. (Ex. I). Petitioner's record also includes documentation reflecting prior ICE custody and release conditions. (Ex. B).
40. INA § 236(a), 8 U.S.C. § 1226(a), authorizes DHS to detain a noncitizen pending removal proceedings, but it also authorizes release on bond (with conditions) or conditional parole, which requires an individualized custody determination consistent with the statute.
41. Petitioner has submitted substantial equities demonstrating he is not a danger to the community and not a flight risk, including family relationship documentation (Ex. J), proof of residence

and community ties (Ex. K), employment and tax documentation (Ex. L), employer support and reference letters (Ex. M), multiple letters of support from family and community (Ex. N), and medical records (Ex. O). Petitioner's Dominican Republic passport is also included in the record. (Ex. D).

42. To the extent Respondents are detaining Petitioner under a theory, whether expressly asserted or effectively applied, that categorically forecloses immigration judge bond authority and denies Petitioner an individualized custody redetermination consistent with § 1226(a), Respondents are acting contrary to the INA and exceeding statutory authority. Petitioner is therefore entitled to habeas relief to correct statutory misclassification and to compel the statutory process Congress prescribed.
43. Where DHS detains a noncitizen under a statutory interpretation that forecloses bond authority otherwise available under § 1226(a), habeas relief is appropriate to correct that legal error. *See* Jennings, 583 U.S. at 294–95; St. Cyr, 533 U.S. at 301–05.
44. Accordingly, the Court should grant the writ and order Respondents to provide Petitioner a prompt, individualized custody redetermination under INA § 236(a), including bond eligibility before an Immigration Judge, or order Petitioner's release under appropriate conditions pending completion of removal proceedings.

Count II — Violation of the Fifth Amendment

45. Petitioner incorporates by reference the foregoing factual allegations as if fully set forth herein.
46. Petitioner's detention, which continues without a meaningful opportunity to obtain individualized custody review, has become constitutionally excessive and divorced from any legitimate civil purpose.

47. Due process requires an individualized assessment of the necessity of civil detention, taking into account the private liberty interest at stake, the risk of erroneous deprivation, and the Government's interest. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Noncitizens in removal proceedings are entitled to fundamentally fair procedures under the Fifth Amendment. *See Jacinto v. U.S. Att'y Gen.*, 208 F.3d 725, 733 (11th Cir. 2000).
48. Immigration detention is civil in nature and must comply with the Due Process Clause of the Fifth Amendment. Petitioner remains physically detained in ICE custody within this District. (Ex. A). Petitioner is in removal proceedings and has a pending protection claim. (Ex. H; Ex. I). The record also reflects prior ICE custody and release documentation. (Ex. B).
49. Petitioner has presented extensive evidence of stability and ties, including family documentation (Ex. J), residence and community ties (Ex. K), employment and tax records (Ex. L), employer support letters (Ex. M), letters of support (Ex. N), and medical records (Ex. O). Continued detention without meaningful individualized custody review where Petitioner can present this evidence and where the Government must justify continued detention under the proper statutory framework violates due process.
50. Courts have further recognized that due process requires the Government to bear the burden of justifying continued civil detention at a bond hearing. *See Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).
51. Accordingly, the Court should grant habeas relief on constitutional grounds and order that Petitioner be afforded prompt, individualized custody redetermination consistent with due process, including bond consideration under INA § 236(a), or order Petitioner's release under appropriate conditions pending the final outcome of his removal proceedings.

Count III — Unlawful Agency Action (APA)

52. Petitioner incorporates by reference the foregoing factual allegations as if fully set forth herein.

53. To the extent the Court determines that the Administrative Procedure Act applies to Respondents' custody determinations, Respondents' continued detention of Petitioner under a categorical interpretation that forecloses bond consideration otherwise available under INA §236(a) constitutes unlawful agency action under the Administrative Procedure Act ("APA"), 5 U.S.C. §§701–706. The record includes legal authorities relevant to bond and custody determinations and the Government's reliance on recent BIA precedent. (Ex. C; Ex. E). The record also includes an appendix of recent habeas decisions addressing similar detention issues. (Ex. G).

54. The APA requires reasoned decision-making and prohibits arbitrary and capricious agency action. Where detention is maintained based on an unlawful statutory interpretation that results in the denial of individualized custody process, habeas relief is appropriate to remedy the ongoing statutory and constitutional harm.

55. Accordingly, the Court should grant habeas relief and order Respondents to provide Petitioner the statutorily required individualized custody redetermination under INA § 236(a), or such other relief as necessary to remedy the unlawful detention.

Count IV — Violation of the Fourth Amendment

56. Petitioner incorporates by reference the foregoing factual allegations as if fully set forth herein.

57. Petitioner is currently in the physical custody of U.S. Immigration and Customs Enforcement ("ICE"). (Ex. A). Petitioner has been issued a Notice to Appear commencing removal proceedings. (Ex. H). Petitioner challenges not only the statutory basis for his continued civil

detention, but also the constitutional validity of the seizure and custody that led to and continues to sustain his restraint.

58. The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons ... against unreasonable searches and seizures.” U.S. Const. amend. IV. A seizure must be supported by lawful authority and, absent a warrant, must be justified by an appropriate individualized basis consistent with constitutional standards.
59. The Fourth Amendment governs not only the initial seizure but also continued detention unsupported by probable cause. *See* *Manuel v. City of Joliet*, 580 U.S. 357, 367 (2017). Where the Government cannot demonstrate statutory and constitutional authority supporting a warrantless arrest and continued restraint, ongoing detention violates the Fourth Amendment.
60. Here, Petitioner is restrained in ICE custody (Ex. A) in connection with removal proceedings initiated by the NTA (Ex. H). As the record has been assembled and filed with this Petition, no judicial warrant, administrative arrest warrant, or other probable-cause determination has been included in the evidentiary record supporting Respondents’ asserted authority to seize and continue detaining Petitioner. This absence underscores that Petitioner’s ongoing detention is maintained without constitutionally adequate justification and is therefore unreasonable under the Fourth Amendment.
61. Moreover, immigration officers’ warrantless arrest authority is limited by statute. Under 8 U.S.C. § 1357(a)(2), immigration officers may arrest without a warrant only where they have “reason to believe” the person is in violation of law and is “likely to escape before a warrant can be obtained.” Where the Government cannot demonstrate the conditions that justify a warrantless arrest, continued detention resting on that seizure is unlawful.

62. Accordingly, Petitioner is entitled to habeas relief to the extent his ongoing detention rests on an unconstitutional seizure or the Government's failure to demonstrate lawful arrest authority consistent with the Fourth Amendment and 8 U.S.C. § 1357(a)(2). (Ex. A; Ex. H).

VII. EXHAUSTION

63. Petitioner has no adequate or effective administrative remedy capable of providing timely relief from unlawful detention, and further administrative pursuit would be futile under the circumstances presented. Accordingly, habeas relief under 28 U.S.C. § 2241 is appropriate to prevent continued unlawful restraint. See Ex. G (Appendix of Recent Habeas Decisions).

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus and declare that Petitioner's continued detention without an individualized custody redetermination is unlawful;
- B. Order Petitioner's immediate release from ICE custody;
- C. In the alternative to immediate release, order Respondents to provide Petitioner with an individualized bond hearing (custody redetermination) under INA § 236(a), 8 U.S.C. § 1226(a), within seven (7) days of the Court's Order;
- D. In the further alternative, order a prompt and constitutionally adequate custody hearing at which Petitioner may present evidence and the Government bears the burden to justify continued detention, consistent with the Due Process Clause and the proper statutory framework under INA § 236(a); and

E. Grant such other and further relief as the Court deems just and proper.

IX. VERIFICATION

I, Jean Carlos Cuevas Medina, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 01/17/2026

Signature: Jean Cuevas

JEAN CARLOS CUEVAS MEDINA

A# 

Petitioner, Pro Se

X. CERTIFICATE OF SERVICE

I certify that on this date I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus by U.S. Mail upon the following parties:

Date: 01/17/2026

Signature: Jean Cuevas

JEAN CARLOS CUEVAS MEDINA

Petitioner, Pro Se

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