

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

JAN 22 2026 9:58
FILED - USDC - FLMD - FTM

Petitioner:

2:26-cv-114-KCD-NPM

Luis Santiago Rivero Gonzalez

Petitioner, Luis Santiago Rivero Gonzalez, respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his continued and unlawful detention by immigration authorities.

Petitioner Information

- Name: Luis Santiago Rivero Gonzalez
- Date of Birth: [REDACTED]
- Marital status: Divorced
- Partner Name: Lisandra Trejo (US Citizen)
- Children: A [REDACTED], A [REDACTED] and L [REDACTED] – (All US Citizens)
- Country of Origin: Cuba
- Caregiver for his mother: Mabel Gonzalez Diaz ([REDACTED] DOB [REDACTED])
- A-Number: [REDACTED]
- Order of supervision issued: April 23rd, 2007

- Current immigration status: petitioner was ordered on supervision since April 23rd, 2007 & has been checking with ICE / DOR office ever since (Over 18 Years)
- Arrest Date: December 2nd, 2025

Jurisdiction

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is currently detained within the jurisdiction of the United States District Court, Middle District of Florida, Fort Myers Division.

Grounds for Habeas Relief

1. Prolonged and Indefinite Detention in Violation of the Fifth Amendment

Petitioner has been detained for a prolonged and effectively indefinite period, with no significant likelihood of removal in the reasonably foreseeable future. Continued detention under these circumstances violates due process under the Fifth Amendment to the United States Constitution because it exceeds the government's limited civil immigration authority and becomes punitive rather than administrative in nature.

2. Longstanding Compliance Under an Order of Supervision

Petitioner was released under an Order of Supervision in 2007 and remained on supervised release for more than eighteen (18) years. During that time, Petitioner fully complied with all reporting requirements and conditions imposed by Immigration and Customs Enforcement ("ICE"). Petitioner lived openly in the community, consistently checked in with ICE as required, and was never alleged to have violated the terms of supervision. This extensive history of compliance demonstrates that Petitioner poses no flight risk or danger to the community.

3. ICE's Violation of Its Own Supervision Regulations

ICE violated its own regulatory framework by detaining Petitioner despite the absence of any alleged violation of the Order of Supervision. Federal regulations require ICE to employ the least restrictive means of supervision necessary to ensure compliance, including continued release under an Order of Supervision where appropriate. After nearly two decades of full compliance, ICE's decision to abruptly detain Petitioner without notice, explanation, or changed circumstances was arbitrary, capricious, and contrary to its own regulations governing post-order supervision.

4. Unlawful Detention at the Airport Upon Return from Puerto Rico

ICE unlawfully detained Petitioner at the airport upon his return from Puerto Rico, a United States territory. Travel within the United States does not constitute an immigration violation, does not trigger removability, and does not provide lawful grounds for arrest or detention. ICE's decision to seize and detain Petitioner upon his return from domestic travel further underscores the arbitrary nature of the detention and the agency's failure to follow its own policies and constitutional limits.

5. Severe Hardship to United States Citizen Family Members

Petitioner is the father of three (3) United States citizen children and is the primary caregiver for his United States citizen mother, born in 1956, who is disabled and relies on Petitioner for daily care and support. Petitioner's sudden and unjustified detention has caused severe emotional, financial, and practical hardship to his children and has left his disabled mother without necessary assistance. These humanitarian considerations further weigh heavily in favor of release.

6. Detention Is Punitive and Unconstitutional

Given Petitioner's lengthy compliance under an Order of Supervision, strong family and community ties, ICE's violation of its own supervision regulations, and the absence of any realistic likelihood of removal, Petitioner's continued detention serves no legitimate civil immigration purpose. Instead, it functions as punishment and therefore violates the Due Process Clause of the Fifth Amendment.

Relief Requested

Petitioner respectfully requests that this Honorable Court grant the Petition for Writ of Habeas Corpus, order his immediate release from immigration custody, or alternatively order a prompt bond hearing.

Emergency Contact

- Partner – Lisandra Trejo

- Phone Number –

- Email Address –

- Address –

Respectfully submitted,

Authorized Representative