

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

Yenisey Santos Pulgar,
as Next Friend of
Miguel Angel Coppinger Chamorro
Petitioner,

v.

Case No. 2:26-cv-145-KCD-DI

Warden, Florida Soft Side South;
Acting Director, Miami Field Office,
U.S. Immigration and Customs Enforcement;
Secretary of the U.S. Department of Homeland
Security;
Respondents.

**PETITION FOR A WRIT OF
HABEAS CORPUS**

INTRODUCTION

Petitioner Miguel Angel Coppinger Chamorro is a native and citizen of Cuba who is currently in the custody of U.S. Immigration and Customs Enforcement ("ICE") and detained at Florida Soft Side South, within the Middle District of Florida. This Petition is filed by Yenisey Santos Pulgar, the lawful spouse of the Petitioner, acting as his Next Friend, because the Petitioner is currently detained, has severely limited access to legal resources, and is unable to effectively prepare and file this Petition on his own.

Petitioner has been continuously detained by ICE since November 5, 2025, following his arrest while accompanying one of his children to school. Prior to this detention, Petitioner had complied for more than ten years with all reporting and supervision requirements imposed by ICE pursuant to an Order of Supervision, during which time he remained available to immigration authorities and complied with all conditions without incident.

Despite Petitioner's long-standing compliance, strong family ties, and absence of any individualized finding that he poses a flight risk or danger to the community, ICE has continued to detain him without providing a clear, individualized, or legally sufficient justification for continued custody.

This Petition challenges the constitutionality and lawfulness of Petitioner's continued immigration detention. Petitioner's detention has become unreasonably prolonged, and there is no significant likelihood of removal in the reasonably foreseeable future. ICE has failed to demonstrate that continued detention is necessary to serve any legitimate governmental purpose. Petitioner further challenges his detention under the Due Process Clause of the Fifth Amendment, as ICE has failed to provide him with a meaningful custody determination or bond hearing before a neutral decision-maker, depriving him of his fundamental liberty interests without adequate procedural safeguards.

Accordingly, Petitioner seeks relief pursuant to 28 U.S.C. § 2241 and respectfully requests that this Court order his immediate release, or, in the alternative, order a prompt and individualized bond hearing before an Immigration Judge.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.
2. 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).
3. This Court has jurisdiction to determine whether Petitioner's continued immigration detention violates the Constitution and laws of the United States.

4. Petitioner is a noncitizen who has been physically detained by U.S. Immigration and Customs Enforcement (“ICE”) since November 5, 2025, at Florida Soft Side South, which is located within the Middle District of Florida.

5. Petitioner is subject to a final order of removal, and his detention is governed by 8 U.S.C. § 1231(a).

6. This Court has habeas authority to review whether Petitioner’s continued detention is lawful, including whether his detention has become unreasonably prolonged and whether removal is significantly likely to occur in the reasonably foreseeable future.

7. Petitioner seeks relief under the habeas corpus statute, 28 U.S.C. § 2241, and this Court may grant appropriate relief under the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

Venue is proper in this District because Petitioner is currently detained at Florida Soft Side South, located in Ochopee, Florida, which lies within the territorial jurisdiction of the United States District Court for the Middle District of Florida, Fort Myers Division.

Venue is also proper in this District pursuant to 28 U.S.C. § 1391(c) because the Respondents are officers, employees, or agencies of the United States acting in their official capacities, and a substantial part of the events or omissions giving rise to this action occurred within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

Pursuant to 28 U.S.C. § 2243, this Court must grant the petition for a writ of habeas corpus or issue an order directing the Respondents to show cause why the writ should not be granted, unless it appears from the application that the Petitioner is not entitled to relief.

If an order to show cause is issued, the statute requires Respondents to file a return “forthwith,”

or within such time as the Court may allow for good cause shown, not exceeding twenty days. 28 U.S.C. § 2243.

Courts have long recognized the fundamental importance of the writ of habeas corpus in protecting individuals from unlawful detention. The writ has been described as “perhaps the most important writ known to the constitutional law of England,” affording a swift and imperative remedy in all cases of illegal restraint or confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

Given the nature of Petitioner’s prolonged civil immigration detention, and the absence of a realistic or reasonably foreseeable removal, expedited judicial review is both appropriate and necessary to prevent continued unlawful deprivation of liberty.

PARTIES

1. Petitioner, Miguel Angel Coppinger Chamorro, is a noncitizen currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at Florida Soft Side South, located within the Middle District of Florida.
2. Petitioner is in the immediate physical custody of Respondents and their agents pursuant to ICE’s authority to detain noncitizens under the Immigration and Nationality Act.
3. Respondent Florida Soft Side South is the detention facility where Petitioner is confined and is a legal custodian of Petitioner.
4. Respondent is the Acting Director of the Miami Field Office of U.S. Immigration and Customs Enforcement (“ICE”), sued in his official capacity. In this capacity, Respondent has authority over ICE detention decisions and is a legal custodian of Petitioner.
5. Respondent is the Secretary of the United States Department of Homeland Security, sued in his official capacity. In this capacity, Respondent is responsible for the administration and

enforcement of the Immigration and Nationality Act and oversees ICE detention operations nationwide.

6. Petitioner is unable to litigate this action on his own behalf due to his detention and limited access to legal resources. Accordingly, this petition is brought by Yenisey Santos Pulgar, Petitioner's spouse, as Next Friend.

7. Ms. Santos Pulgar has a significant relationship with Petitioner, is dedicated to his best interests, and has standing to proceed as Next Friend in this action.

STATEMENT OF FACTS

1. Petitioner, Miguel Angel Coppinger Chamorro, is a citizen of Cuba and has resided in the United States for many years. He is a devoted husband and father, has long-standing family and community ties in the United States, and has been the primary financial provider for his household.

2. Petitioner is married to Yenisey Santos Pulgar, with whom he has two children. One of Petitioner's children is a United States citizen diagnosed with Autism Spectrum Disorder and requires daily supervision and care. Prior to Petitioner's detention, he played a critical role in supporting his family emotionally, physically, and financially.

3. For more than ten years prior to his detention, Petitioner was continuously employed as a commercial truck driver, including work as an owner-operator of his own commercial tractor-trailer. Through this lawful employment, Petitioner consistently supported his family and contributed to his community.

4. Petitioner has a history of compliance with all immigration requirements imposed by U.S. Immigration and Customs Enforcement ("ICE"), including reporting requirements under an Order of Supervision.

5. On or about November 5, 2025, Petitioner was arrested by immigration authorities while in the community. At the time of his arrest, Petitioner was not engaging in any unlawful activity and did not resist or obstruct law enforcement in any way.

6. Following his arrest, Petitioner was placed in immigration detention and has remained continuously detained since November 5, 2025. He is currently held at Florida Soft Side South, within the Middle District of Florida.

7. Petitioner was previously released from ICE custody pursuant to an Order of Supervision following prior immigration proceedings and thereafter remained in the community for many years without incident, fully complying with all conditions imposed by immigration authorities.

8. Petitioner has no history of attempting to obstruct his removal. To the contrary, he has cooperated with immigration authorities, including signing documents when requested. Despite this cooperation, ICE has failed to demonstrate that Petitioner's removal is reasonably foreseeable.

9. Petitioner's country of nationality is Cuba. Despite a final order of removal issued in 2013, ICE did not effectuate removal and instead placed Petitioner under an Order of Supervision, and has not presented evidence that removal is likely to occur in the reasonably foreseeable future.

10. As a result of Petitioner's prolonged detention, his family has suffered severe hardship. His spouse has been left to care alone for their children, including a young child with special needs, without the financial and physical support that Petitioner previously provided.

11. Petitioner remains detained without a meaningful opportunity for release under reasonable conditions of supervision, despite his strong family ties, employment history, lack of flight risk, and absence of danger to the community.

12. Petitioner's continued detention has become prolonged in nature, serving no legitimate governmental purpose and imposing severe and unnecessary hardship on Petitioner and his family.

LEGAL FRAMEWORK

1. This petition is brought pursuant to the federal habeas corpus statute, 28 U.S.C. § 2241, which authorizes district courts to grant relief to individuals held in custody in violation of the Constitution, laws, or treaties of the United States.

2. The writ of habeas corpus is a fundamental safeguard of individual liberty and has long been recognized as the primary means by which persons unlawfully detained may challenge the legality of their confinement. See *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).

3. Under the Fifth Amendment to the United States Constitution, noncitizens are entitled to due process of law, including protection against arbitrary, unreasonable, or indefinite detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4. Immigration detention is civil, not punitive, and is permissible only for so long as it serves a legitimate governmental purpose. When detention no longer bears a reasonable relation to its purpose, it violates due process. See *Zadvydas*, 533 U.S. at 690–91.

5. In *Zadvydas v. Davis*, the Supreme Court held that post-removal-order detention under 8 U.S.C. § 1231(a)(6) is limited to a period reasonably necessary to effectuate removal. The Court established a presumptively reasonable period of six months, after which continued detention is unconstitutional if removal is not reasonably foreseeable. *Id.* at 701.

6. Once a noncitizen demonstrates that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to rebut that showing with evidence sufficient to justify continued detention. *Id.*

7. The Supreme Court emphasized that the government may not detain an individual indefinitely based on speculation, diplomatic uncertainty, or mere hope that removal may someday occur. *Id.* at 699–700.

8. Courts within this Circuit and throughout the country have consistently applied *Zadvydas* to order release or supervised release where the government cannot demonstrate that removal is reasonably foreseeable. See, e.g., *Clark v. Martinez*, 543 U.S. 371 (2005).

9. Where detention becomes prolonged and indefinite, habeas corpus relief is not only appropriate but required to vindicate constitutional rights. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) (due process forbids detention without adequate justification).

10. In addition to constitutional protections, federal courts possess authority under the All Writs Act, 28 U.S.C. § 1651, to issue orders necessary to protect their jurisdiction and ensure meaningful habeas review.

11. Accordingly, this Court has the authority and obligation to review the legality of Petitioner's continued detention and to order appropriate relief where detention violates the Constitution or federal law.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

1. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

2. Respondents are detaining Petitioner pursuant to immigration authority, and such detention is subject to the requirements of the Due Process Clause of the Fifth Amendment to the United States Constitution.

3. Petitioner has been subjected to prolonged immigration detention without a constitutionally adequate custody determination or a meaningful opportunity to challenge continued confinement.

4. Petitioner's detention has exceeded the period reasonably necessary to effectuate removal, and there is no significant likelihood that removal will occur in the reasonably foreseeable future.

5. Despite the prolonged nature of Petitioner's detention, Respondents have failed to provide a prompt and meaningful custody determination before a neutral decision-maker at which the government bears the burden of justifying continued detention.

6. The absence of an individualized custody determination, combined with the excessive length of detention, renders Petitioner's confinement punitive rather than civil in nature.

7. Accordingly, Respondents' continued detention of Petitioner violates substantive and procedural due process under the Fifth Amendment to the United States Constitution.

8. Petitioner is therefore entitled to habeas relief, including immediate release from custody under appropriate conditions of supervision, or, in the alternative, a constitutionally adequate and prompt custody determination consistent with due process.

COUNT TWO

Unlawful Post-Final Order Detention in Violation of 8 U.S.C. § 1231(a)

1. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

2. Petitioner is subject to a final order of removal, and his current immigration detention is governed by 8 U.S.C. § 1231(a).

3. Under 8 U.S.C. § 1231(a), post-final order detention is authorized only for a limited period reasonably necessary to effectuate removal and may not be continued indefinitely or without lawful justification.

4. The Supreme Court has held that detention under § 1231(a) is presumptively reasonable for a period of six months, after which continued detention is unlawful unless the government can demonstrate that removal is significantly likely to occur in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

5. Petitioner's continued detention has exceeded the period reasonably necessary to effectuate removal, and Respondents have failed to demonstrate that there is a significant likelihood that Petitioner's removal will occur in the reasonably foreseeable future.

6. Despite Petitioner's long-standing compliance with immigration authorities, including prior release under an Order of Supervision, Respondents have continued to detain Petitioner without lawful justification under 8 U.S.C. § 1231(a).

7. By continuing to detain Petitioner under these circumstances, Respondents are acting in excess of their statutory authority and in violation of 8 U.S.C. § 1231(a) and its governing principles as articulated by the Supreme Court.

8. As a result of Respondents' unlawful post-final order detention, Petitioner is entitled to habeas corpus relief under 28 U.S.C. § 2241.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 declaring that Petitioner's continued detention is unlawful;

- B. Order Petitioner's immediate release from ICE custody under appropriate conditions of supervision, consistent with 8 U.S.C. § 1231(a) and governing Supreme Court precedent;
- C. In the alternative, order Respondents to provide Petitioner with a prompt, meaningful, and constitutionally adequate custody determination before a neutral decision-maker, at which the Government bears the burden of justifying continued detention;
- D. Order Respondents to show cause forthwith, pursuant to 28 U.S.C. § 2243, why the writ should not be granted;
- E. Enjoin Respondents from continuing to detain Petitioner absent lawful authority and compliance with constitutional and statutory requirements;
- F. Grant such other and further relief as the Court deems just and proper.

VERIFICATION

I, Yenisey Santos Pulgar, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the lawful spouse of Petitioner Miguel Angel Coppinger Chamorro and that I am acting as his Next Friend in this action.

I further declare that I have read the foregoing Petition for Writ of Habeas Corpus and that, to the best of my knowledge, information, and belief, the factual allegations contained therein are true and correct.

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

Executed on this 20 day of January, 2026, at Delight, Pinar del Rio, FL

Yenisey Santos Pulgar

Next Friend for Petitioner

Miguel Angel Coppinger Chamorro

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of JANUARY, 2026, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with all attached exhibits (A-E), as follows:

By U.S. Mail upon the following:

- Clerk of Court

U.S. District Court

Middle District of Florida

Fort Myers Division

2110 First Street, Suite 2-194

Fort Myers, FL 33901

- Office of the United States Attorney

Middle District of Florida

2110 First Street, Suite 1802

Fort Myers, FL 33901

- U.S. Immigration and Customs Enforcement

Office of the Principal Legal Advisor (OPLA)

Miami Field Office

333 S. Miami Avenue, Suite 200

Miami, FL 33130



Yenisey Santos Pulgar

Next Friend for Petitioner

Miguel Angel Coppinger Chamorro