

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF FLORIDA

Batuhan Celik,	:	
	:	
Petitioner,	:	
	:	Civil Action No. _____
-against-	:	
	:	
Garrett J. Ripa, Field Office Director	:	
Enforcement and Removal Operations' Miami	:	
Field Office; and Warden, Krome Service	:	
Processing Center, 18201 S.W. 12th Street,	:	
Miami, FL 33194,	:	
	:	
Respondents.	:	

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Batuhan Celik, by and through undersigned counsel, respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued detention by the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE).
2. Petitioner is currently detained at Krome North Service Processing Center located at 18201 S.W. 12th Street Miami, Florida 33194, following the issuance of an order by Immigration Judge.
3. Petitioner asserts that his continued detention violates the Constitution, laws, and treaties of the United States, as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, which established a presumptive six-month period of reasonable post-removal detention.

JURISDICTION

4. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391, as Petitioner is currently detained within the jurisdiction of this Court at Krome North Service Processing Center located at 18201 S.W. 12th Street Miami, Florida 33194.

PARTIES

6. Petitioner Batuhan Celik is a Turkish national who has been detained by ICE since August 1, 2025.
7. Respondent Garrett J. Ripa is the Field Office Director Enforcement and Removal Operations' Miami Field Office.
8. Respondent Warden is the Facility Leader for Krome North Service Processing Center , 18201 S.W. 12th Street, Miami, FL 33194
9. Respondents have custody over Petitioner. Respondents are sued in their official capacity.

FACTUAL BACKGROUND

10. Petitioner entered the United States on or about February 9, 2024 and has resided continuously in the United States for about 1 year and 11 months.

11. Petitioner was awarded an Order Withholding Removal under INA § 241(b)(3) on December 10, 2025, by Immigration Judge. Exhibit A.
12. Petitioners detention is beyond 6 months, which is over the six-month presumptive reasonable period established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678.

LEGAL BASIS

13. In *Zadvydas* the Supreme Court held that, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.
14. “The Attorney General may not remove an alien to a country if the Attorney General decides that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3)(A).
15. Removal of the Petitioner is no longer reasonably foreseeable under the Order Withholding Removal, and under *Zadvydas*, continued detention of Petitioner is no longer authorized by statute.
16. In addition to Petitioner’s detention being over the six-month ceiling period in *Zadvydas*.
17. Petitioner poses no danger to the community and is not a flight risk.

CLAIMS FOR RELIEF

COUNT ONE **CONSTITUTIONAL CLAIM**

18. Petitioner alleges and incorporates by reference paragraphs 1 through 17 above.
19. Petitioners’ detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO **STATUTORY CLAIM**

20. Petitioner alleges and incorporates by reference paragraphs 1 through 19 above.

21. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

22. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue an order directing Respondents to show cause why the writ should not be granted;
- c. Issue a Writ of Habeas Corpus directing Respondent to immediately release Petitioner from custody;
- d. Award Petitioner reasonable costs and attorney's fees; and,
- e. Grant any other and further relief this Court deems just and proper.

Dated: January 25, 2026
Jersey City, New Jersey

Respectfully submitted,



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VERIFICATION OF COUNSEL

I, Guvenc Acarkan, Esq., hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink that reads "Guvenc Acarkan". The signature is written in a cursive style with a large initial 'G'.

Guvenc Acarkan, Esq.