

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

DIEGO TRUJILLO,
Petitioner,

CASE NO: 6:26-cv-00208

v.

**LOUIS A. QUINONES, JR., in his official
capacity as Warden of the Orange County Jail, et al.,**
Respondents.

PETITIONER'S EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner, by and through undersigned counsel, pursuant to 28 U.S.C. §§ 2241 and 2243, the Fourth and Fifth Amendments to the United States Constitution, and this Court's inherent authority to remedy unlawful detention, respectfully moves for immediate release and states:

I. INTRODUCTION

1. Petitioner was arrested without a judicial warrant, without probable cause, and without criminal charges, and then detained well beyond constitutional limits through an illegal rotational detention scheme designed to evade the Fourth Amendment's 48-hour rule. Respondents contend that any constitutional violation may be cured through referral to immigration court for a bond hearing.
2. The public statement made by the U.S. Attorney General on February 6th, 2026 proves that contention false. Because the constitutional violation was complete at inception and because the purported bond process has now been shown to be illusory, immediate release is the only lawful remedy.

II. FACTUAL AND PROCEDURAL BACKGROUND

3. Petitioner was arrested on January 22nd, 2026, by local authorities acting at the direction of ICE. No criminal charges were filed. No judicial warrant was issued. No neutral magistrate made a probable cause determination.
4. Instead of releasing Petitioner within forty-eight (48) hours, Respondents employed an illegal rotating custody scheme—moving Petitioner between the Orange County Jail to ICE and back to artificially extend detention while avoiding constitutional scrutiny. Petitioner remained confined for more than three weeks.

5. Petitioner filed a petition for writ of habeas corpus challenging this unlawful detention. Respondents opposed relief, asserting that referral to immigration court for a bond hearing constituted an adequate remedy.

II. THE FOURTH AMENDMENT VIOLATION WAS COMPLETE AT INCEPTION

6. Petitioner was seized without probable cause, detained without a judicial warrant, and confined without charges. These violations were complete at the moment of arrest and cannot be cured by later discretionary proceedings.
7. Unconstitutional imprisonment cannot continue by sending detainees back to the same executive system that caused the violation.

V. IMMIGRATION COURT CANNOT REMEDY EXECUTIVE BRANCH VIOLATIONS

8. Immigration judges are not Article III judges. They are employees of the Department of Justice who serve at the pleasure of the executive branch and lack independent authority to adjudicate Fourth Amendment violations or order release as a constitutional remedy. It is well known that hundreds of immigration judges have been fired by the executive across the country.¹
9. Referral to EOIR therefore cannot cure Petitioner's unlawful seizure and detention.

VI. THE ATTORNEY GENERAL'S RECENT PUBLIC STATEMENTS CONFIRM THE LACK OF JUDICIAL INDEPENDENCE

10. "It is uncontroversial, however, that the habeas privilege entitles the prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to "the erroneous application or interpretation" of relevant law, *INS v. St. Cyr*, 533 U.S. 289, 302, 121 S.Ct. 2271, 150 L.Ed.2d 347, and the habeas court must have the power to order the conditional release of an individual unlawfully detained" *Boumediene v. Bush*, 128 S.Ct. 2229, 171 L.Ed.2d 41, 553 U.S. 723, 8 Cal. Daily Op. Serv. 7144, 21 Fla. L. Weekly Fed. S 329, 76 USLW 4391, 76 USLW 4406, 2008 Daily Journal D.A.R. 8677 (2008), 2238
11. On February 6th, 2026, Attorney General Pamela Bondi publicly celebrated a Fifth Circuit decision eliminating bond eligibility for detained immigrants and denounced judges who grant release as "activist judges." See Exhibit A

¹ The Trump administration fired nearly 100 immigration judges in 2025. What's next?
<https://www.npr.org/2026/01/10/nx-s1-5672386/the-trump-administration-fired-nearly-100-immigration-judges-in-2025-whats-next>

12. This alarming statement, issued by the very official who supervises immigration judges, undermine the independence and neutrality of the bond process. A remedy controlled by the same Executive Branch that violated Petitioner's rights and publicly disparages judges who order release is not a remedy at all.
13. The government objects to this motion despite of having stipulated to the outright release of petitioners in Bautista Arzola 6:26-cv-00180, Delgado Garcia 6:26-cv-00181 and Marquez Perez 6:26-cv-00228 on February 9th, 2026 under similar facts and circumstances when it comes to the applicability of 8 U.S. Code 1226(a).

VII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

- a.) Grant the writ of habeas corpus;
- b.) Order Petitioner's immediate release;
- c.) Declare that referral to immigration court is not an adequate remedy; and
- d.) Grant such other relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2026, I electronically served a copy of the foregoing on the Warden, Orange County Jail, 3723 Vision Blvd., Orlando, FL 32839 and ccd@ocfl.net, OCCDRecords@ocfl.net, michele.carpentiere@ocfl.net ICE-Orlando Field Office Miami.Outreach@ice.dhs.gov, Orlando.DutyAtty@ice.dhs.gov

THE ARROYO LAW FIRM
390 N Orange Ave. Suite 625
Orlando, FL 32801
Phone: 407-770-9000
Fax: 407-901-0709

/s/ Phillip Arroyo
PHILLIP ARROYO, ESQ.
Florida Bar No. 1022409
Phillip@ChillCallPhil.com
Josephine@ChillCallPhil.com

Attorney for Petitioner