

Emergency

FILED - USDC - FLMD - FTM
JAN 27 2026 AM 10:01

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

2:26-CV-87-KCD-DNF

Petitioner:

Raul Gonzalez-Suarez

Petitioner, Raul Gonzalez-Suarez, 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: Raul Gonzalez-Suarez
- Date of Birth: [REDACTED] 1968 (57 years old)
- Marital status: Married
- Children Name: P [REDACTED] M [REDACTED] S [REDACTED] and R [REDACTED] - All US Citizen
- County of Origin: Cuba
- Date of Entry to the US: May 8th, 1980
- A-Number: [REDACTED]
- Order of supervision issued: never issued
- Current immigration status: Petitioner has been lawful permanent residence and green card holder since February 6th, 1988, with removal order from 2003.
- Arrest Date: October 29th, 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 Relief

I. Legal Framework Governing Post-Order Detention

Immigration detention following a final order of removal is strictly limited by the Due Process Clause of the Fifth Amendment. As the Supreme Court held in *Zadvydas v. Davis*, detention is permissible only for a period reasonably necessary to effectuate removal. Where removal is not significantly likely in the reasonably foreseeable future, continued detention is unconstitutional. The Supreme Court recognized that civil immigration detention may not become indefinite or punitive, and that once removal becomes speculative, the government bears the burden of justifying continued custody.

2. Petitioner's Immigration History, Family Circumstances, and Length of Detention

Petitioner is a native and citizen of Cuba, born on [REDACTED] 1968. He entered the United States lawfully in approximately 1980 and became a lawful permanent resident in 1988. He has resided continuously in the United States for over forty years.

Petitioner is married to a United States citizen and is the father of four (4) United States citizen children. One of Petitioner's daughters has undergone the removal of one of her kidneys and requires ongoing medical care and support. Prior to Petitioner's detention, he served as her primary caregiver, assisting with her daily needs, medical appointments, and recovery. Petitioner's sudden detention has disrupted this essential caregiving relationship and imposed severe hardship on his daughter and family.

Petitioner's family, medical care, and community ties are all located in the United States. Petitioner is subject to a final order of removal entered in 2003. Despite the passage of more than two decades, the government has never effectuated his removal. On October 29, 2025, Petitioner was taken into ICE custody and has now been detained for ninety (90+) days.

3. Removal Is Not Significantly Likely in the Reasonably Foreseeable Future

The government has not obtained, and historically has been unable to obtain, travel documents for Petitioner. Petitioner does not possess a Cuban passport, and Cuba has not accepted him for repatriation.

ICE previously demonstrated its inability to remove Petitioner by releasing him into the community following earlier immigration custody in the early 2000s. Petitioner remained at liberty for many years thereafter, confirming that removal was not reasonably foreseeable then and remains impracticable now.

Since Petitioner's October 29th, 2025, detention, ICE has not:

- Produced travel documents.
- Secured consular acceptance.
- Provided a timeline for removal.
- Demonstrated concrete steps toward removal.

This prolonged inaction confirms that removal is not significantly likely in the reasonably foreseeable future.

4. Continued Detention Has Become Punitive Rather Than Administrative

Immigration detention is civil in nature and must be reasonably related to its regulatory purpose. Petitioner did not evade authorities or abscond. He was taken into custody after complying with instructions to appear, when ICE officers were present.

Petitioner's deep family ties, long residence in the United States, critical caregiving responsibilities for his medically vulnerable daughter, and serious health conditions demonstrate that less restrictive alternatives, such as release under supervision, are sufficient to serve any legitimate governmental interest. Continued detention under these circumstances is excessive and punitive.

5. Serious Medical Conditions Heighten the Constitutional Harm

Petitioner suffers from severe and chronic medical conditions, including:

- A heart attack in 2019.
- Open-heart surgery (quadruple bypass).
- Multiple cardiac stent placements.
- Uncontrolled diabetes; and
- High blood pressure.

While in ICE custody, Petitioner required hospitalization and placement of an additional cardiac stent. He reports inconsistent administration of diabetes medication and difficulty accessing specialized cardiac care.

Continued detention under these conditions, particularly when Petitioner was also responsible for caring for a medically fragile child, poses a substantial risk to his health and life and violates substantive due process.

6. The Court's Temporary Pause Does Not Cure the Constitutional Violation

While the Court has paused immediate relief at this time, the underlying constitutional violation remains ongoing. Each additional day of detention without progress toward removal compounds the due process harm recognized in *Zadvydas v. Davis*. Absent evidence that removal has become significantly likely, continued detention cannot be justified, and the pause should not be construed as authorization for indefinite custody.

Conclusion

Petitioner has been detained under a decades-old removal order with no travel documents, no consular acceptance, and no demonstrated likelihood of removal in the reasonably foreseeable future. His detention has now become prolonged, punitive, and constitutionally excessive.

Petitioner's continued detention has also deprived his medically vulnerable daughter, who has undergone the removal of a kidney of her primary caregiver, exacerbating the humanitarian and constitutional concerns presented by this case.

Although the Court has temporarily paused immediate release, the government has not met and cannot meet its burden under *Zadvydas v. Davis* to justify continued detention. Unless and until the government demonstrates that removal is significantly likely in the reasonably foreseeable future, continued detention violates the Due Process Clause of the Fifth Amendment.

The Court should therefore grant habeas relief once the pause is lifted and order Petitioner's release under appropriate conditions of supervision.

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

- Son – Raul Gonzalez

- Phone Number – [REDACTED]

- Email Address – [REDACTED]

- Address – [REDACTED]

Respectfully submitted,

Authorized Representative