

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-158-KCD-DNF

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FILED - USDC - FLMD - FTM

Petitioner:

Roberto Antonio Ballester Ramos

Petitioner, Roberto Antonio Ballester Ramos, 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: Roberto Antonio Ballester Ramos
- Date of Birth: [REDACTED]
- Marital status: Married
- Spouse Name: Roxana Aguilar (US Citizen)
- Children: B [REDACTED] K [REDACTED] (All US Citizens)
- Country of Origin: Cuba
- Date of Entry to the US: June 1st, 1989
- Admission Date to the US: December 5th, 1991, with effective date of June 1st, 1989
- Caregiver for his mother: Rosa Isabel Ramos (US Citizen) DOB [REDACTED]
- A-Number: [REDACTED]
- Order of supervision issued: February 27th, 2001

- Current immigration status: petitioner was ordered under supervision since 2001 & has been checking with ICE / DOR office ever since (Over 24 Years)
- Arrest Date: December 18th, 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

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. Lawful Entry, Lawful Permanent Residence, and Order of Supervision

Petitioner is a native and citizen of Cuba, born in 1967. He was admitted the United States lawfully in 1991 and with effective date of June 1st, 1989 of lawful permanent resident status. In 2001, Petitioner was taken into immigration custody, and the government attempted to effectuate his removal. When removal proved unsuccessful, ICE released Petitioner under an Order of Supervision in 2001.

Since his release, Petitioner has consistently complied with all terms of supervision, including regular reporting and in-person check-ins with ICE. For more than two decades, Petitioner lived openly in the community under ICE supervision without any allegation of noncompliance.

3. Detention During a Routine Supervision Check-In

On December 18th, 2025, Petitioner appeared as required for a routine supervision check-in with ICE. Rather than permitting him to continue under supervision, ICE detained Petitioner at the time of his compliance. Petitioner was not accused of violating any term of supervision, failing to report, or attempting to abscond. ICE's decision to detain Petitioner during a scheduled check-in underscores that Petitioner was complying with supervision at the time of his arrest and posed no flight risk.

4. ICE's Violation of Its Own Terms and Regulations

ICE's decision to detain Petitioner despite decades of documented compliance contravenes its own regulations governing post-order supervision, which require the use of the least restrictive means necessary to ensure compliance. Detaining a supervisee who appears voluntarily for a required check-in, absent any alleged violation or changed circumstances, constitutes an arbitrary and capricious exercise of authority and violates ICE's own regulatory framework.

5. Strong Family Ties and Responsibilities in the United States

Petitioner has deep and enduring family ties to the United States. He is married to a United States citizen and is the father of two (2) United States citizen children. Petitioner's mother is also a United States citizen, and Petitioner provides critical financial support for her medical care, including payment of her medical bills. These strong family relationships demonstrate Petitioner's stability, community ties, and amenability to continued supervision.

6. Serious Medical Condition and Heightened Vulnerability in Detention

Petitioner suffers from high blood pressure that requires consistent medical monitoring and treatment. Confirmed by ICE medical staff, Petitioner's blood pressure levels are dangerously elevated, placing him at heightened risk of serious health complications while in detention. Immigration detention is ill-suited to managing chronic medical conditions that require regular and reliable care, further weighing in favor of release.

7. Continued Detention Is Excessive and Disproportionate

Petitioner's continued detention is excessive and disproportionate in light of his lawful entry, decades-long residence in the United States, extensive history of compliance under an Order of Supervision, strong family ties, and serious medical condition. Detention under these circumstances is not reasonably related to any legitimate governmental purpose and instead operates as punishment.

8. Less Restrictive Alternatives Adequately Serve Any Governmental Interest

Less restrictive alternatives to detention are available and sufficient to serve any legitimate governmental interest. Petitioner's more than twenty years of compliance with ICE supervision demonstrate that continued release under an Order of Supervision or similar conditions would adequately ensure compliance while avoiding serious constitutional concerns.

9. Detention Is Punitive and Unconstitutional

Given Petitioner's prolonged detention, lack of a foreseeable removal date, longstanding compliance with ICE supervision, detention during a voluntary check-in, serious medical condition, and strong family and community ties to the United States, his continued detention serves no legitimate civil immigration purpose. Instead, it functions as punishment and therefore violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

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

- Wife – Roxana Aguilar

- Phone Number – [REDACTED]

- Email Address – [REDACTED]

- Address – [REDACTED]

Respectfully submitted,

Authorized Representative

A handwritten signature in black ink, appearing to read "Roxana Aguilar", is written over a dotted line.