

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SILVIO ELIEZER DURAN OROZCO,

A#



Pro Se Petitioner, currently detained at
KROME NORTH SPC
18201 S.W. 12TH ST.
Miami, FL 33194

Petitioner,

v.

PAM BONDI,
Attorney General of the United States;

KRISTI NOEM, SECRETARY,
U.S. Department of Homeland Security (DHS);

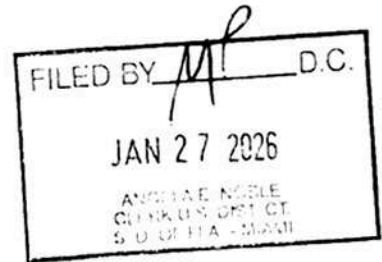
TODD M. LYONS,
Acting Director, U.S. Immigration and Customs Enforcement (ICE);

GARRETT J. RIPA,
Field Office Director, ICE Enforcement and Removal Operations (ERO),
Miami Field Office;

WARDEN/FACILITY ADMINISTRATOR,
KROME NORTH SERVICE PROCESSING CENTER;

AND ALL OTHER PERSONS HAVING CUSTODY OF PETITIONER,

Respondents.



**PETITION FOR WRIT OF HABEAS CORPUS
UNDER TITLE 28 U.S.C. § 2241 (PRO SE)**

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF FLORIDA:**

PETITIONER, SILVIO ELIEZER DURAN OROZCO, appearing pro se, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2241, challenging the legality and constitutionality of his civil immigration detention by the United

States Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), and in support thereof Petitioner proffers the following facts and evidence:

I. INFORMATION ABOUT PETITIONER

1. Petitioner's name is: SILVIO ELIEZER DURAN OROZCO.
2. Petitioner's Alien Registration Number is: A [REDACTED]
3. Petitioner is a native, citizen and national of Nicaragua.
- 3A. Petitioner was born on [REDACTED] in Nicaragua. A copy of Petitioner's Nicaraguan passport is attached hereto as **Exhibit A**.
4. Petitioner is currently detained at Krome North Service Processing Center, 18201 S.W. 12TH ST. Miami, FL 33194.
5. Petitioner was taken into ICE custody on or about November 10, 2025.
6. Petitioner has continuously resided in the United States for two (2) years, and since September, 2023.
7. Petitioner has a pending I-589, Application for Asylum and for Withholding of Removal with USCIS is attached hereto as **Exhibit B**.
8. Petitioner was arrested for battery; however, the charge was dismissed / resulted in no action. (**Exhibit C**).
9. Petitioner has strong family and community ties in the United States, including close relatives and long-term friendships (**Exhibit D**), having resided in the country for approximately two (2) years. His wife and children (**Exhibit E**) depend on him for financial and emotional support (**Exhibit F**).
10. Petitioner's Nicaraguan passport is attached as **Exhibit A**. Petitioner also maintained steady employment in the construction industry.
11. Immigration bond denial notice is attached as **Exhibit G**.

II. JURISDICTION AND VENUE

12. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of her civil immigration detention as contrary to the Constitution and laws of the United States.

13. Venue is proper in this Court because Petitioner is detained within the Southern District of Florida, Miami Division, at Krome North Service Processing Center, 18201 S.W. 12TH ST. Miami, FL 33194.

14. Petitioner challenges the lawfulness of his present detention and the lack of adequate procedural safeguards required by due process.

III. PARTIES

15. Petitioner SILVIO ELIEZER DURAN OROZCO is currently detained at a detention center, Krome North Service Processing Center, 18201 S.W. 12TH ST. Miami, FL 33194.

16. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the general enforcement of federal immigration laws.

17. Respondent Kristi Noem is the Secretary of DHS, responsible for administering and enforcing immigration laws and policies.

18. Respondent Todd M. Lyons is the Acting Director of ICE, the DHS component responsible for Petitioner's detention.

19. Respondent Garrett J. Ripa is the Field Office Director for ICE ERO's Miami Field Office, responsible for ERO operations in Florida, including detention decisions affecting Petitioner.

20. The Warden/Facility Administrator of Krome North Service Processing Center, 18201 S.W. 12TH ST. Miami, FL 33194, is Petitioner's immediate custodian and has day-to-day control over Petitioner's confinement.

21. All other persons having custody of Petitioner are proper Respondents to the instant habeas Petition.

IV. FACTUAL BACKGROUND

22. Petitioner has lived in the United States for over two (2) years —2 years and 4 months in total and since September, 2023, and has built deep ties to this community. Additionally, has filed tax returns for tax year 2024. (**Exhibit H**)

23. The Petitioner has a United States Citizen sponsor identified as Mr. William Lenin Paguaga, who is sponsoring Petitioner and has vowed to support him; supporting documents, including proof of citizenship and tax returns, are attached hereto.

24. The petitioner has a reliable financial support plan. His sponsor's 2024 personal tax returns are included as **Exhibit I** and demonstrate the ability to support Petitioner and ensure his compliance with all required appearances and supervision conditions.

25. Petitioner also has community ties, as he has resided in the United States for approximately 2 years.

26. Petitioner has a steady work history, demonstrating his stability and reliability.

27. Petitioner's prior arrest did not result in prosecution or conviction and does not indicate that he poses a danger to the community.

28. Petitioner has a pending I-589, Application for Asylum and for Withholding of Removal with USCIS and is attached hereto as **Exhibit B**, the latter which reflects significant equities and an ongoing immigration process.

29. ICE has continued to detain Petitioner at Krome North Processing Center, without a meaningful opportunity for an individualized release (or custody) determination on a record that accounts for his strong equities, strong and lengthy ties to the community, and lack of dangerousness.

30. Petitioner is not a flight risk. He has substantial ties to the United States, including family, employment, his wife and children, and he is willing to comply with any and all necessary conditions of release, including but not limited to electronic monitoring, house arrest, and any other alternatives to detention that the Court deems meet, just and necessary to assure his presence in Court.

V. LEGAL FRAMEWORK

31. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

32. Civil immigration detention must be reasonable in duration and accompanied by adequate procedural safeguards, including—where appropriate—an individualized custody determination.

33. Prolonged or arbitrary detention without a meaningful opportunity to be heard violates due process.

34. Federal courts have authority under 28 U.S.C. § 2241 to review the legality of immigration detention and to order appropriate relief, including an individualized bond/custody hearing or release under conditions.

VI. CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF DUE PROCESS: UNLAWFUL/ARBITRARY DETENTION WHERE RELEASE ON CONDITIONS IS REQUIRED

35. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

36. Petitioner is held in civil immigration detention without a meaningful, individualized custody determination that accounts for her strong ties, lack of criminal convictions, and the availability of conditions of release.

37. Continued detention under these circumstances is excessive, arbitrary, and not narrowly tailored to any legitimate governmental interest, in violation of the Due Process Clause of the Fifth Amendment.

COUNT TWO – VIOLATION OF DUE PROCESS: ARBITRARY ARREST AND DETENTION WITHOUT JUDICIAL WARRANT

38. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

39. Petitioner was taken into ICE custody and detained without presentation of a judicial warrant or probable-cause determination by a neutral magistrate.

40. Under the circumstances of this case, the arrest and continued detention are arbitrary and violate fundamental principles of due process.

COUNT THREE – VIOLATION OF DUE PROCESS: FAILURE TO CONSIDER LESS RESTRICTIVE ALTERNATIVES TO DETENTION

41. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

42. Even if the government asserts concerns about appearance or supervision, less restrictive alternatives to detention (including reporting requirements, electronic monitoring, or other conditions) are available and adequate in light of Petitioner's circumstances.

43. Respondents' continued detention of Petitioner without adequate consideration of alternatives violates due process.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner SILVIO ELIEZER DURAN OROZCO, respectfully requests that this Honorable Court to:

A. Assume jurisdiction over this matter;

B. Declare that Petitioner's continued civil immigration detention without a meaningful individualized custody determination violates the Due Process Clause of the Fifth Amendment;

C. Order Respondents to release Petitioner from custody forthwith under reasonable conditions of supervision or on a reasonable bond set by this Court (or, in the alternative, order a prompt

individualized custody/bond hearing before a neutral decision-maker if the Court concludes such a hearing is the minimum necessary remedy);

D. In the alternative, order any other relief necessary to secure Petitioner's prompt release, including a prompt individualized custody/bond hearing if required by law;

E. Grant such other and further relief as the Court deems just and proper.

VIII. VERIFICATION

I, **SILVIO ELIEZER DURAN OROZCO**, with alien number A# 232-851-334, declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,



SILVIO ELIEZER DURAN OROZCO (Pro Se)

A# 
Krome North Service Processing Center
18201 S.W. 12TH ST,
Miami, FL 33194.

Date: January 26, 2026

**EXPLANATORY LETTER FROM THE PETITIONER
(Re: Habeas Corpus – SILVIO ELIEZER DURAN OROZCO)**

SILVIO ELIEZER DURAN OROZCO (Pro Se)

A# 

Krome North Service Processing Center
18201 S.W. 12TH ST,
Miami, FL 33194.

Date: January 26, 2026

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA:**

Your Honor,

My name is **SILVIO ELIEZER DURAN OROZCO**, and I am respectfully writing this letter in support of my Petition for Writ of Habeas Corpus. I am detained at Krome North Service Processing Center. I respectfully ask the Court to review my situation and order my prompt release under reasonable conditions or on a reasonable bond. If the Court concludes a hearing is required first, then I respectfully request an immediate individualized custody/bond hearing.

I have lived in the United States for over 2 years. I have strong ties to my community, including family members and long-term friends. During my 2 years in the United States I have maintained steady employment. I have never been convicted of a crime.

I have a pending I-589, Application for Asylum and for Withholding of Removal with USCIS, and I have an ongoing immigration process. I am married, and my wife and children depend on my financial and emotional support. Additionally, I have an U.S. Citizen sponsor who is willing and able to support me and ensure my compliance with any court or ICE requirements. My sponsor's financial documents, including 2024 personal tax returns, are included to show I have stable support and will comply with all requirements. I also have been living in Florida for over 2 years, showing long-term community ties and good character. My wife and other supporters have provided letters describing my good moral character and my community ties.

Because of my strong community ties, my lack of any criminal history, and the support available to me, I am not a danger to the community and I am not a flight risk. I am willing to comply with any conditions of release, including reporting, electronic monitoring, or any other alternatives to detention that the Court believes appropriate.

For these reasons, I respectfully request:

1. That the Court order ICE to provide me with an immediate bond or custody hearing; OR
2. That the Court order my release under reasonable conditions of supervision or bond.

Thank you for your time and consideration.

Respectfully submitted,



SILVIO ELIEZER DURAN OROZCO (Pro Se)

A# 

Krome North Service Processing Center
18201 S.W. 12TH ST,
Miami, FL 33194.

PROOF OF SERVICE

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA

I, **SILVIO ELIEZER DURAN OROZCO**, declare that on the date shown below, I served a true and correct copy of the following documents on all Respondents by depositing the following documents in the United States Mail, first-class postage prepaid, addressed as follows:

- Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Pro Se)
- Exhibits (**Exhibit_A_ through Exhibit_I_**)

Clerk of Court
U.S. District Court for the Southern District of Florida
Wilkie D. Ferguson Jr. U.S Courthouse
400 North Miami Avenue
Miami, Florida 33128

Assistant United States Attorney's Office– Southern District of Florida
99 NE 4th Street
Miami, Florida 33132

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Department of Homeland Security (DHS)
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528


U.S. Immigration and Customs Enforcement (ICE)
500 12th Street, SW
Washington, DC 20536

ICE Enforcement and Removal Operations (ERO) – Miami Field Office
2805 SW 145th Ave
Miramar, FL 33027

Warden/Facility Administrator
Krome North Service Processing Center
Detention Center
18201 S.W. 12TH ST,
Miami, FL 33194.

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

Executed on: January 26, 2026

Signature: 

Printed Name: Silvio Duran