UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No.

ANGEL RUDDY MARQUEZ PEREZ,
Petitioner

v.

LOUIS A. QUINONES, JR., in his official capacity as Warden of the Orange County Jail;

IMMIGRATION AND CUSTOMS ENFORCEMENT;

ICE FIELD OFFICE DIRECTOR, ORLANDO FIELD OFFICE,

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF

Petitioner, by and through undersigned counsel, files this consolidated and merged Petition for Writ of Habeas Corpus and Emergency Injunctive Relief, integrating the factual allegations, legal claims, and Rule 65 showing previously pled, and states:

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the ongoing and unlawful detention of Petitioner Angel Ruddy Marquez Perez at the Orange County Jail in Orlando, Florida.

2. Petitioner is confined without any criminal charges, without a judicial warrant, and without lawful authority, solely based on an ICE immigration detainer—an administrative request that does not authorize detention.

3. Respondents have threatened and attempted to transfer Petitioner to ICE custody, which would irreparably deprive him of liberty and risk frustrating this Court's habeas jurisdiction.

4. Petitioner seeks immediate release and emergency injunctive relief preserving the status quo pending adjudication of this habeas action.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. §§ 1331, 2241, and 2243.

6. This Court is authorized to grant the writ and to dispose of the matter as law and justice require.

7. Venue is proper in this District because Petitioner is detained in Orange County, Florida, and Respondents exercise custody in this District.

III. PARTIES

8. Petitioner Angel Ruddy Marquez Perez is a national of Venezuela lawfully present in the United States, currently detained at the Orange County Jail.

9. Respondent Louis A. Quinones, Jr. is the Warden of the Orange County Jail, responsible for Petitioner's day-to-day confinement.

10. Respondents DHS, ICE, and the ICE Orlando Field Office Director are responsible for civil immigration enforcement and the detainer at issue.

IV. CUSTODY AND EXHAUSTION

12. Petitioner is "in custody" for purposes of 28 U.S.C. § 2241.

13. No adequate or available administrative remedy exists to challenge a local jail's detention based solely on an ICE detainer. Exhaustion is not required and would be futile.

V. FACTUAL ALLEGATIONS

14. On January 20th, 2026, Petitioner was arrested by the Orange County Sheriff's Office on the stated basis that he was allegedly "undocumented."

15. No criminal charges were filed. No probable cause affidavit exists. No judicial warrant was issued.

16. Petitioner has remained confined at the Orange County Jail without any written notice explaining the legal basis for his detention.

17. Upon information and belief, the sole basis for confinement is an ICE immigration detainer issued under 8 C.F.R. § 287.7.

18. Petitioner is lawfully present in the United States, possesses a valid Florida driver's license, Social Security number, employment authorization, and has a pending asylum application. Petitioner was released into United States after his initial entry with an Order of Release on Recognizance. **See Exhibit A**

19. Respondents have indicated intent to transfer Petitioner to ICE custody before this Court can adjudicate the legality of his detention.

VI. LEGAL FRAMEWORK AND CLAIMS

A. Habeas Relief Is Available for Unlawful Civil Detention

20. Habeas relief under § 2241 extends to unconstitutional restraints on liberty imposed by state actors acting under color of federal authority.

B. ICE Detainers Do Not Authorize Local Detention

21. An ICE detainer is a request, not a warrant, and confers no independent authority to detain an individual.

22. Detention based solely on a detainer violates the Fourth Amendment and due process.

C. Fourth Amendment – Unreasonable Seizure

23. Petitioner's detention without criminal charges, probable cause, or a judicial warrant constitutes an unreasonable seizure.

D. Fifth and Fourteenth Amendments – Due Process

24. Petitioner has been deprived of liberty without notice, hearing, or lawful process.

E. Ultra Vires Detention

25. Local jail officials lack authority to effectuate civil immigration detention absent lawful federal process.

VII. EMERGENCY INJUNCTIVE RELIEF (RULE 65)

26. Petitioner incorporates all prior allegations as if fully set forth herein.

27. Temporary and preliminary injunctive relief are warranted because Petitioner satisfies all four required elements under Eleventh Circuit precedent:

A. Substantial Likelihood of Success on the Merits

28. Petitioner is detained without criminal charges, without a judicial warrant, and solely on the basis of an ICE detainer, which is expressly defined by federal regulation as a request and not a command. See 8 C.F.R. § 287.7.

29. Numerous federal courts have held that detention based solely on an ICE detainer violates the Fourth Amendment and due process, and local jailers lack independent authority to effectuate civil immigration detention.

30. Federal courts across the country have overwhelmingly rejected the Government's position that noncitizens who entered through the border and are lawfully present—whether through Temporary Protected Status ("TPS"), parole, or pending asylum—are subject to mandatory detention without judicial review. Instead, courts have repeatedly held that such individuals are detained, at most, under 8 U.S.C. § 1226(a) and are therefore entitled to habeas relief in the form of release or a bond hearing.

31. In Reyes v. Rose, No. CV 25-7138, 2026 WL 75816, at *1 n.1 (E.D. Pa. Jan. 9, 2026), the court squarely rejected the Government's mass-detention theory and held that the petitioner—who, like Petitioner here, was lawfully present and not subject to removal—was entitled to habeas relief and a bond hearing. The Reyes court further observed the extraordinary and lopsided judicial consensus rejecting the Government's position, noting:

    "As of January 5, 2026, 308 judges have ruled against the Government's mass detention policy — ordering release or bond hearings in more than 1,600 cases — while just 14 judges have sided with the Government's position." *Id.*

32. This stark statistic is not merely persuasive—it is dispositive evidence that the Government's detention theory is an extreme outlier that has been repeatedly repudiated by the federal judiciary. Courts have consistently recognized that lawful presence forecloses detention based solely on immigration status, and that detention without a warrant, criminal charge, or bond hearing violates both the Fourth Amendment and due process.

33. The Middle District Court of Florida has expressly adopted this reasoning in 6:26-cv-00066-RBD-NWH. In granting temporary restraining order relief in a materially indistinguishable habeas case, the Court recognized that noncitizens with TPS and/or pending asylum applications are not subject to mandatory detention, and that continued confinement without a bond hearing is likely unlawful. The Court relied on Reyes as persuasive authority and emphasized that individuals in Petitioner's position are, at minimum, entitled to habeas relief and judicial review of custody.

34. Here, as in Reyes and the more than 1,600 cases nationwide rejecting the Government's position, Petitioner is lawfully present in the United States, is not subject to removal, and is being detained without criminal charges, without a judicial warrant, and without any statutory authority permitting mandatory detention. Given the overwhelming judicial consensus, Petitioner has demonstrated far more than a "substantial likelihood" of success—he has shown that the Government's detention theory has been nearly universally rejected by federal courts.

B. Irreparable Harm

35. The loss of physical liberty constitutes irreparable harm as a matter of law. Each additional day of unlawful confinement inflicts harm that cannot be remedied by monetary damages.

36. Transfer to ICE custody would irreversibly alter Petitioner's custodial status, subject him to continued civil detention without judicial process, and risk mooting or frustrating this Court's habeas jurisdiction.

C. Balance of Harms

37. The balance of equities weighs decisively in Petitioner's favor. Enjoining transfer merely preserves the status quo and imposes minimal burden on Respondents.

38. By contrast, denial of injunctive relief exposes Petitioner to continued unlawful detention and the risk of jurisdictional evasion through transfer.

D. Public Interest

39. The public has a compelling interest in ensuring that detention occurs only pursuant to lawful authority and constitutional safeguards.

40. Preserving the status quo while this Court adjudicates the legality of Petitioner's detention advances, rather than undermines, the public interest.

VIII. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

a.) Issue a writ of habeas corpus directing Respondents to immediately release Petitioner;

b.) Enter a temporary restraining order and/or preliminary injunction prohibiting Respondents from transferring Petitioner from Orange County Jail custody pending resolution of this action;

c.) Declare that Petitioner's detention based solely on an ICE detainer is unlawful;

d.) Order expedited proceedings under 28 U.S.C. § 2243;

e.) Grant such other relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on January 26th, 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, and ICE-Orlando Field Office Miami.Outreach@ice.dhs.gov , Orlando.DutyAtty@ice.dhs.gov

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