

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

OSEAS SALATIEL VASQUEZ RAMIREZ,

Petitioner,

v.

HERMAN ROGERS,

in his official capacity as the Warden of the Florida
Soft Side South AKA:

Alligator Alcatraz Detention Center;

GARRETT J. RIPA,

is the Field Office Director of ICE's Enforcement &
Removal Operations for the Miami area
(which includes ICE facilities in South Florida).

Respondents.

Case No. 1:26-cv-20574

DHS A#



**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF (28
U.S.C. § 2241)**

INTRODUCTION

Petitioner Oseas Salatiel Vasquez Ramirez (“Mr. Vasquez”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Mr. Vasquez is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at Florida Soft Side South Detention Facility, without an individualized bond hearing, based on an erroneous interpretation of the Immigration and Nationality Act (“INA”). Despite being detained by ICE on January 4, 2026, no Notice to Appear (“NTA”) has been filed with the Immigration Court, and no charging document has been lodged initiating removal proceedings against Mr. Vasquez.

As of the date of this Petition, Mr. Vasquez has been detained for nearly thirty days without the government filing any charging document, without jurisdiction vesting in the Immigration Court, and without any lawful procedural mechanism authorizing continued custody. His continued detention is unlawful, ultra vires, and in violation of the INA and the Due Process Clause of the Fifth Amendment.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241(a) and (c)(3) because Mr. Vasquez is in the physical custody of the Florida Soft Side South Detention Facility under color of federal authority in violation of the Constitution and laws of the United States.
2. This Court has jurisdiction over this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, which authorizes federal courts to review the legality of a noncitizen’s detention. Jurisdiction also lies under 28 U.S.C. § 1331, as this action presents federal questions arising under the Constitution and laws of the United States. The Suspension

Clause of the Constitution, U.S. Const. art. I, § 9, cl. 2, protects Petitioner's right to seek habeas corpus relief. This Court further possesses authority under the All Writs Act, 28 U.S.C. § 1651, and the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., to grant appropriate declaratory and injunctive relief.

3. Federal district courts have long exercised jurisdiction over habeas corpus petitions brought by noncitizens challenging the lawfulness and constitutionality of their immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 840–41 (2018).
4. Petitioner's continued detention by Respondents constitutes a severe restraint on his individual liberty, rendering him "in custody in violation of the Constitution or laws ... of the United States" within the meaning of 28 U.S.C. § 2241(c)(3). See *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).
5. No prior petition for a writ of habeas corpus has been filed in any court challenging Petitioner's detention.
6. Venue is proper in the District of Southern Florida. Pursuant to 28 U.S.C. § 2241(d), a petition for a writ of habeas corpus may be filed in the district in which the petitioner is in custody. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events and omissions giving rise to Petitioner's claims occurred within this District.
7. As of January 4, 2026, Petitioner has been detained at the Florida Soft Side South Detention Facility. See **Exhibit A** (ICE Online Detainee Locator).
8. Because Petitioner is presently detained within this District, and because Respondents' unlawful detention decisions and related custody determinations affecting Petitioner occurred here, venue in the District of Southern Florida is proper.

28 U.S.C. § 2243 Requires Prompt Judicial Action Where Detention Is Unlawful

9. Pursuant to 28 U.S.C. § 2243, this Court should grant the petition for writ of habeas corpus forthwith, as Mr. Vasquez raises purely legal challenges to his continued detention that have been repeatedly resolved by federal courts in materially indistinguishable cases, including those involving *Maldonado-Bautista* class members detained under the same statutory theory.
10. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
11. Where, as here, the government has detained an individual for nearly thirty days without filing a Notice to Appear, without initiating removal proceedings, and without affording any neutral custody review, § 2243 requires prompt judicial intervention. See *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000).

II. PARTIES


12. Petitioner Oseas Salatiel Vasquez Ramirez is a twenty-five-year-old native and citizen of Guatemala who resides in Jupiter, Florida. He has been in the physical custody of Respondents since January 4, 2026, and is currently detained at the Florida Soft Side Detention Facility, where he has remained confined for nearly thirty days without the filing of a Notice to Appear or any other charging document initiating removal proceedings.
13. Respondent Herman Rogers is named in his official capacity as the Warden/ Superintendent of the Florida Soft Side South Facility. He is the Petitioner’s immediate physical custodian, pursuant to the Facility’s contract with U.S. Immigration and

Customs Enforcement to detain noncitizens, and exercises day-to-day control over Petitioner's confinement.

14. Respondent Garrett J. Ripa is named in his official capacity as the Field Office Director of ICE's Enforcement & Removal Operations for the Miami area (which includes ICE facilities in South Florida).

III. FACTUAL BACKGROUND

15. Mr. Vasquez entered the United States in approximately June of 2013, at the age of thirteen, unaccompanied by any parent or legal guardian. He entered without inspection because, as a child fleeing Guatemala, he had no lawful pathway to seek admission and no adult caretaker to assist him.
16. From the moment of his entry, Mr. Vasquez was forced to survive and navigate life in the United States entirely on his own as a minor. He had no parent or legal guardian in the United States and relied informally on members of his church community for basic support.
17. Mr. Vasquez has resided continuously in the United States for more than a decade. He attended school in the United States, completed middle school, and graduated from high school.
18. He has remained consistently employed in honest labor, including landscaping and food service, and has supported himself without reliance on public assistance.
19. Mr. Vasquez's immediate family is firmly rooted in the United States. His two sisters are United States citizens.
20. Mr. Vasquez has no meaningful remaining ties to Guatemala. His life, family, community, and future are all in the United States.

21. In 2016, while still in high school, Mr. Vasquez met his now-wife, Susely Solares ("Ms. Solares). After maintaining a long-term relationship, they married in November 2025.
22. Ms. Solares is a lawful permanent resident of the United States. She has filed a Form I-130, Petition for Alien Relative, on Mr. Vasquez's behalf, which has been accepted by U.S. Citizenship and Immigration Services ("USCIS") under Receipt No. 
23. The filing of the I-130 confirms Mr. Vasquez's bona fide intent to pursue lawful permanent residence through the statutorily prescribed process.
24. On January 4, 2026, Mr. Vasquez was stopped by local police in Jupiter, Florida while assisting his church with selling food. He was informed that he allegedly failed to make a proper stop.
25. This minor traffic incident did not result in any criminal conviction. Mr. Vasquez has no criminal history other than minor traffic violations, no history of violence, and poses no danger to the community.
26. Following the traffic stop, ICE was notified and took Mr. Vasquez into immigration custody. He has remained detained at the Florida Sof Side Facility since that date.
27. On January 28, 2026, Mr. Vasquez requested a bond hearing before the Immigration Court. At his hearing, the Immigration Judge declined to take any action and stated that the court lacked jurisdiction to conduct a bond hearing and indicated a habeas petition was the only route. *See Exhibit B*, (IJ's order taking no action).
28. As of the date of this Petition, the Department of Homeland Security has not issued or filed a Notice to Appear charging Mr. Vasquez with removability. No charging document has been served on Mr. Vasquez, and no NTA has been lodged with the Executive Office

for Immigration Review. *See Exhibit C*, (ECAS Immigration Court system showing only bond proceedings has been initiated).

29. Because no NTA has been filed, removal proceedings have not been initiated, and jurisdiction has not vested with the Immigration Court pursuant to 8 C.F.R. § 1003.14.
30. Mr. Vasquez therefore remains detained in the absence of any pending adjudication, without access to an Immigration Judge, without the ability to seek bond, and without any formal notice of charges authorizing his continued confinement.
31. The Immigration Judge's refusal to exercise bond jurisdiction was based on the government's position that Mr. Vasquez is subject to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b), despite his long-term residence in the United States and the circumstances of his arrest.

IV. MR. VASQUEZ IS AN UNACCOMPANIED ALIEN CHILD UNDER THE TVPRA

32. The Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA") defines an "unaccompanied alien child" ("UAC") as a child who: (a) has no lawful immigration status in the United States; (b) has not attained 18 years of age; and (c) has no parent or legal guardian in the United States available to provide care and physical custody. 6 U.S.C. § 279(g)(2).
33. Mr. Vasquez squarely met the statutory definition of a UAC at the time of his entry. He entered at age thirteen, without lawful status, and without a parent or legal guardian present in the United States to provide care or custody.
34. Although Mr. Vasquez is no longer under the age of eighteen, the relevant inquiry for purposes of this habeas petition is the manner and circumstances of his entry, not his current age. The TVPRA's protections attach based on a child's status at the time of

entry, and nothing in the statute suggests that those protections evaporate upon the passage of time or upon the child reaching adulthood.

35. Nothing in the TVPRA limits UAC status solely to children who are formally designated as such by the Department of Homeland Security at the time of apprehension.
36. The statutory definition turns on objective facts existing at the time of entry, not on whether DHS contemporaneously identified or labeled the child as a UAC.
37. The absence of an initial DHS designation cannot erase Mr. Vasquez's status as an unaccompanied child, nor can it deprive him of the statutory protections Congress intended to afford to children who enter the United States alone.
38. Interpreting the TVPRA to require a formal DHS designation, or to condition UAC protections on a child remaining under eighteen indefinitely, would create an arbitrary and irrational distinction between similarly situated individuals based solely on the happenstance of apprehension or the passage of time.
39. Mr. Vasquez's unaccompanied entry as a minor is therefore a critical and controlling legal fact that must be considered in determining the proper statutory basis for his detention and in assessing the lawfulness of Respondents' reliance on mandatory detention provisions in this case.

V. MR. VASQUEZ IS A MEMBER OF THE MALDONADO-BAUTISTA CLASS

40. Mr. Vasquez is a member of the class of noncitizens recognized in *Maldonado-Bautista* litigation and related cases, consisting of individuals who entered the United States as unaccompanied minors, resided in the United States for years, and were later detained by ICE under an expansive and unlawful application of INA § 235(b).

41. Courts across the country, including within this District, have repeatedly rejected the government's attempt to subject long-term residents like Mr. Vasquez to mandatory detention under § 1225(b) based solely on their manner of entry years or decades earlier.
42. As a *Maldonado-Bautista class member*, Mr. Vasquez's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), not § 1225(b).

VI. STATUTORY FRAMEWORK GOVERNING DETENTION

43. INA § 235(b), 8 U.S.C. § 1225(b), governs the inspection and detention of noncitizens who are seeking admission at or near the border.
44. INA § 236(a), 8 U.S.C. § 1226(a), governs the arrest and detention of noncitizens who are already present in the United States pending removal proceedings.
45. Section 1226(a) establishes a discretionary detention framework and entitles detained noncitizens to an individualized custody redetermination hearing before an Immigration Judge.
46. The Supreme Court has emphasized the temporal and categorical distinction between § 1225 and § 1226. Section 1225 applies to those seeking admission; § 1226 applies to those already present in the country. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018).
47. Mr. Vasquez was not seeking admission at the time of his January 4, 2026 arrest. He was living in the United States, assisting his church, and was stopped for a minor traffic issue.
48. His detention therefore falls within § 1226(a), not § 1225(b).

Detention Without a Filed NTA Is Ultra Vires and Violates the INA and Due Process

49. The Immigration and Nationality Act authorizes civil immigration detention only in connection with the initiation and pendency of removal proceedings. See 8 U.S.C. §§

1225, 1226. The statute does not permit ICE to detain a noncitizen indefinitely in the absence of any filed charging document or pending adjudication.

50. Mr. Vasquez has been detained by ICE since January 4, 2026. To date, the government has failed to file a Notice to Appear (“NTA”) with the Immigration Court or otherwise commence removal proceedings against him. As a result, jurisdiction has not vested with the Immigration Court pursuant to 8 C.F.R. § 1003.14.

51. Because no NTA has been filed, Mr. Vasquez is trapped in a procedural vacuum: he remains deprived of his liberty, yet no Immigration Judge has jurisdiction to review his custody, adjudicate removability, or consider release on bond.

52. Detention under 8 U.S.C. § 1226(a) is expressly authorized only “pending a decision on whether the alien is to be removed from the United States.” Where no removal proceedings have been initiated, there is no lawful predicate for continued detention under § 1226(a).

53. Likewise, detention under 8 U.S.C. § 1225(b) presupposes that the noncitizen is an applicant for admission undergoing inspection or removal proceedings. Mr. Vasquez was not seeking admission at the time of his arrest and, in any event, no inspection or removal process has been initiated against him.

54. By detaining Mr. Vasquez for nearly thirty days without filing a charging document, without initiating proceedings, and without affording any neutral custody review, Respondents are acting beyond the authority granted to them by Congress. Such detention is *ultra vires* and unlawful under the INA.

55. This prolonged, charge-less detention also violates the Due Process Clause of the Fifth Amendment. Civil detention without notice of charges, without a forum to contest

custody, and without any opportunity to be heard offends the most basic principles of procedural due process.

56. At a minimum, due process requires that the government promptly file charging documents and provide an individualized custody determination before a neutral decision-maker. Respondents' failure to do so renders Mr. Vasquez's continued detention unconstitutional.

VII. ADOPTION OF PRIOR HABEAS ANALYSIS GRANTING RELIEF

57. Mr. Vasquez expressly adopts and incorporates the legal reasoning, statutory analysis, and conclusions of law set forth in this Court's recent decision granting habeas relief in *Ardon-Quiroz v. Assistant Field Director, Krome North Service Processing Center, U.S. Immigration and Customs Enforcement, et al.*, **Case No. 25-cv-25290-JB** (S.D. Fla. Nov. 30, 2025) (Becerra, J.).

58. In *Ardon-Quiroz*, this Court held that the government's attempt to subject a long-term resident—who entered the United States as an unaccompanied minor and was later arrested in the interior—to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b), was unlawful. The Court concluded that: (a) § 1225(b) does not apply to noncitizens who are not seeking admission and are arrested years after entry; (b) detention in such circumstances is governed by INA § 236(a), 8 U.S.C. § 1226(a); (c) immigration judges retain jurisdiction to conduct individualized bond hearings; and (d) continued mandatory detention without bond violates the INA.

59. The facts and legal posture of Mr. Vasquez's case are materially indistinguishable from those in *Ardon-Quiroz*. Like the petitioner there, Mr. Vasquez entered the United States as a child without a parent or legal guardian, resided in the United States for years,

established deep family and community ties, and was later arrested by ICE in the interior of the country following a minor encounter with local law enforcement.

60. As in *Ardon-Quiroz*, Mr. Vasquez was not seeking admission at the time of his arrest, is not an arriving alien, and is being subjected to mandatory detention based solely on the government's post-hoc reliance on § 1225(b). This Court has already rejected that interpretation of the INA.

61. The government's continued detention of Mr. Vasquez under the same statutory theory previously deemed unlawful by this Court cannot be reconciled with the reasoning or holding of *Ardon-Quiroz*. The same statutory analysis applies with equal force here and compels the same result: detention under § 1226(a) and entitlement to an individualized bond hearing, or release.

VIII. CLAIMS FOR RELIEF

COUNT I – UNLAWFUL DETENTION IN VIOLATION OF THE INA

(8 U.S.C. §§ 1225, 1226; 28 U.S.C. § 2241)

62. Petitioner incorporates by reference all preceding allegations as if fully set forth herein.

63. The Immigration and Nationality Act authorizes civil immigration detention only within the specific statutory frameworks set forth in 8 U.S.C. §§ 1225 and 1226. Detention outside those frameworks exceeds the authority granted to the Executive Branch by Congress.

64. Respondents contend that Mr. Vasquez is subject to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b). That position is legally erroneous. Section 1225 governs the inspection and detention of noncitizens who are seeking admission at or near the border.

65. Mr. Vasquez was not seeking admission at the time of his arrest. He was living in the interior of the United States, had resided here for more than a decade, and was taken into ICE custody following a minor traffic stop while assisting his church.
66. Under binding Supreme Court precedent, INA § 236(a), 8 U.S.C. § 1226(a), governs the detention of noncitizens who are already present in the United States pending removal proceedings. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Section 1226(a) establishes a discretionary detention regime and entitles detainees to an individualized bond hearing before an Immigration Judge.
67. Even assuming arguendo that Respondents could lawfully detain Mr. Vasquez under § 1226(a), that authority exists only “pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a).
68. Here, Respondents have failed to file a Notice to Appear or otherwise commence removal proceedings against Mr. Vasquez. As a result, jurisdiction has not vested with the Immigration Court pursuant to 8 C.F.R. § 1003.14, and there is no pending adjudication to which civil detention may lawfully attach.
69. By detaining Mr. Vasquez for nearly thirty days without filing charging documents, without initiating removal proceedings, and without affording him an individualized bond hearing, Respondents are acting ultra vires and in direct contravention of the INA.
70. Federal courts, including this Court, have repeatedly rejected the government’s attempt to subject long-term residents who entered as children to mandatory detention under § 1225(b) following interior arrests. See, e.g., *Ardon-Quiroz v. Assistant Field Director, Krome North Service Processing Center, et al.*, Case No. 25-cv-25290-JB (S.D. Fla. Nov. 30, 2025).

71. Because Mr. Vasquez's detention is governed by § 1226(a), and because Respondents have refused to provide him with the bond hearing required by statute, his continued detention violates the INA and must be terminated or remedied forthwith.

COUNT II – VIOLATION OF DUE PROCESS (FIFTH AMENDMENT)

72. The Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

73. The Fifth Amendment's Due Process Clause protects all "persons" within the United States, including noncitizens, from deprivation of liberty without due process of law.

74. Civil immigration detention is constitutionally permissible only when it is reasonably related to its regulatory purpose and accompanied by adequate procedural safeguards. Detention that becomes arbitrary, indefinite, or divorced from any pending adjudication violates due process.

75. Mr. Vasquez has been detained for nearly thirty days without the filing of a Notice to Appear, without the commencement of removal proceedings, and without access to any neutral decision-maker capable of reviewing the legality or necessity of his detention.

76. The government's failure to file charging documents has deprived Mr. Vasquez of notice of the charges against him, foreclosed Immigration Court jurisdiction, and rendered him unable to seek bond or otherwise contest his custody.

77. Detention under these circumstances constitutes confinement in a legal vacuum, untethered to any adjudicatory process and unsupported by individualized findings of flight risk or danger. Such detention is punitive in effect and cannot be justified as a civil regulatory measure.

78. At a minimum, due process requires that a detained noncitizen receive a prompt and meaningful opportunity to be heard before a neutral adjudicator, at which the government bears the burden of justifying continued detention.
79. Respondents' refusal to provide Mr. Vasquez with any custody hearing—while simultaneously failing to initiate removal proceedings—violates the core protections of the Due Process Clause.
80. Absent immediate judicial intervention, Mr. Vasquez faces continued and potentially indefinite detention without charges, without process, and without lawful authority.

IX. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Issue a Writ of Habeas Corpus ordering the immediate release of Petitioner from Respondents unlawful custody;
- c. In the alternative, grant a Writ of Habeas Corpus ordering that he is not transferred out of this jurisdiction an immediate bond hearing within three (3) business days at which the government bears the burden of justifying continued detention;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

Dated: January 28, 2026

Respectfully Submitted,

/S/ Caridad Acosta
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caridadacostaattorney@gmail.com
Attorney for Petitioner

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857-206-9801
luana@biaginilaw.com
Pro Hac Vice

EXHIBITS

EXHIBIT A

ICE LOCATOR

EXHIBIT B

IJ BOND ORDER

EXHIBIT C

ECAS IMMIGRATION SYSTEM

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Luana M. Biagini, declare under penalty of perjury that I am counsel for Petitioner (Pending Pro Hac Vice) and that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief, based on communications with Petitioner and review of available records.

/s/ Luana M. Biagini
Luana M. Biagini, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: January 28, 2026

Respectfully Submitted,

/S/ Caridad Acosta
Caridad Acosta, Esq.

/s/ Luana M. Biagini
Luana M. Biagini, Esq.
Pending Pro Hac Vice Admission

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
OSEAS SALATIEL VASQUEZ RAMIREZ

(b) County of Residence of First Listed Plaintiff _____
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Caridad Acosta, Legal Alliances PLLC, 2600 Michigan Ave, unit #452145 Kissimmee, FL 34745 - 407-879-4285

DEFENDANTS
HERMAN ROGERS; GARRETT J. RIPA.

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only) [Click here for: Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | | | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (specify) _____
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 2241.)

Brief description of cause:
 28 U.S.C. § 2241 (Habeas Corpus)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 0 **CHECK YES only if demanded in complaint.**
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
 JUDGE _____ DOCKET NUMBER _____

DATE: 01/28/2026 SIGNATURE OF ATTORNEY OF RECORD: Caridad Acosta

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
 - II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
 - III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
 - IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
 - V. **Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
 - PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
 - VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
 - VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
 - VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.