

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

HARDIKKUMAR VASUDEVBHAI PATEL ,

Petitioner/Plaintiff, v.

KRISTI NOEM, in their official
capacity as Secretary of the United States
Department of Homeland Security;

PAMELA BONDI, in their official
capacity as Attorney General of the
United States;

JUAN AGUDELO as the Officer-in-
Charge at Krome Detention Center,

Respondents/Defendants.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

INTRODUCTION

Petitioner **Hardikkumar Vasudev bhai Patel** respectfully petitions this Court for a writ of habeas corpus pursuant to **28 U.S.C. § 2241**, challenging his **continued, prolonged, and unconstitutional detention** by the Department of Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement (“ICE”).

Petitioner is being held in **post-order civil immigration detention** without any meaningful custody review, without communication from a Deportation Officer, and without any showing that removal is **reasonably foreseeable**. His continued detention exceeds statutory authority and violates the **Due Process Clause of the Fifth Amendment**.

Petitioner seeks **immediate release from ICE custody**, or alternatively, an order requiring the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of that custody.
2. This Court has authority to grant relief pursuant to 28 U.S.C. §§ 2241–2243.
3. Venue is proper in the **Southern District of Florida** because Petitioner is detained at **Krome North Service Processing Center**, within this District.

PARTIES

4. **Petitioner HARDIKKUMAR VASUDEVBHAI PATEL** is a native and citizen of **India**, born [REDACTED]
5. **Respondent KRISTI NOEM** is the Secretary of DHS and is responsible for enforcement of the Immigration and Nationality Act (“INA”).
6. **Respondent PAMELA BONDI** is the Attorney General of the United States and oversees the Executive Office for Immigration Review.
7. **Respondent JUAN AGUDELO** is the Officer-in-Charge at Krome and is Petitioner’s immediate custodian.

FACTUAL BACKGROUND

8. Petitioner resided in the United States for more than a decade prior to the entry of a final order of removal.
9. Petitioner was previously prosecuted in **Martin County, Florida**, Case No. [REDACTED]. That criminal case is **closed**, and Petitioner completed all state custody and supervision prior to ICE assuming custody.
10. On or about **October 25, 2025**, following completion of state proceedings, Petitioner was taken into ICE custody.
11. Petitioner has **remained continuously detained** in ICE custody since that date.
12. On **August 18, 2025**, an Immigration Judge sitting at the **Orlando Immigration Court**, located at **500 North Orange Avenue, Suite 1100, Orlando, Florida 32801**, entered a **final order of removal** against Petitioner.
13. Since the entry of the final order of removal, Petitioner has received **no post-order custody review, no hearing, and no individualized determination** as to whether his continued detention is necessary.
14. Petitioner has **not been assigned a Deportation Officer**, has had **no communication regarding travel documents**, and has been given **no information concerning a removal timeline**.
15. ICE has provided **no notice** that it has requested or obtained travel documents from the Government of India.
16. ICE has provided **no evidence** that Petitioner’s removal is significantly likely to occur in the reasonably foreseeable future.
17. As a result, Petitioner’s detention has become **open-ended, punitive, and divorced from any legitimate immigration purpose**.

STATUTORY FRAMEWORK

18. Following a final order of removal, detention is governed by 8 U.S.C. § 1231(a).

19. Section 1231(a) authorizes detention during a **90-day removal period** and permits continued detention only where removal remains **reasonably foreseeable**.
20. In **Zadvydas v. Davis**, 533 U.S. 678 (2001), the Supreme Court held that post-order detention becomes presumptively unconstitutional after **six months** unless the Government can demonstrate a significant likelihood of removal in the **reasonably foreseeable future**.

COUNT I

Violation of the Fifth Amendment Due Process Clause

22. Petitioner incorporates all preceding paragraphs.
23. Civil immigration detention must bear a **reasonable relationship** to a legitimate governmental purpose and must be accompanied by adequate procedural safeguards.
24. Petitioner has been detained for months following a final order of removal **without any custody review, hearing, or justification**.
25. ICE's failure to provide any process creates an extreme risk of erroneous deprivation of liberty.
26. Continued detention under these circumstances constitutes **punishment, not civil regulation**, and violates the **Due Process Clause of the Fifth Amendment**.

COUNT II

Violation of the Immigration and Nationality Act

(8 U.S.C. § 1231(a))

27. Petitioner is detained pursuant to **8 U.S.C. § 1231(a)**.
28. Section 1231(a) does not authorize **indefinite detention** where removal cannot be effectuated in the reasonably foreseeable future.
29. ICE has failed to demonstrate a significant likelihood that Petitioner will be removed to India in the reasonably foreseeable future.
30. Petitioner's continued detention therefore exceeds statutory authority and is unlawful.

EXHAUSTION OF REMEDIES

31. Petitioner has no **meaningful administrative remedy** available.
32. ICE has not provided a post-order custody review or a forum to challenge continued detention.
33. Any attempt at further administrative exhaustion would be futile.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this action;
- B. Issue a writ of habeas corpus under **28 U.S.C. § 2241**;
- C. Order Petitioner's **immediate release from ICE custody**;
- D. Alternatively, order Respondents to demonstrate that removal is significantly likely in the reasonably foreseeable future;

- E. Enjoin Respondents from transferring Petitioner without prior Court approval, and
- F. Grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on Respondents through the Court's CM/ECF system.

Respectfully submitted,

/s/ David E. Magilligan, Esq.

Florida Bar No. 41487
Magilligan Law
3900 Hollywood Blvd., Suite PH2
Hollywood, Florida 33021
(954) 927 7961
david@demesq.com

Dated: January 28, 2026

VERIFICATION

Pursuant to 28 U.S.C. § 2242 and 28 U.S.C. § 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for a Writ of Habeas Corpus are true and correct.

/s/ David E. Magilligan, Esq.

Florida Bar No. 41487
Magilligan Law
3900 Hollywood Blvd., Suite PH2
Hollywood, Florida 33021
(954) 927 7961
david@demesq.com

Dated: January 28, 2026