

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DUARTE CANTARERO, Denis
Dagoberto
Petitioner,

v.

LYONS, Todd, in his official capacity as
Acting Director, U.S. Immigration and
Customs Enforcement
WARDEN, in their official capacity as
Warden, South Florida Detention Facility
("Alligator Alcatraz");
NOEM, Kristi, in her official capacity as
Secretary, U.S. Dept. of Homeland
Security;
RIPA, Garrett, in his official capacity as
Field Office Director of ICE/ERO Miami
Field Office;
Respondents

Case No.:

**PETITION FOR WRIT OF
HABEAS CORPUS 28 USC § 2241**

I. INTRODUCTION

Petitioner, Denis Dagoberto Duarte Cantarero (herein after "Petitioner"), seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful civil immigration detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is a victim of smuggling and labor trafficking who has a pending application for T nonimmigrant status, a form of humanitarian relief created by Congress to protect trafficking victims from removal. *See* Exhibit A, T Visa Application and Receipt.

Despite his lengthy residence in the United States and pending humanitarian relief, Petitioner has been subjected to detention without lawful process, coercive efforts to force

self-deportation, and punitive and degrading conditions of confinement. These practices mirror those recently condemned by this Court, which held that “[i]n this country, we don’t enforce the law by breaking the law,” and ordered immediate release where the Government detained a noncitizen without lawful authority or process. *Gimenez Rivero v. Mina*, Case No. 6:26-cv-66, Order at 1 (M.D. Fla. Jan. 26, 2026).

As in *Gimenez Rivero*, Respondents here have detained the Petitioner for weeks without initiating removal proceedings, without a warrant, without an individualized custody determination, and without any lawful statutory basis for continued confinement. Detention under these circumstances is not civil—it is punitive, coercive, and unconstitutional. Petitioner, therefore, seeks urgent habeas relief.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under federal question and habeas corpus jurisdiction, including but not limited to the habeas statute authorizing persons in custody under or by color of the authority of the United States to seek relief, and the general federal question statute. See 28 U.S.C. § 2241; 28 U.S.C. § 1331
2. This Court retains habeas jurisdiction to review the lawfulness of immigration-related detention, even where removal proceedings may later be commenced. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). As this Court recently held, § 1252(g) “does not proscribe substantive review of the underlying legal bases for an alien’s detention.” *Gimenez Rivero*, Order at 6 (quoting *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006)).

3. Venue is proper in the Middle District of Florida because Petitioner is confined in this District and the immediate custodian is located here. *See* 28 U.S.C. § 2241(a); 28 U.S.C. § 1391(e).

III. PARTIES

4. Petitioner is a 43-year-old native and citizen of Honduras currently detained by ICE at the “Alligator Alcatraz” Detention Facility.
5. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”).
6. Respondent Warden of the South Florida Detention Facility (“Alligator Alcatraz”) is the immediate custodian of the Petitioner.
7. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (“DHS”).
8. Respondent Garrett Ripa is the Field Office Director for ICE and Enforcement and Removal Operations (“ERO”) for Miami, Florida, the field office of control over Petitioner’s detention.
9. All Respondents are sued in their official capacities.

IV. CUSTODY AND EXHAUSTION

10. Petitioner is “in custody” for purposes of federal habeas review. *See* 28 U.S.C. § 2241(c).
11. To Petitioner’s knowledge, no administrative remedy exists within “Alligator Alcatraz” to challenge a detention. To the extent that exhaustion might be considered, it is not required and would be futile under these circumstances.

V. FACTS

12. Petitioner entered the United States on or about July 1, 2005, at or near McAllen, Texas, without inspection or admission. *See Exhibit A at Declaration of Petitioner.*
13. After entry, Petitioner was subjected to smuggling and labor trafficking, including coercive labor conditions and exploitation.
14. Petitioner is a victim of a severe form of trafficking in persons as defined under 8 U.S.C. § 1101(a)(15)(T).
15. In January 2025, Petitioner filed an application for T non-immigrant status (Form I-914) with U.S. Citizenship and Immigration Services. *See Exhibit A.*
16. Petitioner's T visa application remains pending, and he is entitled to pursue this relief free from coercion or punishment.
17. On January 7, 2026, Petitioner was arrested by the Pinellas County Sheriff's Office for driving without a license, a minor, non-violent offense. *See Exhibit B Petitioner's Declaration.*
18. Petitioner posted bail, yet was unlawfully held by the Pinellas County Sheriff's Office from January 7 through January 9, 2026, solely due to an ICE detainer. *See id.*; 8 C.F.R. § 287.7 (detainer "is a request").
19. On January 9, 2026, more than 48 hours after his initial detention, Petitioner was transferred to the ICE detainee section of the Pinellas County Jail. *Id.*
20. From January 9 through January 12, 2026, Petitioner was transported daily to the Tampa ICE Office. *See Exhibit B.*
21. During these visits to the Tampa ICE Office, ICE officers pressured Petitioner to self-deport, urging him to abandon any relief from removal. *Id.*

22. ICE officers pressured Petitioner despite his pending T non-immigrant status application, exploiting his detention to coerce waiver of statutory protections afforded to trafficking victims.
23. On January 12, 2026, Petitioner was again transported to the Tampa ICE Office. However, instead of being returned to the county jail, Petitioner and others were asked whether they would self-deport and then locked in a room from approximately 8:00 a.m. to 4:00 p.m. *Id.*
24. Twelve individuals were confined in a 10x10 room, without adequate space to sit. The room contained an open toilet, offering no privacy or sanitation. Detainees were provided with only two small meals that day. *Id.*
25. Following this confinement, Petitioner was transferred to Alligator Alcatraz Detention Facility. *Id.*
26. Upon arrival, Petitioner was denied showers and phone access for three days. After three days, Petitioner was moved to another area where phone access and showers were sporadic and infrequent. *Id.*
27. Petitioner receives toothbrushes and toothpaste only on shower days (Monday, Wednesday, Friday); however, Petitioner reports that no detainee currently has toothpaste. *Id.*
28. Medical care is severely delayed; Petitioner waited six days to receive antibiotics for an apparent ear infection. *Id.*
29. The drinking water tastes foul, described by Petitioner as “like it was pulled straight from the swamp.” *Id.*

30. Detainees are constantly shackled, including during routine movements and legal appearances, without individualized justification. *Id.*
31. As of the filing of this Petition, Respondents have not filed a Notice to Appear, have not commenced removal proceedings, and have not identified any statutory authority justifying Petitioner's continued detention.
32. Detention without charges, a warrant, a notice to appear, or a hearing—particularly where removal proceedings have not yet begun—constitutes unlawful custody. See *Gimenez Rivero*, Order at 3–4 (detention unlawful where petitioner was held “without criminal charges, a notice to appear, a warrant, a hearing, or any written notice of the basis of his detention”)
33. These conditions are punitive, degrading, and dangerous, and bear no reasonable relationship to civil detention purposes.

VI. CLAIMS FOR RELIEF

COUNT I — UNLAWFUL CIVIL DETENTION IN VIOLATION OF THE DUE PROCESS CLAUSE

34. Petitioner realleges the foregoing paragraphs.
35. Petitioner's detention conditions are punitive in purpose and effect.
36. The Eleventh Circuit applies *Bell* to civil detainees and prohibits punitive detention. *Jacoby v. Baldwin Cnty.*, 835 F.3d 1338 (11th Cir. 2016).
37. Respondents cannot justify Petitioner's detention under 8 U.S.C. § 1225 because that statute applies only to noncitizens seeking admission at the border, not individuals like Petitioner who have been present in the United States for decades.
38. This Court recently rejected the Government's attempt to apply § 1225 to noncitizens already present in the United States, holding that such an interpretation

is “simply insupportable” and contrary to statutory text, Supreme Court precedent, and longstanding immigration law. *Gimenez Rivero*, Order at 7–10.

39. Because Respondents have identified no lawful statutory basis for Petitioner’s detention, continued custody violates due process and must be remedied through habeas relief.

40. Continued detention without such safeguards violates due process and is unlawful under 28 U.S.C. § 2241.

COUNT II — COERCION AND INTERFERENCE WITH ACCESS TO IMMIGRATION RELIEF

41. Petitioner realleges the foregoing paragraphs.

42. Respondents used detention and degrading conditions to pressure Petitioner to self-deport.

43. Government coercion that pressures detainees to waive legal rights violates due process. *See Chavez v. Martinez*, 538 U.S. 760 (2003).

44. Such coercion renders Petitioner’s detention unconstitutional.

45. Using detention and degrading conditions as leverage to induce a noncitizen to abandon statutory rights is the very definition of unlawful coercion and renders civil detention unconstitutional. *See Gimenez Rivero*, Order at 1 (“we don’t enforce the law by breaking the law”).

COUNT III — UNLAWFUL INTERFERENCE WITH STATUTORY PROTECTIONS FOR TRAFFICKING VICTIMS

46. Petitioner realleges the foregoing paragraphs.

47. Petitioner is a trafficking victim with a pending T visa application.

48. Respondents' actions undermine the congressional purpose of the T nonimmigrant status and violate due process.

49. Courts recognize heightened protections for trafficking victims interacting with immigration enforcement. *See United States v. Baston*, 818 F.3d 651 (11th Cir. 2016); *Doe v. United States*, 487 F. Supp. 3d 1237 (S.D. Fla. 2020).

COUNT IV — UNLAWFUL CONDITIONS OF CONFINEMENT

50. Petitioner realleges the foregoing paragraphs.

51. Denial of hygiene, delayed medical care, overcrowding, unsafe water, and constant shackling constitute impermissible punishment.

VII. REQUEST FOR EMERGENCY RELIEF

52. Petitioner seeks immediate release or, at a minimum, an order directing Respondents to show cause and an expedited hearing on the legality of detention.

53. Petitioner's family—including lawful permanent resident mother—depends on him.

54. Petitioner poses no danger to the community and no flight risk that cannot be mitigated by conditions of release, including reporting requirements and electronic monitoring if necessary.

55. No set of facts justifies continued civil confinement without a constitutionally adequate process.

56. As in *Gimenez Rivero*, where this Court ordered immediate release because the Government "asserted no lawful basis" for detention, Petitioner seeks immediate release as the only meaningful habeas remedy. *See Gimenez Rivero*, Order at 10–12.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a) Issue a writ of habeas corpus declaring Petitioner's detention unlawful;
- b) Order Petitioner's immediate release from custody,
- c) In the alternative, issue an order to show cause and schedule an expedited hearing at the Court's earliest availability;
- d) Order Respondents to provide Petitioner a constitutionally adequate individualized custody hearing forthwith, with the Government bearing the burden to justify continued detention by clear and convincing evidence, and with consideration of alternatives to detention;
- e) Enjoin Respondents from transferring Petitioner out of this District during the pendency of these proceedings, absent prior notice to counsel and leave of Court, except in the event of a medical emergency;
- f) Enjoin Respondents from coercing Petitioner to abandon his T visa application or any other relief from removal;
- g) Order Respondents to provide adequate hygiene, medical care, potable water, phone access, and freedom from unnecessary shackling; and
- h) Grant such other and further relief as the Court deems just and proper, including costs.

I, Elizabeth Shaw, Esq., counsel for Petitioner, declare under penalty of perjury that the facts stated herein, based on my personal knowledge, are true and correct, and that the facts stated on information and belief are believed to be true. This verification is made pursuant to 28 U.S.C. § 1746.

Respectfully Submitted,
Denis Dagoberto Duarte Cantarero
Through Counsel

/s/ Elizabeth Shaw

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Date: 1/28/2026

CERTIFICATE OF SERVICE

I certify that on this 28th day of January, 2026, I served the foregoing via the Court's Lawyer Web Portal, and upon the Office of the United States Attorney for the Middle District of Florida via first-class mail.

/s/ Elizabeth Shaw

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Date: 1/28/2026