

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

Case No.

PAUL ANDRES CARRENO COLINA,  
Petitioner

v.

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

GARRETT J. RIPA,  
in his official capacity as Field Office Director,  
U.S. Immigration and Customs Enforcement (ICE),  
Enforcement and Removal Operations,  
Miami Field Office (Orlando Area Office);

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

**VERIFIED 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 Paul Andres Carreño Colina 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.
8. Petitioner is not subject to expedited removal under §1225(b)(1), nor a final order of removal.

## III. PARTIES

8. Petitioner Paul Andres Carreño Colina is a national of Venezuela lawfully present in the United States via pending immigration asylum proceedings, 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 October 29, 2025, Petitioner was arrested in Osceola County for alleged Battery. These charges were later dismissed on November 17, 2025. **See exhibit A**

15. No judicial warrant by an immigration judge was issued to detain petitioner after the closing of her criminal case.
16. Petitioner has remained confined at the Orange County Jail without any written notice explaining the legal basis for her continued 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 is the beneficiary of a pending asylum application filed through his mother. Petitioner entered the United States by means of a Humanitarian Parole. **See Exhibit A**
19. Respondents have indicated intent to transfer Petitioner to ICE custody before this Court can adjudicate the legality of his detention.
20. Every seventy-two (72) hours, Petitioner is removed from the Orange County Jail by ICE, transported to an ICE facility for several hours, and then returned to the Orange County Jail. This recurring transfer occurs despite the absence of any pending criminal charges and artificially resets the detention clock, thereby preventing Petitioner's release once the applicable forty-eight (48) to seventy-two (72) hour detention period has elapsed. Every time he is returned he is given a new booking number at the jail.

## **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 *Gimenez Rivero* 6:26-cv-00066-RBD-NWH, *Daniela Guaiquire* 6:26-cv-00169 and *Fanderson*

Uzategui 6:26-cv-00183. In granting temporary restraining order relief in the aforementioned materially indistinguishable habeas cases, 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 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, Rivero, Guaiquire, Uzategui 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 she has shown that the Government's detention theory has been nearly universally rejected by federal courts.
35. On December 11<sup>th</sup>, 2025, Kristi Noem, Secretary of Homeland Security acknowledged during a congressional hearing under oath that immigrants in the United States with a pending asylum application like petitioner are in fact here lawfully as they are seeking "a lawful pathway". See *CBS News: Lawmaker, Kristi Noem clash over Immigration*: <https://www.youtube.com/watch?v=XXueWMbAjDk>
36. "In this country we don't enforce the law by breaking the law." Gimenez Rivero 6:26-cv-00066-RBD-NWH

## **B. Irreparable Harm**

37. 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.
38. Transfer to ICE custody would irreversibly alter Petitioner's custodial status, subject him to continued civil detention without judicial process, and risk mooted or frustrating this Court's habeas jurisdiction.

## **C. Balance of Harms**

39. The balance of equities weighs decisively in Petitioner's favor. Enjoining transfer merely preserves the status quo and imposes minimal burden on Respondents.
40. By contrast, denial of injunctive relief exposes Petitioner to continued unlawful detention and the risk of jurisdictional evasion through transfer.

**D. Public Interest**

41. The public has a compelling interest in ensuring that detention occurs only pursuant to lawful authority and constitutional safeguards.
42. Preserving the status quo while this Court adjudicates the legality of Petitioner's detention advances, rather than undermines, the public interest.

**VIII. RULE 65(b)(1) CERTIFICATION OF NOTICE**

Undersigned counsel certifies that Respondents were provided notice of this action and the emergency relief sought via electronic mail on January 31<sup>st</sup>, 2026.

**IX. SWORN DECLARATION OF COUNSEL**

I, Phillip Arroyo, declare as follows:

43. I am an attorney licensed to practice law in the State of Florida and before this Court, and I am counsel of record for Petitioner, Paul Andres Carreño Colina, in this habeas corpus action.
44. I make this declaration based on my personal knowledge, my communications with Petitioner, review of jail and immigration records, communications with jail officials and information obtained in the course of representing Petitioner.
45. I have reviewed and prepared the foregoing Verified Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 and Emergency Request for Temporary Restraining Order and Preliminary Injunction.
46. To the best of my knowledge, information, and belief, the factual allegations contained in the Petition are true and correct, including but not limited to the following:
  - a. Petitioner is confined at the Orange County Jail in Orlando, Florida;
  - b. Petitioner has not been charged with any new criminal offense, has not been served with a criminal warrant, and has not received any judicial probable-cause determination authorizing his continued detention;
  - c. Petitioner's continued confinement is based solely on an ICE immigration detainer or hold request, which is an administrative request and not a judicial warrant;
  - d. Petitioner has a pending asylum application and has been issued federal employment authorization, and is not detained pursuant to any final order of removal;

- e. Petitioner faces a credible and imminent risk of transfer from the Orange County Jail to ICE custody, including recurring transfers that would materially interfere with this Court's jurisdiction and Petitioner's access to counsel.

47. I am informed and believe, based on my communications with the Orange County Jail that Petitioner may be transferred at any time absent immediate court intervention, and that such transfer would frustrate effective habeas review and irreparably harm Petitioner.

48. This sworn declaration is submitted in support of the emergency relief requested, including the Temporary Restraining Order and Preliminary Injunction, and to comply with Federal Rule of Civil Procedure 65(b)(1)(A), which requires that the facts supporting emergency relief be shown by verified statement.

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

### **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 31<sup>st</sup> 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](mailto:ccd@ocfl.net), [OCCDRecords@ocfl.net](mailto:OCCDRecords@ocfl.net), [michele.carpentiere@ocfl.net](mailto:michele.carpentiere@ocfl.net) ICE-Orlando Field Office [Miami.Outreach@ice.dhs.gov](mailto:Miami.Outreach@ice.dhs.gov) , [Orlando.DutyAtty@ice.dhs.gov](mailto:Orlando.DutyAtty@ice.dhs.gov)

### **THE ARROYO LAW FIRM**

390 N Orange Ave. Suite 625

Orlando, FL 32801

Phone: 407-770-9000

Fax: 407-901-0709

/s/ Phillip Arroyo

PHILLIP ARROYO, ESQ.  
Florida Bar No. 1022409  
[Phillip@ChillCallPhil.com](mailto:Phillip@ChillCallPhil.com)  
[Josephine@ChillCallPhil.com](mailto:Josephine@ChillCallPhil.com)

Attorney for Defendant

 For: **PAUL ANDRES CARRENO COLINA**



**U.S. Customs and Border Protection**  
*Securing America's Borders*

**Most Recent I-94**

Admission (I-94) Record Number: 

Most Recent Date of Entry: 2023 December 04

Class of Admission: VHP

Admit Until Date: 12/02/2025

Details provided on the I-94 information form:

Last/Surname: **CARRENO COLINA**

First (Given) Name: **PAUL ANDRES**

Birth Date: 

Document Number: 

Country of Citizenship: **Venezuela**

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► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

U.S. Customs and Border Protection  
Department of Homeland Security

[For inquiries or questions regarding your I-94, please click here](#)

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