

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**MARIO PEREZ DOMINGO,**

**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**, in his official capacity as  
Warden of the Broward Transitional Center, ,

**Respondents/Defendants.**

**Case No.**

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

**INTRODUCTION**

Petitioner, Mario Perez Domingo ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is civilly detained by U.S. Immigration and Customs Enforcement ("ICE") pursuant to INA § 236(a), 8 U.S.C. § 1226(a). His continued detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment. Petitioner seeks an order requiring a prompt bond hearing with the burden on the Government, or, in the alternative, immediate release.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and is detained in violation of the Constitution and laws of the United States.
2. Venue is proper in the Southern District of Florida because Petitioner is detained at the Broward Transitional Center in Pompano Beach, Florida, which lies within this District.

### **PARTIES**

3. Petitioner MARIO PEREZ DOMINGO, A-Number [REDACTED] is a 28-year-old citizen and national of Guatemala currently detained at the Broward Transitional Center.
4. Respondent KRISTI NOEM is sued in her official capacity as Secretary of the Department of Homeland Security.
5. Respondent PAMELA BONDI is sued in her official capacity as Attorney General of the United States.
7. Respondent JUAN AGUDELO is sued in his official capacity as Warden of the Broward Transitional Center and is the immediate physical custodian of Petitioner.

### **FACTUAL BACKGROUND**

8. Petitioner entered the United States without inspection through the Texas border on or about February 24, 2014.
9. Petitioner resides in LaBelle, Florida with his United States citizen wife, Vanessa Garcia, at [REDACTED] LaBelle, Florida 33935.
10. Petitioner is steadily employed as a landscaper with LCM Engineering, PLLC, and has a consistent employment history in Florida.
11. Petitioner has deep family and community ties in the United States. His father-in-law, Agustin Garcia, is a lawful permanent resident of the United States and has agreed to serve as a bond sponsor and custodian.
12. Petitioner has no criminal history aside from a single speeding citation in 2024 and poses no danger to the community.
13. Petitioner is currently in removal proceedings and has a pending application for asylum. He filed Form I-589 on January 3, 2017. His case was administratively closed on January 12, 2017, reopened on January 13, 2020, and remains pending with USCIS without adjudication.

14. Petitioner is not subject to mandatory detention under INA § 236(c) and is detained solely pursuant to INA § 236(a).

15. On January 28, 2026, an Immigration Judge at the Miami Krome Immigration Court denied Petitioner's request for a custody redetermination, concluding that the court lacked jurisdiction to set bond based on Petitioner's manner of entry and, alternatively, improperly placing the burden on Petitioner to prove that he was not a danger or flight risk.

15. Petitioner remains detained without a constitutionally meaningful opportunity for release.

### **LEGAL FRAMEWORK**

16. Pre-final-order immigration detention under INA § 236(a) is civil, not punitive.

17. Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.

18. Detainees held under § 1226(a) are entitled to a constitutionally adequate bond hearing where the Government bears the burden of proving danger or flight risk by clear and convincing evidence.

### **COUNT I**

#### **Violation of the Due Process Clause (Fifth Amendment)**

19. Petitioner incorporates all preceding paragraphs.

20. Petitioner's continued detention has become prolonged and unreasonable.

21. Petitioner has not received a constitutionally adequate bond hearing at which the Government bears the burden of justifying continued detention.

22. Continued detention under these circumstances is arbitrary, excessive, and punitive in violation of the Fifth Amendment.

### **COUNT II**

#### **Violation of INA § 236(a)**

23. Petitioner incorporates all preceding paragraphs.

24. INA § 236(a) does not authorize prolonged detention without meaningful procedural safeguards.

25. ICE's continued detention of Petitioner exceeds its statutory authority and violates due process.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this action;
- B. Issue a Writ of Habeas Corpus ordering Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is justified;
- C. Alternatively, order Petitioner's immediate release under reasonable conditions of supervision;
- D. Enjoin Respondents from transferring Petitioner outside this District without prior Court approval; and
- E. 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 all Respondents and counsel for Respondents by U.S. Mail and/or electronic service on this day of February 6, 2026..

Respectfully submitted,

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