

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

DANIEL EVASIO  
BOZA-ALFONSO,



Civil Action No.

*Petitioner.*

v.

CARLOS R. NUNEZ, in his official capacity as  
ASSISTANT FIELD OFFICER DIRECTOR  
BROWARD TRANSITIONAL CENTER;  
PAM BONDI, in her official capacity as  
ATTORNEY GENERAL;  
KRISTI NOEM, in her official capacity as  
SECRETARY OF THE DEPARTMENT OF  
HOMELAND SECURITY;  
CALEB VITELLO, in his official capacity as  
DIRECTORS OF UNITED STATES  
IMMIGRATION AND  
CUSTOMS ENFORCEMENT

*Respondents.*

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

Daniel Evasio Boza-Alfonso (Mr. Boza-Alfonso), a citizen of Cuba, petitions this Court for a writ of habeas corpus to remedy his prolonged and unlawful detention by Respondents. Immigration authorities detained Mr. Boza-Alfonso without presenting an arrest warrant on or about November 6, 2025.

The government transferred Mr. Boza-Alfonso to the Broward Transitional Center in Pompano Beach, Florida. As of the date of this petition, Mr. Boza-Alfonso has not received a copy of any form of arrest warrant permitting his detention. Respondents have detained Mr. Boza-Alfonso without an arrest warrant; without explanation; and without cause.

On November 18, 2025, Mr. Boza-Alfonso's removal proceedings were administratively closed by Immigration Judge Dalin Holyoak at the Miami Immigration Court because of his pending Form I-130 Petition for Alien Relative filed on his behalf by his United States Citizen (USC) daughter. This Order was entered thirteen (13) days after Respondents made the decision to detain Mr. Boza-Alfonso at his scheduled Immigration & Customs Enforcement (ICE) check-ins. As of the date of this petition, Petitioner has no removal proceedings active in any immigration court throughout the United States.

As of the date of this petition, Mr. Boza-Alfonso has no immigration hearings before any immigration judge, which has led to his continued detention as DHS has failed to respond to any inquiries for his release from ICE Custody and he has no venue to seek an immigration bond before an immigration judge.

For the reasons set forth below, Mr. Boza-Alfonso's continued unreasonably prolonged detention is unlawful and he is entitled to release. In support of this petition, Mr. Boza-Alfonso alleges as follows:

#### **CUSTODY**

1. After Petitioner's unlawful arrest in November of 2025, the government transferred Mr. Boza-Alfonso to the Broward Transitional Center in Pompano Beach, Florida.

#### **JURISDICTION**

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104 - 208, 110 Stat. 1570.

3. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I §9, Cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 1331, because Mr. Abreu is presently in

custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

**VENUE**

4. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of Florida, the judicial district in which Mr. Boza-Alfonso is detained.

**PARTIES**

5. Mr. Boza-Alfonso is a citizen of Cuba. On or about October 9, 2022, he entered the United States where he was released on his own recognizance. Immigration and Customs Enforcement (ICE) detained Mr. Boza-Alfonso on November 6, 2025 and he has remained in custody continuously since that date.

6. Respondent Carlos R. Nunez, the Assistant Field Officer Director of Broward Transitional Center, is responsible for the overall operation and direction of the detention center where Mr. Boza-Alfonso is currently detained under the authority of ICE. As such, Mr. Nunez may be considered to be Mr. Boza-Alfonso's immediate custodian.

7. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, the Attorney General is a legal custodian of Mr. Boza-Alfonso.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). The Secretary is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Secretary Noem is a legal custodian of Mr. Boza-Alfonso.

9. Respondent Carlos R. Nunez is the Assistant ICE Field Office Director of ICE's Broward Transitional Center and Warden of Broward Transitional Center. Mr. Nunez is a legal custodian of Mr. Boza-Alfonso. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. denied*, 122 S. Ct. 43 (2001).

10. Respondent Caleb Vitello, the Director of ICE, is responsible for the overall operation and direction of the Broward Transitional Center in Pompano Beach, Florida where Mr. Boza-Alfonso is currently detained under the authority of ICE. Mr. Vitello is a legal custodian of Mr. Boza-Alfonso.

### **FACTUAL BACKGROUND**

11. Mr. Boza-Alfonso is a 64-year-old native and citizen of Cuba who entered the United States near Lukeville, Arizona on October 9, 2022, without inspection. He was detained upon entry and ordered released on his own recognizance on October 13, 2022. *See* DHS Order of Release on Own Recognizance attached as Exhibit "A". From the time of his release until his recent detention, he complied fully with all conditions of supervision and reported regularly for all scheduled check-ins with U.S. Immigration and Customs Enforcement (ICE).

12. On October 11, 2022, Mr. Boza-Alfonso was issued a Notice to Appear (NTA) charging him as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act as an individual who entered without inspection. *See* Notice to Appear attached as Exhibit "B". He appeared for a master calendar hearing on August 5, 2024.

13. He also has a pending application for asylum, which was timely filed within two months of his entry into the United States in December of 2022. *See* Filed I-589 Application attached as Exhibit "C".

14. On November 6, 2025, while appearing for a routine ICE check-in at the Miramar Field Office, Mr. Boza-Alfonso was taken into custody and transferred to immigration detention, where he remains. This is despite the fact that Mr. Boza-Alfonso has no criminal history and has never been arrested, charged, or convicted of any offense in the United States or elsewhere.

15. On November 18, 2025, Mr. Boza-Alfonso's removal proceedings were administratively closed by Immigration Judge Dalin Holyoak at the Miami Immigration Court because of his pending Form I-130 Petition for Alien Relative filed on his behalf by his United States Citizen (USC) daughter. *See* Order by Immigration Judge Dalin Holyoak from the Miami Immigration Court Non-Detained Docket attached as Exhibit "D".

16. This Order was entered thirteen (13) days after ICE made the decision to detain Mr. Boza-Alfonso at his scheduled ICE check-ins. As of the date of this petition, Petitioner has no removal proceedings active in any immigration court throughout the United States. *See* Immigration Proceedings Automated Case Information for Petitioner's Immigration Proceedings attached as Exhibit "E".

17. On December 7, 2025, he submitted a request for humanitarian parole to ICE. No response has been issued to date.

18. Mr. Boza-Alfonso suffers from multiple serious and chronic medical conditions, including malignant neoplasm of the colon, chronic renal disease requiring ongoing medical management, cardiovascular disease, autoimmune thyroiditis with hypothyroidism, mixed hyperlipidemia, polycythemia, and oropharyngeal dysphagia. *See* Petitioner's Medical Records attached as Exhibit "F".

19. He is prescribed daily medications including Levothyroxine for thyroid hormone replacement and Atorvastatin for lipid control, in addition to medications related to his cardiac and

renal conditions. These conditions require consistent medication timing, regular laboratory monitoring, and specialist oversight.


20. Mr. Boza-Alfonso's thyroid disease requires stable hormone replacement and monitoring. Inconsistent access to Levothyroxine or improper administration can result in severe fatigue, cognitive slowing, depression, constipation, and cardiovascular strain. Mr. Boza-Alfonso's cardiovascular disease and mixed hyperlipidemia increase his risk of heart attack and stroke, particularly in a detention environment where diet and activity are not medically tailored.

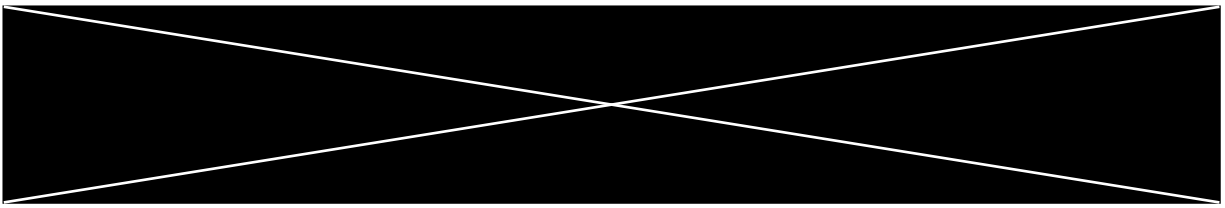
21. Mr. Boza-Alfonso's polycythemia places him at increased risk of blood clots, including deep vein thrombosis, pulmonary embolism, stroke, and heart attack. This risk is heightened by dehydration, prolonged immobility, and delayed medical intervention. Mr. Boza-Alfonso's chronic kidney disease requires careful hydration, medication adjustment, and laboratory follow-up, and inadequate monitoring may lead to worsening kidney function and metabolic complications.

22. Mr. Boza-Alfonso also suffers from oropharyngeal dysphagia, a swallowing disorder that makes it difficult and dangerous for him to consume solid foods. This condition places him at risk of choking and aspiration, which can lead to pneumonia or respiratory distress. Proper management requires modified food textures and medical oversight. Without appropriate dietary accommodations, he faces risk of malnutrition, weight loss, and aspiration-related illness.

23. Mr. Boza-Alfonso has strong family ties in the United States. Mr. Boza-Alfonso's USC daughter filed the immigrant visa petition on his behalf, and he resides with her, his son-in-law, and their three young children, including twins born on XXXXXXXXXX. Mr. Boza-Alfonso's daughter and son-in-law are financially able and willing to support him.

24. Prior to detention, he worked at a car dealership performing general assistance tasks. See Petitioner's Employment Verification Letter attached as Exhibit "G". He maintained a consistent daily routine, leaving early for work, returning home in the evening, and spending his time outside work caring for and helping his grandchildren.

25. Mr. Boza-Alfonso was raised in a Catholic family in Cuba and 



**COUNT ONE**  
**VIOLATION OF IMMIGRATION AND NATIONALITY ACT – PROLONGED  
MANDATORY DETENTION OF A NON-CITIZEN AFTER AN INDEPENDENT BOND  
DETERMINATION**

26. Mr. Boza-Alfonso re-alleges and incorporates by reference paragraphs 1 through 25 above.

27. Mr. Boza-Alfonso's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1226(a)&(b). Specifically, 8 U.S.C. § 1226(a)(2) states that the Attorney General "may release the alien on ... (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole." 8 U.S.C. § 1226(a). The method described by 8 U.S.C. § 1226(b) for a revocation of bond states that the Attorney General "at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien." 8 U.S.C. § 1226(b).

28. 8 U.S.C. § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings[.]" *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Section 1226(a) sets out a discretionary detention framework for noncitizens arrested and detained "[o]n a warrant issued by the Attorney General," and authorizes the Attorney General to "continue to detain the arrested alien[.]" release him on a "bond of at least \$1,500[.]" or release him on

“conditional parole[,]” 8 U.S.C. § 1226(a)(1)–(2). “Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)); *see also Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, at \*13 (S.D.N.Y. Aug. 13, 2025) (“To be sure, a noncitizen detained under § 1226(a) is undoubtedly entitled to a bond hearing before an immigration judge.”).

29. Federal courts have consistently established that when due process protections apply to bond revocation proceedings, the government must bear the burden of proof by clear and convincing evidence.

30. The U.S. District Court for the Southern District of California have found that the Government has violated Due Process when “Respondents released Petitioner on his own recognizance, thereby finding that he was not a flight risk or a danger to the community. Respondents then unlawfully revoked that conditional parole and detained him without due process, or a finding of a change in circumstances, that he was a danger or that he was a flight risk. *See Faizyan v. Casey*, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025), at \*6-8 (gathering cases); *see also Sanchez v. LaRose*, 2025 WL 2770629, at \*4 (S.D. Cal. Sept. 26, 2025)(“Because Respondents revoked Petitioner’s parole and detained her without any rational individualized fact-finding or consideration of the effects of altering their prior decisions, Respondents acted arbitrarily and capriciously in violation of the APA.”).

31. For the same reasons, Respondents violated Petitioner’s due process rights under the Fifth Amendment. *Faizyan*, 2025 WL 3208844, at \*6-8; *see also Salazar v. Casey*, 2025 WL 3063629, at \*5 (S.D. Cal. Nov. 3, 2025)(“[B]ecause Respondents detained Petitioner by revoking her parole in violation of the Due Process Clause, her detention is unlawful.”).” *N-E-M-B v. Wamsley*, 2025 WL 3527111, (D. Ore. Dec. 9, 2025).

32. In *J.G. v. Warden, Irwin County Detention Center*, 501 F.Supp.3d 1331 (2020), the Middle District of Georgia held that "the Government must bear the burden of proof" and that "[t]he clear and convincing standard strikes the appropriate balance between avoiding erroneous deprivations and detaining noncitizens who legitimately pose a flight risk" for such proceedings. 501 F.Supp.3d 1331 (2020). The Court reasoned that "civil confinement is a significant liberty deprivation" requiring heightened procedural protections." *J.G. v. Warden, Irwin County Detention Center*, 501 F.Supp.3d 1331 (2020).

33. In this instance, Mr. Boza-Alfonso entered the United States on or about October 9, 2022, at or near Lukeville, Arizona. He was processed and released by DHS/CBP and was not placed in mandatory detention at the time of entry. See DHS Order of Release on Own Recognizance attached as Exhibit "A".

34. Following his release, Mr. Boza-Alfonso timely filed an affirmative asylum application in December of 2022, well within the one-year filing deadline. See Filed I-589 Application attached as Exhibit "C".

35. The Government has detained Mr. Boza-Alfonso under the guise that it can revoke his conditional parole based on 8 U.S.C. § 1226(b) without providing any basis for this revocation. However, the Government has the burden, through "clear and convincing" evidence to establish that Mr. Boza-Alfonso is a danger to the community and/or pose a flight risk. The Government has not met this burden as it still has not even explained why Mr. Boza-Alfonso was detained in November of 2025.

36. The reality is that the Government cannot support Mr. Boza-Alfonso's detention. This is because Mr. Boza-Alfonso (1) has no criminal record anywhere in the world; (2) has consistently

abided by the terms of DHS' Order releasing him on his own recognizance; (3) has timely filed his asylum application; (4) has a pending I-130 filed by his USC daughter.

37. More importantly, Mr. Boza-Alfonso is currently not in any form of removal proceedings as his removal proceedings were administratively closed by Immigration Judge Dalin Holyoak at the Miami Immigration Court on November 18, 2025 because of his pending Form I-130 Petition for Alien Relative filed on his behalf by his United States Citizen (USC) daughter. *See* Order by Immigration Judge Dalin Holyoak from the Miami Immigration Court Non-Detained Docket attached as Exhibit "D". As of the date of this petition, Petitioner has no removal proceedings active in any immigration court throughout the United States. *See* Immigration Proceedings Automated Case Information for Petitioner's Immigration Proceedings attached as Exhibit "E".

38. For these reasons, Mr. Boza-Alfonso's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

**COUNT TWO**  
**SUBSTANTIVE DUE PROCESS VIOLATION**

39. Mr. Boza-Alfonso re-alleges and incorporates by reference paragraphs 1 through 25 above.

40. A person in removal proceedings is entitled to due process under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306 (1993). In removal proceedings, which are civil rather than criminal in nature, constitutional requirements of due process are only satisfied by a full and fair hearing. *Matter of Exilus*, 18 I&N Dec.276, 281 (BIA 1982).

41. The Due Process Clause of the Fifth Amendment requires that the deprivation of Mr. Boza-Alfonso's liberty be narrowly tailored to serve a compelling government interest. Mr. Boza-Alfonso is currently deprived of her due process rights to which she is entitled under the Fifth Amendment of the United States Constitution. *Animashaun v. INS*, 990 F.2d 234, 238 (5th Cir.1993)(citing *Reno v. Flores*, 507 U.S. 292, 305 (1993)).

42. While Respondents may attempt to argue that they have an interest in detaining Mr. Boza-Alfonso in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Boza-Alfonso. Quite the opposite, that argument cannot be sustained by the Government.

43. This is because Mr. Boza-Alfonso is currently not in any form of removal proceedings as his removal proceedings were administratively closed by Immigration Judge Dalin Holyoak at the Miami Immigration Court on November 18, 2025 because of his pending Form I-130 Petition for Alien Relative filed on his behalf by his United States Citizen (USC) daughter. See Order by Immigration Judge Dalin Holyoak from the Miami Immigration Court Non-Detained Docket attached as Exhibit “D”. As of the date of this petition, Petitioner has no removal proceedings active in any immigration court throughout the United States. See Immigration Proceedings Automated Case Information for Petitioner’s Immigration Proceedings attached as Exhibit “E”.

44. For these reasons, Mr. Boza-Alfonso’s continued detention by Respondents is unlawful and in violation of due process of the law under the Fifth Amendment.

**COUNT THREE**  
**PROCEDURAL DUE PROCESS VIOLATION**

45. Mr. Boza-Alfonso re-alleges and incorporates by reference paragraphs 1 through 25 above.

46. Mr. Boza-Alfonso’s prolonged detention violates a noncitizen’s due process rights guaranteed under the Fifth Amendment. As the Court held in *Sopo*, “aliens should [not] be punished for pursuing avenues of relief and appeals.” 825 F.3d at 1215 (citing *Ly v. Hansen*, 351 F.3d 263 at 272 (6th Cir. 2003); (“[A]ppeals and petitions for relief are to be expected as a natural part of the process. A noncitizen that would not normally be subject to indefinite detention cannot be so detained merely because he seeks to explore avenues of relief that the law makes available to him.”)). “Although an alien may be responsible for seeking relief, he is not responsible for the amount of time that such determinations may take.” *Ly*, 351 F.3d at 272.

47. Mr. Boza-Alfonso is currently being detained by Respondents without the ability to seek an individualized bond hearing, especially given that no removal proceedings currently exist against him where any form of bond hearing could be held and reviewed by an Immigration Judge. Without any form of explanation and/or presentation of an arrest warrant, Respondents have detained Mr. Boza-Alfonso in November of 2025.

48. Respondents' decision to detain Mr. Boza-Alfonso without explanation, documentation, or legal reason makes his detention even more egregious. This is because Respondents previously determined that Mr. Boza-Alfonso did not warrant detention, releasing him after processing on or about October 13, 2022. That determination is dispositive as to both dangerousness and flight risk.

49. For these reasons, Mr. Boza-Alfonso's continued detention by Respondents is unlawful and in violation of procedural due process under the Fifth Amendment.

**COUNT FOUR**  
**ADMINISTRATIVE PROCEDURE ACT VIOLATION**

50. Mr. Boza-Alfonso re-alleges and incorporates by reference paragraphs 1 through 25 above.

51. The APA provides that courts "shall . . . hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion." 5 U.S.C. § 706(2)(A). In *Motor Vehicle Mfrs. Ass'n v. State Farm*, the Supreme Court emphasized that an agency acts arbitrarily and capriciously when it entirely fails to consider an important aspect of the problem or offers an explanation that runs counter to the evidence before the agency. 463 U.S. 29, 43 (1983). Respondent's actions are arbitrary and capricious.

52. Mr. Boza-Alfonso's apprehension and continued detention is arbitrary and capricious because it departs from the agency's existing policies without providing a reasoned explanation for departing from these policies.

53. Mr. Boza-Alfonso is neither a flight risk, nor a danger to the community. Quite the opposite: Mr. Boza-Alfonso has complied with all of DHS and ICE conditions of his initial release under his own recognizance and has timely filed his asylum claim with the appropriate immigration agency. Despite these findings, the government has departed from its existing policies without providing a reasoned explanation for departing from these policies when detaining Mr. Boza-Alfonso.

54. As noted above, no rationale for Mr. Boza-Alfonso's detention in November of 2025. For these reasons, Mr. Boza-Alfonso's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

**COUNT FIVE**  
**RECOVERY OF ATTORNEY FEES AND COSTS**

55. Mr. Boza-Alfonso re-alleges and incorporates by reference paragraphs 1 through 25 above.

56. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Issue an order directing Respondents to show cause why the writ should not be granted;
- c) Issue a writ of habeas corpus ordering Respondents to release Mr. Boza-Alfonso on his own recognizance or under parole, a low bond, or other reasonable conditions of supervision;
- d) Award Petitioner reasonable costs and attorney's fees; and
- e) Grant any other relief which this Court deems just and proper.

[SIGNATURE BLOCK ON NEXT PAGE]

Date: February 9, 2026

Respectfully submitted:

/s/ Louize Fiore

Louize Fiore  
Florida Bar No. 1011304  
AEQUIBELLI LAW, PLLC  
1937 E. Atlantic Blvd. Suite 102  
Pompano Beach, Florida 33062  
Telephone: (954) 394-7599  
Facsimile: (954) 653-4617

-and-

By: /s/ Inna Shapovalov

INNA SHAPOVALOV  
Florida Bar No. 84123  
E-mail: Inna@visasplus.com  
Inna Shapovalov PLLC  
1650 SE 17th Street Suite 406  
Fort Lauderdale, FL 33316  
Tel: (954) 707-2500  
*Counsel for Petitioner*  
*Daniel Evasio Boza-Alfonso*