

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
NELSON MORALES GARROTE,
Petitioner,

FILED BY MP D.C.
FEB 11 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, BROWARD TRANSITIONAL CENTER,
Respondents.

Civil Action No.: _____

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

(NEXT FRIEND FILING)

Petitioner Nelson Morales Garrote, through his Next Friend and lawful spouse, Yanelkis Aragón, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release from unconstitutional civil immigration detention, or in the alternative, immediate transfer to non-custodial supervision.

I. PARTIES

1. Petitioner: Nelson Morales Garrote, A# [REDACTED] a citizen and national of Cuba.

2. Detained at: Broward Transitional Center, 3900 N. Powerline Rd, Pompano Beach, FL 33073.

3. Next Friend: Yanelkis Aragón, A# [REDACTED] residing at [REDACTED] Hialeah, FL 33013, [REDACTED]

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 and Article I, § 9, cl. 2 of the United States Constitution. Venue is proper in the Southern District of Florida because Petitioner is detained within this district.

III. FACTUAL BACKGROUND

Petitioner entered the United States on January 9, 2022. On October 11, 2025, he was arrested by local police solely for driving with an expired license, a non-violent and minor

SCANNED

traffic matter. Despite the absence of any criminal convictions or charges involving violence, Petitioner was transferred to ICE custody.

Since his detention, Petitioner has been subjected to conditions that are punitive, degrading, and unconstitutional. He has endured racial and xenophobic mockery by staff, extreme rationing of food and water, and psychological intimidation, including threats of transfer to a third country such as Honduras. These threats have caused profound fear, anxiety, depression, and significant weight loss.

IV. CONDITIONS OF CONFINEMENT

Civil immigration detention must be non-punitive. However, the conditions at Broward Transitional Center are indistinguishable from criminal incarceration. Petitioner has experienced severe psychological distress, deterioration of physical health, and systematic deprivation of basic human needs. Such treatment violates substantive and procedural due process under the Fifth Amendment.

V. RECENT DOCUMENTED ICE CUSTODY DEATH

In January 2026, a Cuban national died while in ICE custody in El Paso, Texas, following use of force by detention officers. The County Medical Examiner classified the death as a homicide caused by asphyxiation. ICE initially mischaracterized the incident as a medical emergency, later revising its account. Independent investigations contradicted the government's narrative and revealed excessive force while the detainee was restrained.

This incident constitutes objective evidence that ICE detention conditions present real and ongoing risks to detainees' lives and safety, undermining the government's assertion that immigration detention is purely civil and administrative.

VI. LEGAL ARGUMENT

A. Violation of the Fifth Amendment Due Process Clause

Petitioner's prolonged detention without meaningful procedural safeguards, combined with punitive conditions, violates substantive and procedural due process.

B. Excessive Detention and Lack of Flight Risk

Petitioner has no serious criminal history, poses no danger to the community, and has strong family and community ties through his U.S.-based spouse. Continued detention serves no legitimate governmental purpose.

C. Threat of Irreparable Harm

The threats of third-country transfer, psychological abuse, and physical deterioration constitute irreparable harm warranting immediate judicial intervention.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody;
3. Alternatively, order release under supervision or bond;
4. Enjoin ICE from transferring Petitioner to any third country;
5. Grant any other relief this Court deems just and proper.

Respectfully submitted,

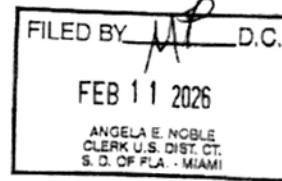


Yanelkis Aragón

Next Friend for Petitioner

Date: _____

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PROOF OF SERVICE
(FEDERAL - NEXT FRIEND)

I, Yanelkis Aragón, hereby certify under penalty of perjury that I served copies of the following documents in this matter:

- Emergency Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Motion for Immediate Release
- Motion to Expedite
- Emergency Motion for Temporary Restraining Order and Proposed Order
- Declaration of Next Friend

Service was made by depositing true and correct copies of the above documents in the United States Mail, first-class postage prepaid, addressed as follows:

SERVICE LIST
CLERK OF COURT
United States District Court
Southern District of Florida
400 North Miami Avenue
Miami, FL 33128

WARDEN
Broward Transitional Center
3900 N. Powerline Rd

SCANNED

Pompano Beach, FL 33073

U.S. DEPARTMENT OF HOMELAND SECURITY
Immigration and Customs Enforcement (ICE)
Office of the Principal Legal Advisor (OPLA)
333 SE 2nd Avenue, Suite 580
Miami, FL 33131


SECRETARY OF HOMELAND SECURITY
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

UNITED STATES ATTORNEY
Southern District of Florida
99 NE 4th Street
Miami, FL 33132

Service was completed on this ___ day of _____, 2026.

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

Executed in Hialeah, Florida.



Yanelkis Aragón
Next Friend

