

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

**LUIS ANTONIO SORIANO GUTIERREZ,**

**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 BROWARD TRANSITIONAL CENTER,

**Respondents/Defendants.**

**Case No.**

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

**INTRODUCTION**

Petitioner, LUIS ANTONIO SORIANO GUTIERREZ ("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, 3900 N. POWERLINE RD NA POMPANO BEACH, FL 33073, which lies within this District.

### PARTIES

3. Petitioner LUIS ANTONIO SORIANO GUTIERREZ is a citizen and national of HONDURAS A [REDACTED] and is currently detained at BROWARD TRANSITIONAL CENTER.
4. Respondent KRISTI NOEM is sued in her official capacity as Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the Immigration and Nationality Act.
5. Respondent PAMELA BONDI is sued in her official capacity as Attorney General of the United States.
6. Respondent JUAN AGUDELO in his official capacity as WARDEN of BROWARD TRANSITIONAL CENTER, is the immediate physical custodian of Petitioner.

### FACTUAL BACKGROUND

7. Petitioner entered the United States without inspection in or about March 2003 through the Arizona border.
8. He has resided continuously in the United States for over twenty years.
9. Petitioner resides at [REDACTED] Saint Cloud, Florida 34771, where he lives with his wife and children.
10. Petitioner is married to Yaitza Lopez Ramos, a United States citizen. The parties were married on December 16, 2012, in Orlando, Florida.
11. Petitioner and his wife have two United States citizen children: A [REDACTED] and Y [REDACTED] both of whom reside in Florida and are enrolled in school.
12. Petitioner's wife has agreed to act as bond sponsor and ensure his appearance at all immigration proceedings.
13. Petitioner has significant community ties in St. Cloud, Florida, including church support and longstanding residence.
14. Petitioner is eligible to seek Cancellation of Removal under INA § 240A(b) (42b), and his removal would result in exceptional and extremely unusual hardship to his U.S. citizen wife and children, one of whom is autistic.
15. Petitioner also qualifies as the beneficiary of an I-130 immediate relative petition through his U.S. citizen spouse.
16. Petitioner has no violent criminal history. His only arrests were for Driving Without a License on September 5, 2025, and November 6, 2025.
17. Removal proceedings are pending before the Immigration Court in Pompano Beach, Florida.

18. At Petitioner's bond hearing, the Immigration Judge declined to exercise bond jurisdiction, determining that the Court lacked authority to conduct a custody redetermination.
19. As a result, Petitioner has not received an individualized bond hearing under 8 U.S.C. § 1226(a).

### **LEGAL FRAMEWORK**

20. Pre-final-order immigration detention under INA § 236(a) is civil, not punitive, and must be reasonably related to the purposes of ensuring appearance and protecting the community.
21. Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.
22. Federal courts have repeatedly held that 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)

23. Petitioner incorporates all preceding paragraphs.
24. Petitioner's continued detention has become prolonged and unreasonable.
25. Petitioner has not received a constitutionally adequate bond hearing at which the Government bears the burden of justifying continued detention.
26. Continued detention under these circumstances is arbitrary, excessive, and punitive in violation of the Fifth Amendment.

### **COUNT II**

Violation of INA § 241(a)

27. Petitioner incorporates all preceding paragraphs.
28. INA § 236(a) does not authorize prolonged detention without meaningful procedural safeguards.
29. 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 12, 2026

Respectfully submitted,

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