

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA – FORT LAUDERDALE DIVISION

FILED BY MCO D.C.

FEB 20 2026

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

RE: Petition for Writ of Habeas Corpus
Petitioner: Roberto José Córdova Pérez
A#: ~~XXXXXXXXXX~~

I, Roberto José Córdova Pérez, hereby declare under penalty of perjury under the laws of the United States that the following statements are true and correct to the best of my knowledge. I am a native and citizen of Cuba, ~~XXXXXXXXXX~~ and I am currently detained at Broward Transitional Center in Pompano Beach, Florida. I have no criminal record and have always conducted myself as a law-abiding individual, posing no danger to the community.

I have lived in the United States for approximately four years, during which time I have maintained steady employment as a curtain installer and have completed electrical technical studies in the United States. I reside at ~~XXXXXXXXXX~~ and I have strong family and community ties. I have fully complied with all immigration reporting requirements and have attended all scheduled court hearings. My appeal is currently pending, as is my request for humanitarian parole.

I respectfully request that the Court review my detention and grant me an individualized bond hearing or release under reasonable conditions. I am a responsible, law-abiding person who is committed to continuing my work, studies, and contribution to the community, and I do not present any risk of flight or danger to others.

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

Date: February 13, 2026

Signature: *Roberto José Córdova Pérez*
Roberto José Córdova Pérez

A# ~~XXXXXXXXXX~~
Broward Transitional Center
Pompano Beach, FL

WHAT IS THE PROCEDURAL HISTORY OF THE IMMIGRATION CASE?

Petitioner entered the United States and was released on an I-220A. He complied with all reporting requirements and attended all immigration hearings. On November 18, 2025, following dismissal of his asylum case, he was detained by ICE. A timely appeal was filed with the Board of Immigration Appeals on November 20, 2025, and remains pending. Petitioner does not have a final order of removal and continues pursuing lawful immigration relief. A humanitarian parole request has also been submitted and remains pending adjudication.

WHY DOES PROLONGED DETENTION UNDER INA §235(b)(2) RAISE CONSTITUTIONAL CONCERNS?

Although INA §235(b)(2) authorizes detention during removal proceedings, the Constitution imposes limits on the duration and manner of civil confinement. Immigration detention is civil and regulatory, not punitive. When detention becomes prolonged without individualized review, it raises serious constitutional concerns under the Fifth Amendment. Federal courts have repeatedly recognized that even mandatory detention statutes are subject to constitutional constraints where detention becomes unreasonable or excessive in relation to its purpose.

HOW DOES THE FIFTH AMENDMENT APPLY TO THIS CASE?

The Due Process Clause requires that deprivation of liberty be accompanied by meaningful procedural safeguards. Prolonged detention without an individualized bond hearing deprives Petitioner of a meaningful opportunity to challenge the necessity of continued confinement. Courts have emphasized that due process requires a neutral decision-maker and an individualized assessment of danger and flight risk when detention extends beyond a reasonable period. Continued detention without review transforms civil custody into punitive confinement.

DOES FEDERAL CASE LAW SUPPORT HABEAS REVIEW OF PROLONGED IMMIGRATION DETENTION?

Yes. The Supreme Court in *Zadvydas v. Davis* recognized constitutional limits on immigration detention. In *Demore v. Kim*, 538 U.S. 510 (2003), the Court emphasized that detention must remain limited in duration. *Jennings v. Rodriguez* confirmed that constitutional challenges to prolonged detention remain available through habeas corpus. Federal courts within the Eleventh Circuit have consistently exercised habeas jurisdiction to evaluate whether prolonged immigration detention without individualized review violates due process.

DOES THE PETITIONER PRESENT ANY DANGER TO THE COMMUNITY OR FLIGHT RISK?

Petitioner has no criminal history whatsoever and has maintained good conduct throughout detention. He has resided in the United States approximately four years, maintained steady employment as a curtain installer, completed electrical technical studies in the United States, and established a stable residence and strong community support. His consistent compliance with immigration proceedings demonstrates reliability and lack of flight risk. These facts demonstrate that continued detention is not reasonably related to public safety or appearance concerns.

WHY HAS DETENTION BECOME UNREASONABLE AND EXCESSIVE IN THIS CASE?

Petitioner has been detained for an extended period while appellate proceedings remain

pending and removal is not imminent. During this time he has not received an individualized bond hearing or meaningful custody review. The government has provided no individualized justification for continued detention. Without procedural safeguards, detention becomes arbitrary and excessive in violation of substantive and procedural due process principles recognized by federal courts.

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WHAT RELIEF DOES THE PETITIONER REQUEST FROM THIS COURT?


Petitioner respectfully requests that this Court grant the writ of habeas corpus; declare that prolonged detention without an individualized bond hearing violates the Fifth Amendment; order Respondents to provide an immediate custody hearing before an Immigration Judge where the government bears the burden of proof by clear and convincing evidence; alternatively order Petitioner's release under reasonable conditions of supervision; and grant any additional relief deemed just and proper.

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DECLARATION OF PETITIONER

I, Roberto José Córdova Pérez, declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my knowledge.


Date: February 13, 2026

Signature: 
Roberto José Córdova Pérez

A# 
Broward Transitional Center
Pompano Beach, Florida

CERTIFICATE OF SERVICE – HABEAS CORPUS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA – FORT LAUDERDALE DIVISION

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Petitioner: Roberto José Córdova Pérez
A#: 



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I hereby certify that a true and correct copy of this Petition for Writ of Habeas Corpus, including all exhibits, has been served by U.S. Mail on the following parties:

1. Office of the United States Attorney
Southern District of Florida
99 NE 4th Street
Miami, FL 33132

2. Office of Chief Counsel
U.S. Immigration and Customs Enforcement
865 SW 78th Ave Suite 101
Plantation, FL 33324

3. Warden
Broward Transitional Center
3900 N. Powerline Rd
Pompano Beach, FL 33073

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Date: February 13, 2026

Signature: 
Roberto José Córdova Pérez
A# 
Broward Transitional Center
Pompano Beach, FL