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

**Jannio Jose DIAZ PADILLA,**

Petitioner,

v.

**Juan Gonzalez, Assistant Field Office  
Director, Broward Transitional Center;  
Garrett Ripa, Miami Field Office Director,  
Todd M. Lyons, Acting Director, U.S.  
Immigration and Customs Enforcement;  
Kristi NOEM, Secretary, U.S. Department of  
Homeland Security; U.S. Department of  
Homeland Security; Executive Office for  
Immigration Review; Pamela BONDI, U.S.  
Attorney General; each in their Official  
capacities.**

Respondents.

Case No. 0:26-cv-60433

**PETITION FOR WRIT OF  
HABEAS CORPUS**



1           6.       Respondents' motion never analyzes Rule 2(c), even though it supplies the  
2 governing standard.

3           7.       Even under civil Rule 8 jurisprudence, incorporation by reference alone does not  
4 render a pleading defective. Shotgun pleading typically involves complaints that contain multiple  
5 indistinguishable counts, vague and conclusory allegations, or legal theories so interwoven that a  
6 defendant cannot discern what conduct is being challenged.

7           8.       None of those defects are present here.

8           9.       The Petition contains two clearly delineated claims: a statutory claim under the  
9 INA and a Fifth Amendment due process claim. Both arise from the same detention and the same  
10 alleged unlawful termination of TPS. Incorporating the common factual background into both  
11 counts is entirely logical, as the custody facts do not change depending on which legal theory is  
12 invoked.

13          10.       Most tellingly, Respondents' own brief demonstrates that they fully understood  
14 the Petition. They identify both counts accurately, analyze the TPS statutory framework, address  
15 the Ninth Circuit's decision in *National TPS Alliance v. Noem*, and argue at length about the  
16 effect of the Supreme Court's stay. They attach supporting documents and engage the merits  
17 comprehensively. The purpose of the shotgun pleading doctrine is to prevent defendants from  
18 being unable to discern the claims against them. Where a respondent can respond fully and  
19 substantively, as Respondents have done here, there is no structural prejudice to remedy.

20          11.       This is a straightforward § 2241 immigration detention case. There is no jury, no  
21 discovery burden, and no risk of confusion about overlapping damages theories. The Court's task  
22 is narrow: determine whether Petitioner's detention is statutorily and constitutionally authorized.

1           12.     Elevating civil pleading doctrine over habeas standards would serve no functional  
2 purpose. Respondents’ reliance on civil “shotgun pleading” jurisprudence is therefore misplaced,  
3 and dismissal on that basis is unwarranted.

4           **II.           Petitioner Has Not Conceded Loss of TPS**

5           13.     Respondents repeatedly assert that Petitioner “admits” his TPS expired or was  
6 terminated. That mischaracterizes the Petition. Petitioner acknowledges that DHS issued a notice  
7 purporting to terminate Venezuela’s TPS effective April 2025. He does not concede that the  
8 termination was lawful, effective, or capable of extinguishing statutory protection.

9           14.     There is a fundamental difference between acknowledging that an agency took  
10 action and conceding that the agency possessed authority to take that action. The core premise of  
11 this habeas petition is that DHS lacked that authority. Petitioner’s position has been consistent  
12 throughout: the 2025 TPS extension remained valid; DHS acted in excess of statutory authority  
13 when it attempted early termination; and an unlawful termination cannot extinguish statutory  
14 protection.

15           15.     Respondents also rely on the expiration date printed on Petitioner’s prior approval  
16 notice. But TPS validity is governed by the statutory designation period established under 8  
17 U.S.C. § 1254a(b) and published in the Federal Register, not merely by the date printed on an  
18 individual approval document. If the designation period remains operative, TPS remains legally  
19 valid during that period.

20           16.     Petitioner renewed his TPS during the re-registration period opened by the  
21 January 17, 2025 Extension. His position is not contradictory; it is that TPS was unlawfully  
22 interrupted by agency action that exceeded statutory authority and must be recognized as legally  
23 continuous.

24

1 **III. Respondents Cannot Rely on an Ultra Vires TPS Termination to Justify**

2 **Detention**

3 17. Respondents' detention theory depends entirely on the assertion that Venezuela's  
4 TPS was validly terminated in April 2025 and that Petitioner therefore lacks status. That premise  
5 fails as a matter of statutory law.

6 18. The only federal appellate court to adjudicate the merits of DHS's termination has  
7 held that the Secretary lacked authority to vacate or terminate the January 17, 2025 TPS  
8 extension and that the extension remains in effect through October 2, 2026. See *Nat'l TPS*  
9 *Alliance v. Noem*, No. 25-5724 (9th Cir. Jan. 28, 2026).

10 19. The Ninth Circuit's holding was categorical:

11 **"We conclude that there is no explicit, implied, or inherent authority to**  
12 **vacate a prior TPS determination. The Secretary exceeded her authority**  
13 **under the TPS statute, and the district court properly set aside the Venezuela**  
14 **Vacatur." *Id.***

15 20. The court then addressed the statutory text governing termination:

16 **"The TPS statute explicitly provides that a 'designation of a foreign state . . .**  
17 **shall remain in effect until the effective date of the termination of the**  
18 **designation under paragraph (3)(B).' § 1254a(b)(2)(B). . . Importantly, even**  
19 **if all statutory procedures are followed, a termination cannot be effective**  
20 **earlier than 'the expiration of the most recent previous extension.'" *Id.***

21 21. Applying that language to the 2025 Extension, the court held:

22 **"As of January 17, 2025, Venezuela's TPS was extended through October 2,**  
23 **2026. Secretary Noem acted in excess of her statutory authority when she**  
24 **purported to vacate the 2025 Extension, and that Extension therefore**  
25 **remained in effect when she attempted to effectuate the Venezuela**  
26 **Termination. Congress could not have been clearer: the Secretary could**  
27 **terminate Venezuela's TPS with at least sixty days' notice and with an**  
28 **effective date no earlier than October 2026. . . We hold that Secretary Noem**  
29 **exceeded her authority under the TPS statute by attempting to terminate**  
30 **Venezuela's TPS, as extended by the 2025 Extension. Because the 2025**  
31 **Extension remains in effect until October 2, 2026, Secretary Noem's attempt**

1           **to terminate Venezuela’s TPS with an effective date of April 7, 2025, violated**  
2           **the plain text of the TPS statute.”** *Id.*

3           22.     The panel described this conclusion as definitive: **“That is the beginning and**  
4           **end of the inquiry.”** *Id.*

5           23.     This merits determination establishes that DHS lacked authority to terminate  
6           Venezuela’s TPS effective April 2025 and that the January 17, 2025 Extension remains operative  
7           through October 2, 2026. Under settled administrative law principles, agency action taken in  
8           excess of statutory authority is ultra vires and void. It cannot extinguish statutory protection  
9           created by Congress.

10          24.     Respondents therefore cannot rely on that unlawful termination to justify  
11          detention.

12          25.     Respondents invoke the Supreme Court’s emergency stay, but the Ninth Circuit  
13          expressly rejected the argument that the stay resolved the merits: **“The Supreme Court’s**  
14          **unreasoned stay orders were ‘not conclusive as to the merits.’”** *Id.*

15          26.     The only federal appellate court to adjudicate the merits has held that the 2025  
16          Extension remains in effect through October 2, 2026. If that extension remains operative, TPS  
17          remains legally valid during that designation period.

18          27.     Petitioner renewed his TPS during the re-registration period opened by the 2025  
19          Extension. TPS validity flows from the statutory designation period itself. An unlawful  
20          termination cannot sever that continuity.

21           **IV.           Detention Premised on an Unlawful Termination Lacks Statutory and**  
22           **Constitutional Foundation**

23          28.     TPS provides protection from removal during the designation period. If TPS  
24          remains valid through October 2, 2026, removal cannot lawfully be executed during that time.

1 Immigration detention exists to effectuate removal. When removal is statutorily barred during an  
2 active TPS designation period, detention premised on the absence of TPS status lacks a lawful  
3 statutory basis.

4 29. Moreover, detention must serve a legitimate immigration objective. Continued  
5 detention grounded in a termination that exceeded statutory authority raises serious constitutional  
6 concerns. The government cannot bootstrap detention authority from an agency action that  
7 Congress did not authorize.

8 **V. Conclusion and Prayer for Relief**

9 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 10 1. Grant the Petition for Writ of Habeas Corpus;
- 11 2. Order Petitioner's immediate release from ICE custody; or, in the alternative,
- 12 3. Order Respondents to provide Petitioner with a prompt and constitutionally  
13 adequate custody redetermination consistent with the Court's ruling; and
- 14 4. Grant such other and further relief as this Court deems just and proper.

15  
16 Dated this February 26th, 2026.

17 **/s/ Gustavo Guerrero-Barboza, Esq.**

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