

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF FLORIDA**

LUIS ALEJANDRO LEONETT,
Petitioner,

v.

Case No.: _____

WARDEN, MIAMI FEDERAL DETENTION CENTER FDC;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,
Respondents.

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

I. INTRODUCTION

Petitioner, **LUIS ALEJANDRO LEONETT**, a native and citizen of Venezuela, is presently detained by U.S. Immigration and Customs Enforcement at the Miami Federal Detention Center in Florida. He previously held Temporary Protected Status ("TPS"), as evidenced by his Form I-821 USCIS Temporary Protected Status Receipt Notice. USCIS later issued a Notice of Intent to Deny related to then-pending allegations, and the I-821 was ultimately denied; however, those allegations were subsequently declined for prosecution and resulted in no criminal conviction, as reflected in certified state court records.

Petitioner, through undersigned counsel, challenges his continued civil immigration detention as unconstitutional and seeks immediate release or, in the alternative, a prompt individualized bond hearing. Despite strong family ties, the absence of any criminal conviction, and the availability of less restrictive alternatives, Petitioner remains detained without a constitutionally adequate opportunity for release and faces the imminent risk of removal while his immigration proceedings and protection claims remain pending.

II. PERSONAL INFORMATION.

Full Name:

LUIS ALEJANDRO LEONETT

A-Number:

A# 

Country of Birth:

Venezuela

Current Place of Confinement:

Miami Federal Detention Center FDC

33 NE 4 Street

Miami, FL 33132

Petitioner is presently detained in federal immigration custody.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner: LUIS ALEJANDRO LEONETT

III. BASIS OF JURISDICTION.

This Court has jurisdiction pursuant to:

- **28 U.S.C. § 2241** – Habeas Corpus
- **28 U.S.C. § 1331** – Federal Question
- **U.S. Constitution, Fifth Amendment** – Due Process Clause

Petitioner is in physical federal custody within this District; therefore habeas jurisdiction is proper. Petitioner has pending applications for asylum, withholding of removal, and protection under the Convention Against Torture, and removal prior to full adjudication would violate statutory and constitutional due process protections as well as the United States' non-refoulement obligations.

IV. FACTUAL BACKGROUND.

1. Petitioner is a native and citizen of Venezuela.
2. Petitioner previously held Temporary Protected Status (TPS), as evidenced by his Form I-821 USCIS Temporary Protected Status Receipt Notice. USCIS later issued a Notice of Intent to Deny related to then-pending allegations, and the I-821 was ultimately denied; however, those allegations were subsequently declined for prosecution and resulted in no criminal conviction, as reflected in certified state court records.
3. Petitioner has no criminal convictions or pending criminal charges. Any prior arrest record was formally declined for prosecution by the State Attorney's Office through a certified "No Information" disposition confirming the absence of any criminal convictions or ongoing criminal proceedings.
4. His removal proceedings remain ongoing, and no final order of removal has been executed.
5. He is currently detained at the Miami Federal Detention Center FDC, Florida.
6. Continued detention severely restricts his ability to prepare legal filings, communicate with family, or pursue lawful relief.
7. Removal while protection claims and proceedings remain active would violate statutory and constitutional due process protections and create risk of irreparable harm.
8. Petitioner is the beneficiary of a pending Form I-130 filed by his United States citizen spouse and is the biological father of a United States citizen child. These family ties demonstrate strong community connections, intent to pursue lawful status, and minimal flight risk.
9. Petitioner has previously sought custody redetermination before the Immigration Court, demonstrating continuous compliance and good-faith pursuit of lawful release, and Immigration Judge Custody Order reflecting "NO ACTION."

V. NATURE OF THE ACTION.

Petitioner challenges ongoing civil immigration detention without a constitutionally adequate opportunity for release and seeks immediate release or an individualized bond hearing before a neutral decision-maker.

VI. GROUNDS FOR RELIEF.

The following grounds demonstrate that Petitioner's continued civil immigration detention violates constitutional due process and exceeds any legitimate governmental purpose. Petitioner presents no danger to the community, minimal flight risk, and maintains strong family and legal ties within the United States while pursuing lawful relief.

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Petitioner: LUIS ALEJANDRO LEONETT

GROUND ONE – Violation of the Fifth Amendment Due Process Clause.

Facts:

Petitioner is subjected to prolonged civil detention without a meaningful individualized custody determination, despite the absence of any criminal conviction and the availability of less restrictive alternatives. Civil immigration detention that becomes punitive or arbitrary violates procedural and substantive due process guaranteed by the Fifth Amendment.

GROUND TWO – Unlawful and Excessive Civil Detention.

Facts:

Petitioner's continued confinement serves no legitimate governmental purpose. He presents no danger and minimal flight risk, and detention is disproportionate to any enforcement objective. Continued detention is especially unwarranted where Petitioner has demonstrated substantial positive equities, including a pending family-based immigration petition and immediate U.S. citizen family members.

Federal district courts have recognized that similarly situated detainees are entitled to individualized bond consideration. See *Maldonado Bautista v. Santacruz*

GROUND THREE – Lack of Access to Counsel.

Petitioner was lawfully authorized to remain and work in the United States under his pending asylum application and Temporary Protected Status (TPS). His civil immigration detention has terminated his ability to work, earn income, and maintain financial stability, directly preventing him from securing private legal representation. Detention conditions further restrict his access to legal resources, communication, and document preparation. The government's continued custody therefore creates and perpetuates Petitioner's inability to obtain counsel, materially impairing his ability to prepare his case, access evidence, and assert statutory and constitutional rights, in violation of fundamental fairness and due process under the Fifth Amendment.

GROUND FOUR – Risk of Wrongful Removal Despite Pending Proceedings and Protection Claims:

Petitioner remains in active immigration proceedings and maintains pending protection claims. Deportation under these circumstances would be legally erroneous and irreparable, exposing him to potential persecution and rendering his statutory protections meaningless.

Such removal would constitute de facto refoulement and expose Petitioner to detention, deportation, or indirect return to Venezuela without meaningful judicial review, thereby creating immediate and irreparable harm and further violating due process protections.

Removal under these circumstances would also contravene the United States' long-standing obligations under the principle of non-refoulement, as reflected in the Immigration and Nationality Act and international agreements including the 1967 Refugee Protocol and the Convention Against Torture, which prohibit returning individuals to countries where they face persecution or torture.

GROUND FIVE – No Danger / No Flight Risk.

Facts:

Petitioner has no violent criminal history and has strong incentive to comply with immigration proceedings while pursuing protection claims. Certified state court records further confirm that no criminal prosecution resulted from prior allegations, reinforcing that Petitioner presents no danger to the community.

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Petitioner: LUIS ALEJANDRO LEONETT

Petitioner's detention is further disproportionate given his strong family ties in the United States, including a pending I-130 petition filed by his U.S. citizen spouse and his role as the biological father of a U.S. citizen child, which significantly reduce any alleged flight risk.

GROUND SIX – Risk of Irreparable Harm Upon Removal.

Facts:

Return to Venezuela would expose Petitioner to persecution and potential torture. Deportation before full adjudication of protection claims would result in irreparable harm.

VII. REQUEST FOR RELIEF.

Petitioner respectfully requests that this Court:

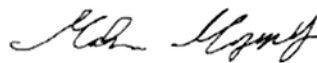
1. Issue a Writ of Habeas Corpus;
2. Order Immediate Release from Immigration Detention, **OR, IN THE ALTERNATIVE**
3. Order a Prompt Individualized Bond Hearing;
4. Stay Removal pending adjudication of protection claims, including any attempted removal or transfer from the United States without full judicial review;
5. **Order that Petitioner not be transferred to any other detention facility or jurisdiction while this habeas petition remains pending, absent prior notice to the Court and an opportunity to be heard;**
6. Grant any additional equitable relief deemed just and proper.

CERTIFICATION OF COUNSEL

I, **Maheen Mizan-Iqbal, Esq.**, counsel for Petitioner, certify that the foregoing **PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241** is submitted based upon information and belief, communications with Petitioner, and review of available records. Petitioner is presently detained and unavailable to execute a personal declaration at the time of filing. Counsel will promptly supplement the record with Petitioner's sworn declaration if and when it becomes available.

Date: February 18, 2026

By:



Maheen Mizan-Iqbal Esq

ATTORNEY FOR PETITIONER

IQBAL LAW FIRM

600 N THACKER AVENUE SUITE D33

KISSIMMEE, FL 34741

TELF: (407) 724-6918

EMAIL: IQBALLAWLLC@GMAIL.COM

FLORIDA BAR NUMBER 125438

EOIR # CC098761

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ATTORNEY GENERAL OF THE UNITED STATES,
Respondents.

[PROPOSED] ORDER OF THE UNITED STATES DISTRICT JUDGE

Upon consideration of the **PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**, it is HEREBY ORDERED that the motion be:

☐ **GRANTED.**

OR, IN THE ALTERNATIVE

☐ The Petition is **GRANTED IN PART**, and Respondents shall provide Petitioner a **prompt individualized bond hearing before a neutral decision-maker within ____ days** of this Order;

☐ Respondents shall not transfer Petitioner to another detention facility or jurisdiction while this habeas action remains pending, absent prior notice to the Court and an opportunity to be heard;

☐ Other: _____

☐ The Petition is **DENIED**, because: _____

Date

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on **February 18, 2026**, a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241** was served via **U.S. Mail and/or CM/ECF electronic filing** upon the following:

UNITED STATES ATTORNEY– District of FLORIDA

Address: 99 N.E. 4th Street
Miami, FL 33132, United States
Telephone: (305) 961-9001

OFFICE OF CHIEF COUNSEL – Pompano Beach, FLORIDA

U.S. Department of Homeland Security / ICE Pompano Beach, FLORIDA
Area of Responsibility: FLORIDA [Broward Transitional Center]
3900 North Powerline Road
Pompano Beach, FL 33073
United States
(954) 545-6060

DIRECTOR

U.S. Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, D.C. 20536
Telephone: (202) 732-3000

SECRETARY

U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20528
Telephone: (202) 282-8000

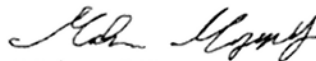
WARDEN

Miami Federal Detention Center FDC
33 NE 4 Street
Miami, FL 33132
Telephone: (305) 207-2100

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

Date: February 18, 2026

By:



Maheen Mizan-Iqbal Esq

ATTORNEY FOR PETITIONER

IQBAL LAW FIRM

600 N THACKER AVENUE SUITE D33

KISSIMMEE, FL 34741

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