

**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.

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS**

I. INTRODUCTION.

Petitioner, **LUIS ALEJANDRO LEONETT**, through undersigned counsel, respectfully submits this Memorandum of Law in support of his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is presently detained in civil immigration custody despite having previously held Temporary Protected Status, maintaining pending protection claims, and having no criminal convictions. His continued detention is excessive, arbitrary, and violates the Due Process Clause of the Fifth Amendment.

II. JURISDICTION AND VENUE.

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within this District. Federal question jurisdiction also exists under 28 U.S.C. § 1331. The Suspension Clause of the United States Constitution preserves the writ of habeas corpus as a safeguard against unlawful executive detention. Venue is proper in this District because Petitioner is confined at the Miami Federal Detention Center, Miami, Florida, and Respondents exercise custody within this jurisdiction.

III. LEGAL STANDARD.

Habeas corpus is the traditional and appropriate mechanism to challenge unlawful executive detention. Civil immigration detention is permissible only when reasonably related to legitimate governmental objectives such as ensuring appearance at proceedings or protecting public safety. When detention becomes prolonged, punitive, or lacks meaningful procedural safeguards, it violates substantive and procedural due process under the Fifth Amendment.

IV. ARGUMENT.

A. Prolonged Civil Detention Without Adequate Process Violates Due Process.

Immigration detention is civil, not criminal. Even so, the Fifth Amendment guarantees that such detention must remain non-punitive and accompanied by meaningful procedural protections.

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Petitioner: **LUIS ALEJANDRO LEONETT**

Where an individual is held without an individualized custody determination, or where detention becomes excessive relative to its purpose, due process is violated. Petitioner has been detained despite the availability of less restrictive alternatives and without a constitutionally adequate opportunity for release.

B. Petitioner Presents No Danger and Minimal Flight Risk.

Petitioner has no criminal convictions, no pending criminal charges, and strong incentives to comply with immigration proceedings. He maintains lawful ties to the United States through pending protection applications and family-based immigration processes. Continued detention under these circumstances is not reasonably related to public safety or appearance concerns and is therefore excessive.

C. Government-Imposed Financial Hardship Has Denied Meaningful Access to Counsel.

Petitioner was previously authorized to work and remain in the United States through Temporary Protected Status and has maintained pending protection claims. His detention terminated his ability to work and eliminated his income, directly impairing his ability to retain legal representation. This government-created financial barrier, combined with restricted access to legal resources while detained, undermines fundamental fairness and the ability to meaningfully assert statutory and constitutional rights.

D. Prior TPS and Pending Protection Claims Weigh Against Continued Detention and Removal.

Petitioner previously held Temporary Protected Status and continues to maintain pending protection claims, including asylum and related relief. These statutory mechanisms reflect congressional recognition that individuals fleeing dangerous conditions may lawfully remain in the United States while their claims are adjudicated. Continued detention despite active proceedings and the absence of any criminal conviction is disproportionate and inconsistent with the civil purpose of immigration custody.

E. Risk of Irreparable Harm and Non-Refoulement Concerns.

Removal or transfer from the United States before full adjudication of Petitioner's protection claims would expose him to a substantial risk of persecution, arbitrary detention, or indirect return to Venezuela. Such harm is irreparable. The principle of non-refoulement, reflected in United States statutes and regulations implementing asylum and Convention Against Torture protections, further supports the need for judicial oversight before any removal action proceeds.

V. CONCLUSION AND REQUESTED RELIEF.

Petitioner's continued detention is excessive, unnecessary, and constitutionally infirm. The writ of habeas corpus exists precisely to remedy such unlawful restraints on liberty. Immediate judicial intervention is warranted to restore due process and prevent irreparable harm.

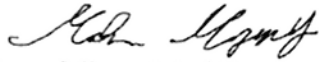
For the foregoing reasons, the Court should grant the Petition and order Petitioner's immediate release from civil immigration detention or, in the alternative, a prompt individualized bond hearing, stay removal or transfer pending adjudication of protection claims, and grant such other relief as is just and proper.

CERTIFICATION OF COUNSEL

I, **Maheen Mizan-Iqbal, Esq.**, counsel for Petitioner, certify that the foregoing Petition 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

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FLORIDA BAR NUMBER 125438

EOIR # CC098761

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, through undersigned counsel, that on February 18, 2026, a true and correct copy of this **Memorandum of Law in Support of Petition for Writ of Habeas Corpus** was served by **U.S. Mail and/or CM/ECF electronic filing** upon the following parties:

UNITED STATES ATTORNEY– District of FLORIDA

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OFFICE OF CHIEF COUNSEL – Pompano Beach, FLORIDA

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

DIRECTOR

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500 12th Street, S.W.
Washington, D.C. 20536
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U.S. Department of Homeland Security
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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

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