

Leslie Cabrera
ABOGADOS W
4700 Millenia Blvd., Suite 500
Orlando, FL 32839
Phone: 305-507-7442
leslie@abogadosw.com
Attorney for Petitioner

DETAINED

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

<hr/>	
FACTOR FLORES, SILVESTRE)
)
Petitioner,)
)
v.)
)
FIELD OFFICE DIRECTOR,)
U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT,)
)
)
Respondent.)
<hr/>	

Case No.: 1:26cv21072

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

Introduction

Petitioner SILVESTRE FACTOR-FLORES is a native and citizen of Mexico who entered the United States without inspection or parole and has lived in this country for approximately twenty-eight (28) years.

He is currently civilly detained by U.S. Immigration and Customs Enforcement (ICE) at Broward Transitional Center, 3900 N. Powerline Rd., Pompano Beach, Florida 33073, within the jurisdiction of this Court.

Petitioner's prolonged civil detention, without a constitutionally adequate custody hearing and without an individualized determination that his confinement is necessary, violates the Due Process Clause and is unlawful under 28 U.S.C. § 2241.

Jurisdiction and venue

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in the custody of Respondents in the Southern District of Florida and challenges the legality of that custody.

Venue is proper in this District because Petitioner is detained at Broward Transitional Center in Pompano Beach, Florida, which lies within the territorial jurisdiction of this Court.

Parties

Petitioner SILVESTRE FACTOR-FLORES is a 48 year-old citizen of Mexico who has resided in the United States for roughly twenty-eight years, with family and community ties in this country.

Respondent Garret Ripa is the Warden of Broward Transitional Center, 3900 N. Powerline Rd., Pompano Beach, Florida 33073, and is Petitioner's immediate custodian.

Respondent is the ICE Field Office Director for the Miami Field Office, responsible for detention and release decisions affecting Petitioner.

Custody status and statutory basis

ICE arrested Petitioner on or about January 6, 2026 and has detained him at Broward Transitional Center on and off since then.

On information and belief, ICE purports to detain Petitioner under INA § 235(b), 8 U.S.C. § 1225(b), based on his presence in the United States without admission or parole.

Petitioner has now been detained for approximately one (1) month at Broward Transitional Center without a bond hearing before a neutral decisionmaker at which the government bears the burden of justifying continued detention by clear and convincing evidence.

Factual background

Petitioner entered the United States without inspection around 1998, approximately twenty eight (28) years ago and has remained in the country ever since.

Over nearly three decades, he has developed strong ties, including having U.S. citizen children who are now twelve (12) and twenty (20) years old and lack of ANY criminal history; these equities show deep integration into U.S. society.

DHS served Petitioner with a Notice to Appear charging him as removable under INA § 212(a)(6)(A)(i) as a noncitizen present without admission or parole.

On or about January 6, 2026, Petitioner was driving his vehicle when a marked state trooper began following him after the trooper had been positioned in the parking lot of a Shell gas station. By the time Petitioner was able to safely pull over in response to the trooper's activated lights and sirens, his vehicle was immediately surrounded by approximately six (6) armed ICE officers, in addition to the state trooper. The ICE officers pointed a firearm at Petitioner and proceeded to detain him without the state trooper asking any questions, issuing any citation, or documenting any traffic infraction. No ticket, warning, or other evidence of a traffic violation was ever provided to Petitioner, and no underlying state enforcement action appears to have been initiated as a basis for this stop.

Despite his lengthy residence and strong ties, ICE has categorically refused to release him on bond or parole and has not provided a meaningful individualized custody determination addressing his risk of flight or danger to the community.

Conditions at Broward Transitional Center are custodial and jail-like: Petitioner is confined, subjected to institutional rules, and cannot leave the facility, resulting in a severe deprivation of liberty. Furthermore, Petitioner reports that he is placed on a bus and left outside in the cold for extended periods—up to four hours—while restrained in handcuffs.

Claim One – Due Process: Prolonged civil detention without adequate procedural protections

Petitioner realleges and incorporates the foregoing paragraphs.

Civil immigration detention is permissible only so long as it bears a reasonable relation to its purposes, such as ensuring appearance at immigration proceedings or protecting the community; detention that becomes unreasonably prolonged without adequate safeguards violates due process.

In light of the length of Petitioner’s detention at Broward Transitional Center, his nearly three decades of residence in the United States, his family and community ties, and any absence of serious criminal history, continued detention without a bond hearing is unreasonably prolonged.

Applying the *Mathews v. Eldridge* balancing framework, the private interest in freedom from physical restraint is extraordinarily weighty, the risk of erroneous deprivation absent a hearing is high, and additional safeguards—a bond hearing with the burden on the government—would substantially reduce that risk with modest administrative burden.

The circumstances of Petitioner's initial seizure further underscore the arbitrariness of his detention and the risk of erroneous deprivation of liberty. Petitioner was effectively subjected to a pre-planned, coordinated immigration arrest under the guise of a state traffic stop, during which a state trooper initiated the stop but did not question Petitioner, issue any citation, or record any traffic violation, and ICE officers immediately surrounded his vehicle with weapons drawn and took him into custody. The absence of any documented traffic infraction, ticket, or state charge, combined with the show of force by multiple armed ICE agents, reflects an unreasonable and pretextual seizure that deprived Petitioner of basic procedural safeguards and funneled him directly into prolonged civil immigration detention without meaningful judicial review.

Respondents' failure to provide Petitioner with a bond hearing at which the government must justify his continued detention by clear and convincing evidence violates the Due Process Clause of the Fifth Amendment.

Claim Two – Statutory and regulatory violation (if applicable)

Petitioner realleges and incorporates the foregoing paragraphs.

To the extent Respondents rely on INA § [236(a)/236(c)/235(b)] to justify Petitioner's continued detention, their interpretation of that statute to authorize prolonged, potentially indefinite detention at Broward Transitional Center without an individualized bond hearing is inconsistent with the statute's text, structure, and constitutional-avoidance principles.

Respondents have also failed to comply with their own parole and custody-review policies, which require consideration of factors such as length of residence, family ties, and community support when determining whether detention is necessary.

For these reasons, Petitioner's continued detention at Broward Transitional Center is not authorized by statute and is unlawful under 28 U.S.C. § 2241.

Claim Three – Substantive due process: Arbitrary and excessive confinement

Petitioner realleges and incorporates the foregoing paragraphs.

Given Petitioner's twenty-eight years in the United States, his family and community ties, and any lack of ANY criminal record, any legitimate governmental interest in ensuring his appearance and protecting the community can be served by less restrictive alternatives, such as release on recognizance, bond, or supervised conditions.

Maintaining Petitioner in jail-like conditions at Broward Transitional Center without any individualized showing that detention is necessary is excessive in relation to any legitimate governmental objective and therefore violates substantive due process.

Prayer for relief

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this Petition.
- B. Issue an order to show cause directing Respondents to explain why the writ should not be granted within a short, specified period.
- C. Declare that Petitioner's continued detention at Broward Transitional Center without a constitutionally adequate bond hearing violates the Due Process Clause and is not authorized by the immigration detention statutes.
- D. Order Respondents to provide Petitioner with an individualized bond hearing before a neutral adjudicator by a date certain, at which the government must justify continued detention by clear

and convincing evidence and the adjudicator must consider Petitioner's twenty-eight-year residence, family ties, and alternatives to detention.

E. In the alternative, order Petitioner's immediate release from Broward Transitional Center under appropriate conditions of supervision.

F. Award reasonable attorneys' fees and costs if authorized by law; and

G. Grant any other and further relief this Court deems just and proper.

Dated: February 11, 2026

Respectfully submitted,

Leslie Cabrera

Leslie Cabrera, Esq.
Attorney for Respondent
Abogados W
4700 Millenia Blvd, Ste 500
Orlando, FL, 32839
Email:
leslie@abogadosw.com
Phone: (305) 507-7442

Date: February 18, 2026