

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

**RENE DAVID ALARCON-GONZALEZ,**  
Petitioner,

v.

Case No.: \_\_\_\_\_

WARDEN, BROWARD TRANSITIONAL 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, **RENE DAVID ALARCON-GONZALEZ**, a native and citizen of Venezuela, is presently detained by U.S. Immigration and Customs Enforcement at the Broward Transitional Detention Center in Florida. He has no criminal conviction.

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:**

RENE DAVID ALARCON-GONZALEZ

**A-Number:**

A# 

**Country of Birth:**

Venezuela

**Current Place of Confinement:**

Broward Transitional Center FDC  
3900 North Powerline Road  
Pompano Beach, FL 33073 United States

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

Petitioner: RENE DAVID ALARCON-GONZALEZ

Petitioner is presently detained in federal immigration custody.

### **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 has no criminal convictions or pending criminal charges in the United States.
3. Petitioner entered the United States on or about September 21, 2023, and was placed into removal proceedings, which remain pending. No final order of removal has been executed.
4. Petitioner was previously cited for a misdemeanor traffic offense of driving without a valid driver's license. The matter was resolved through payment of court-ordered fines, and no criminal convictions or pending charges remain.
5. Petitioner's relatives posted bond for his release; however, he was later re-detained and transferred to the Broward Transitional Center (BTC), Pompano Beach, Florida, where he has remained in civil immigration custody since approximately October 2025.
6. Petitioner is a professional soccer player whose public profile and media visibility have increased his exposure and recognizability. This heightened public prominence, combined with his previously expressed political opinions and refusal to participate in government-aligned activities, places him at elevated risk of targeting, retaliation, or harm if removed. His notoriety reduces his ability to relocate discreetly and amplifies the likelihood of identification by hostile actors, thereby increasing the risk of persecution and irreparable harm upon return.
7. Respondent is a victim of a qualifying criminal offense and is in the process of pursuing relief under the U-Nonimmigrant Visa (U-Visa) framework.
8. Respondent, MR. RENE DAVID ALARCON-GONZALEZ, maintains a long-standing common-law relationship with MS. ELIZABETH JOHANA PIRELA-PEREZ, with whom he forms a single family unit. Limited documentation is presently available, including a certified criminal-disposition receipt pertaining to Ms. Pirela-Perez.
9. Respondent is the father and primary provider for minor children residing within his household. Their related immigration matters remain pending before the same Immigration Court.
10. Due to severe financial hardship and limited access to legal resources while detained, Respondent was unable to secure consistent legal representation until December 2025, which significantly impaired his ability to gather documentation and prepare a complete defense.
11. Continued detention has materially impaired Petitioner's ability to prepare legal filings,

gather evidence, communicate with family members, and meaningfully pursue lawful immigration relief.

12. Petitioner maintains pending protection claims and removal prior to full adjudication would violate statutory and constitutional due-process protections and create a risk of irreparable harm.
13. Petitioner is actively pursuing lawful immigration relief, including a pending asylum application and preparation of a U-Nonimmigrant Visa petition, demonstrating good-faith compliance with immigration proceedings and minimal risk of flight.
14. The Department of Homeland Security (DHS) has requested Petitioner's removal to Ecuador, a country of which Petitioner is not a citizen and where he has no lawful status, family ties, or established support network.

#### **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.

#### **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 maintains a pending application for asylum and is in the process of preparing a U-Nonimmigrant Visa petition based on his status as a victim of a qualifying criminal offense. His continued civil immigration detention has eliminated his ability to work, earn income, and maintain financial stability, thereby directly preventing him from retaining private legal

representation. Detention conditions further restrict his access to legal resources, confidential communication, evidence gathering, and document preparation. The government's continued custody therefore creates and perpetuates Petitioner's inability to obtain meaningful legal assistance, materially impairing his ability to prepare and present his claims for relief, in violation of fundamental fairness and the Due Process Clause of 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 presents no danger to the community. Certified court records show that no criminal prosecution resulted from prior allegations.

Petitioner has complied with all legal requirements and is pursuing lawful immigration relief. He has documented community support and positive character references, reflecting good moral conduct.

There is no evidence of flight risk, and continued detention is disproportionate given Petitioner's compliance history and lack of criminal convictions.

**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;**

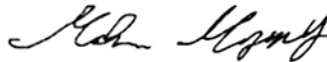
6. **Grant such other and further equitable relief** as the Court deems just and proper.

### **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*  
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KISSIMMEE, FL 34741  
TELF: (407) 724-6918  
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FLORIDA BAR NUMBER 125438  
EOIR # CC098761

**UNITED STATES DISTRICT COURT  
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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– SOUTHERN 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  
(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

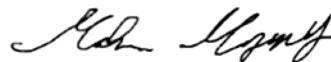
**WARDEN**

Broward Transitional Center FDC  
3900 North Powerline Road  
Pompano Beach, FL 33073  
Telephone: (954) 545-6060

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

Date: February 18, 2026

By:



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