UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

HELMER HERNAN FLORES VALLECILLO,

Petitioner,

v.

JUAN GONZALEZ, Assistant Field Office Director, Broward Transitional Center,

Respondent.

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

INTRODUCTION

1. Petitioner Helmer Hernan Flores Vallecillo is in the physical custody of Respondent at the Broward Transitional Center in Pompano Beach, Florida. He is a citizen of Honduras who entered the United States without inspection on December 5, 1992. Petitioner had Temporary Protected Status (TPS) until September 8, 2025.[1] While Petitioner had TPS, U.S. Department of Homeland Security (DHS) granted him Advanced Parole, and he briefly departed the United States, returning on January 5, 2005. *See* Exhibit A, I-94.

2. Petitioner now faces unlawful detention because DHS and the Executive Office for Immigration Review (EOIR) have concluded that Petitioner is subject to mandatory detention.

3. Upon information and belief, Petitioner is charged with having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

[1] The U.S. Department of Homeland Security terminated Honduras's TPS designation and related benefits as of September 8, 2025. *See* Dep't of Homeland Security, Temporary Protected Status Designated Country: Honduras https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras (last accessed on Feb. 10, 2026)

4. Based on this charge of inadmissibility, DHS denies anyone present without lawful admission release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for release on bond.

5. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for release on bond.

6. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act (INA). Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered the United States years ago and were residing in the United States at the time of ICE arrest. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

7. The government's new legal interpretation is contrary to the statutory framework and contrary to decades of agency interpretation applying § 1226(a) to people like Petitioner.

8. On November 25, 2025, the U.S. District Court for the Central District of California certified a nationwide Bond Eligible Class, defined as: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not

or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time DHS makes an initial custody determination. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 231977, at *4 (C.D. Cal. Nov. 25, 2025) (Sykes, J.). On December 18, 2025, the district court entered final judgment declaring DHS's policy unlawful and that § 1226(a) governs class members' detention and entitles them to bond hearings. *Maldonado Bautista v. Santacruz*, 2025 U.S. Dist. LEXIS 262265 at *35 (C.D. Cal. Dec. 18, 2025).

9. Although Petitioner is a member of the Bond Eligible Class and may be granted relief on that basis alone, he seeks separate, individual habeas relief that the *Maldonado* court did not—and could not—award on a class-wide basis. *See id.* at *79 n.23 (clarifying that class relief did not include habeas relief and noting that any class-wide order "forc[ing] government compliance would run afoul of § 1252(f)(1)."); *see also* 8 U.S.C. § 1252(f)(1) (prohibiting class-wide injunctive relief that would "enjoin or restrain the operation" of certain provisions of the Immigration and Nationality Act, including §§ 1225 and 1226). Furthermore, Petitioner is not detained in the Central District of California and can only seek habeas relief before this Court. *Rumsfeld v. Padilla*, 542 U.S. 426, 446 (2004) (emphasizing that habeas jurisdiction "lies in only one district: the district of confinement.")

10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from unlawful detention or, in the alternative, a custody redetermination hearing before a neutral and impartial decisionmaker.

JURISDICTION

11. This action arises under the U.S. Constitution and the INA, 8 U.S.C. § 1101 *et seq.*

12. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. §

1331 (federal question), and Article I, section 9, clause 2 of the U.S. Constitution (the Suspension Clause).

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the U.S. District Court for the Southern District of Florida, the judicial district in which Petitioner currently is detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondent is an employee, officer, or agency of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Florida.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. There is no statutory exhaustion requirement for habeas challenges under 28 U.S.C. § 2241. In the absence of a statutory exhaustion requirement, "sound judicial discretion governs." *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). A court may waive prudential exhaustion when it would be futile to seek administrative remedies. *Jones v. Zenk*, 495 F. Supp. 2d 1289, 1297 (N.D. Ga. 2007). Petitioner sought a bond hearing before an immigration judge and was denied based on the government's current interpretation of 8 U.S.C. § 1225(b)(2)(A). Because the BIA issued the binding decision in *Matter of Yajure Hurtado*, appealing the immigration judge's denial of bond would be futile. *Puga v. Assistant Field Office Dir.*, No. 25-24535-CIV, 2025 U.S. Dist. LEXIS 203222, at *7 (S.D. Fla. Oct. 15, 2025) (Altonaga, J.) (finding that BIA's decision in *Yajure Hurtado* renders exhaustion futile).

17. Similarly, it would be futile for Petitioner to seek review of his claim of unlawful

detention in violation of his due process rights because immigration courts and the BIA are unable to grant relief on constitutional claims. *Carr v. Saul*, 593 U.S. 83, 93 (2021) ("It makes little sense to require litigants to present claims to adjudicators who are powerless to grant the relief requested.")

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for writ of habeas corpus or order Respondent to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondent must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

PARTIES

19. Petitioner Helmer Hernan Flores Vallecillo is a native and citizen of Honduras. He entered the United States without inspection on December 5, 1992. He has been in immigration detention at Broward Transitional Center since December 30, 2025. On January 29, 2026, an immigration judge denied Petitioner bond based on lack of jurisdiction. *See* Exhibit B, Bond Decision. Upon information and belief, the immigration judge's denial finding a lack of jurisdiction is solely based on the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petitioner is in custody and under the direct control of Respondent, ICE, and their agents.

20. Respondent Juan Gonzalez is sued in his official capacity as Assistant Field Office Director of Broward Transitional Center, where Petitioner is detained. Respondent Gonzalez oversees and manages the operations at the Broward Transitional Center. As such, he is responsible for Petitioner's detention and has the authority to release him. He is Petitioner's immediate custodian.

LEGAL FRAMEWORK

Statutory Framework Governing Detention

21. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

23. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

24. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

26. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established interpretation of the statutory framework and reversed decades of practice. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

27. On September 5, 2025, the BIA adopted the same position in a published decision,

Matter of Yajure Hurtado. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for immigration judge bond hearings.

28. This Court and many others have rejected the government's new interpretation of the INA's detention authorities and the BIA's reasoning in *Matter of Yajure Hurtado*, adopting the same reasoning in DHS's policy. *See, e.g.*, *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025) (Martinez, J.) (collecting cases); *Puga*, 2025 U.S. Dist. LEXIS 203222, at *13; *Gomez v. Diaz*, No. 25-62236-CIV, 2026 U.S. Dist. LEXIS 3335, at *5 (S.D. Fla. Jan. 8, 2026) (Damian, J.); *see also Patel v. McShane*, No. 25-5975, 2025 U.S. Dist. LEXIS 228258, at *1 (E.D. Pa. Nov. 20, 2025) (noting "at least 282" recent district court decisions rejecting the government's interpretation of § 1225).

29. Most courts have rejected DHS's and EOIR's new interpretation finding that it defies the INA. Instead, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

30. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

31. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As one district court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove*

Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)).

32. Section 1226 therefore leaves little doubt that it applies to people who are charged as being inadmissible to the United States, including those who are present without admission or parole.

33. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

34. While most courts agree that interpreting §§ 1226 and 1225 this way is consistent with the statutory framework, a small number of courts, and recently the Fifth Circuit, have agreed with the government's interpretation, finding that the term "applicant for admission" necessarily includes "seeking admission" regardless of length of presence in the United States, subjective intent, or whether apprehension occurred as part of the inspection and screening framework established in § 1225. *See, e.g.*, *Morales v. Noem*, No. 25-62598-CIV, 2026 WL 236307, at *5 (S.D. Fla. Jan. 29, 2026) (Singhal, J.); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *4 (5th Cir. Feb. 6, 2026).

35. The interpretation followed by the majority of courts, including numerous courts in this district, is persuasive for several reasons. First, it gives independent meaning to Congress's deliberate use of both "applicant for admission" and "seeking admission" in § 1225(b)(2)(A), rather than treating one phrase as surplusage in violation of fundamental canons of construction.

Patel v. Hardin, No. 2:25-CV-870-JES-NPM, 2025 WL 3442706, at *5 (M.D. Fla. Dec. 1, 2025). Second, it aligns with the statutory definition of "admission" in § 1101(a)(13)(A) as "lawful entry . . . after inspection and authorization," reading "seeking admission" to refer to noncitizens actively pursuing this process at or near the border. *Carcamo v. Noem*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263, at *3 (M.D. Fla. Nov. 7, 2025). Third, it respects the Supreme Court's distinction in *Jennings* between § 1225(b), which applies to "aliens seeking admission into the country," and § 1226, which governs "aliens already in the country." *Id.* Finally, it avoids rendering the recently enacted Laken Riley Act and other § 1226(c) largely superfluous, as would result if all inadmissible noncitizens in the interior were already subject to mandatory detention under § 1225(b)(2)(A). *Puga*, 2025 U.S. Dist. LEXIS 203222, at *11.

36. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States for years at the time they were apprehended.

TPS and Advanced Parole

37. TPS is a humanitarian protection that the Secretary of Homeland Security may designate for nationals of foreign countries experiencing ongoing armed conflict, environmental disasters, or other extraordinary conditions. 8 U.S.C. § 1254a(a)(1). During the TPS designation period, a beneficiary cannot be removed from the United States and must be granted work. 8 U.S.C. § 1254a(a)(1)(A)-(B). A grant of TPS does not constitute an admission into the United States, but an individual granted TPS is considered to be in a lawful nonimmigration status during the period of such designation. 8 U.S.C. § 1254a(f)(4); 8 C.F.R. § 244.13(b).

38. A TPS recipient may apply for advance parole to travel outside the United States temporarily, and such travel must be authorized in advance by the Secretary of Homeland Security.

8 U.S.C. § 1254a(f)(3); 8 C.F.R. § 244.15(a). The advance parole document issued to a TPS beneficiary authorizes the noncitizen's travel and serves as the basis for their return and inspection at the port of entry. 8 C.F.R. § 244.15(b); 8 C.F.R. § 212.5(f). Critically, regulations provide that an individual paroled into the United States pursuant to a grant of advance parole that was applied for and obtained in the United States prior to departure will not be treated, "solely by reason of that grant of parole, as an arriving alien under section 235(b)(1)(A)(i) of the Act." 8 C.F.R. § 1.2.

Due Process and Protected Liberty Interests

39. The Supreme Court has made clear that the protections of the Due Process Clause extend to all persons within the United States, including noncitizens, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Civil immigration detention is a severe deprivation of the liberty interest that the Fifth Amendment protects. *Id.* at 690 ("Freedom from imprisonment — from government custody, detention, and other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects.").

40. The Supreme Court established in *Mathews v. Eldridge*, 424 U.S. 319 (1976), a balancing test to evaluate the adequacy of procedures used before deprivation of a liberty interest, which consider: (1) the private interest affected; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value of additional procedural safeguards; and (3) the government's interest, including the administrative burden that additional procedures would impose. *Mathews*, 424 U.S. at 335.

41. Application of this framework to Petitioner's circumstances compels the conclusion that Respondent violated his constitutional rights by detaining him without affording him due process. Accordingly, Petitioner should be immediately released from unlawful detention, or in the alternative he should be afforded an individualized bond redetermination hearing under § 1226(a)

at which the government bears the burden of justifying continued detention by establishing that Petitioner is a danger to the community or a flight risk.

FACTS

42. Petitioner Helmer Hernan Flores Vallecillo is 51 years old and has resided in the United States for at least 34 years, since his entry in December 1992. Petitioner held TPS and received valid work authorization since at least 2001. DHS also granted Petitioner Advanced Parole. Petitioner then briefly departed the United States and returned on January 5, 2005. *See* Exhibit A.

43. On July 7, 2025, DHS terminated Honduras's TPS designation and related benefits as of September 8, 2025. *See supra* n.1. On December 31, 2025, the TPS termination for Honduras was vacated. *See Nat'l TPS All. v. Noem*, No. 25-CV-05687-TLT, 2025 WL 4058572, at *29 (N.D. Cal. Dec. 31, 2025). On February 9, 2026, the Ninth Circuit stayed the district court's order vacating the termination of TPS for Honduras.

44. On December 30, 2025, ICE detained Petitioner during a traffic stop and took him into custody. Petitioner was detained without prior notice, explanation, or any individualized assessment. Petitioner has been in ICE custody since that time, and he is now detained at the Broward Transitional Center in Pompano Beach, Florida.

45. ICE placed Petitioner in standard removal proceedings before the Miami Krome Immigration Court pursuant to 8 U.S.C. § 1229a. Upon information and belief, ICE charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone present in the United States who entered without inspection. "This classification places him squarely within section 1226." *Ceballo v. Parra*, No. 25-CV-25271-JB, 2025 WL 3481908, at *4 (S.D. Fla. Dec. 4, 2025) (Becerra, J.)

46. Petitioner held TPS for decades. Prior to his detention, he had been continuously employed as a Roofer for approximately 20 years. Petitioner has been in a stable, long-term relationship with his girlfriend who has lawful permanent resident status. He does not have a criminal record, and he is neither a flight risk nor a danger to the community.

47. On January 29, 2026, Petitioner requested a bond redetermination hearing before an immigration judge. On January 29, 2026, an immigration judge denied Petitioner bond based solely on lack of jurisdiction. *See* Exhibit B, Bond Decision.

48. Under these circumstances and to prevent further unlawful detention, Petitioner submits that the appropriate remedy is immediate release. *See Amm v. Bobby Thompson, Warden, S. Tex. ICE Processing Ctr.*, No. SA-25-CV-1210-FB (HJB), 2025 U.S. Dist. LEXIS 232689, at *17 (W.D. Tex. Nov. 18, 2025) (ordering immediate release because remanding for a bond hearing would require the immigration judge to take action that BIA precedent forecloses). In the alternative, the Court should order Respondent to provide Petitioner with a bond hearing in accordance with the statutory processes required under § 1226 and the implementing regulations, where the government must bear the burden to establish by clear and convincing evidence that Petitioner is a danger to the community or flight risk, such that his continued detention is justified.

49. Petitioner remains in unlawful detention because Respondent continues to apply an impermissibly broad reading of § 1225 to him. His detention without notice, explanation, or individualized assessment violates the INA and the Due Process Clause of the Fifth Amendment. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.

CLAIMS FOR RELIEF

COUNT I
Violation of the INA | 8 U.S.C. § 1226(a) and Implementing Regulations

50. Petitioner incorporates by reference all preceding paragraphs.

51. The INA establishes distinct statutory frameworks governing immigration detention.

52. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. Mandatory detention under 8 U.S.C. § 1225 applies only to narrowly defined categories of noncitizens who have not been admitted or paroled into the United States and who are encountered during inspection or expedited removal processing at or near the border. As relevant here, it does not apply Petitioner who has resided in the United States since 1995 and held TPS status for decades prior to being apprehended and placed in removal proceedings by Respondent in December 2025. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

53. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II
Violation of Fifth Amendment Due Process

54. Petitioner incorporates by reference all preceding paragraphs.

55. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. The Supreme Court has long-established that noncitizens are afforded due process rights. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Zadvydas*, 533 U.S. at 690; *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (recently reiterating the well-established rule that noncitizens, even those without legal status, are entitled to due process of law requiring "notice and an opportunity to be heard.")

56. Petitioner has a fundamental interest in liberty and being free from official restraint. Freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

57. Petitioner possessed a protected liberty interest arising from the more than 30 years he lived freely in the United States, including the period after he re-entered the United States with Advanced Parole in 2005. For decades, Petitioner lived with his partner, worked lawfully with valid employment authorization, consistently renewed TPS, complied with all that was required of him, and never committed any crimes.

58. Petitioner's ability to live freely within his community is similar to the conditional liberty described in *Morrissey v. Brewer*. In that case, the Supreme Court recognized that parole enables a person to reside at home, work, support their family, and maintain long-term personal relationships. 408 U.S. 471, 482–84 (1972). Petitioner's liberty interest extended beyond a brief or temporary release, establishing a protected right to remain free unless proper constitutional revocation procedures are followed. *Young v. Harper*, 520 U.S. 143, 147–49 (1997).

59. Respondent detained Petitioner without affording him any pre-deprivation procedures whatsoever. Furthermore, the government's overly broad interpretation of § 1225 seeks to deny Petitioner a bond hearing altogether. The risk of erroneous deprivation is high because Respondent denies Petitioner an "opportunity to challenge the legal basis for his detention or its necessity" *Perez v. Mordant*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *4 (M.D. Fla. Dec. 3, 2025) (Polster Chappell, J.), *appeal filed* Feb. 3, 2026. Notice and a hearing are meaningful procedures that would protect Petitioner's liberty interest and ensure that detention complies with the INA and due process.

60. Civil immigration detention must be "nonpunitive in purpose and effect" and is

only justified when a noncitizen presents a risk of flight or danger to the community. *Zadvydas*, 533 U.S. at 690. In granting Petitioner TPS and renewing that status repeatedly for decades, DHS necessarily determined that Petitioner was neither a flight risk or a danger to the community. See *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd* 905 F.3d 1137 (9th Cir. 2018). Thus, any governmental interest in detaining Petitioner is low and can be served by the procedures Petitioner seeks. Affording Petitioner notice and a pre-deprivation hearing where the government would be required to establish that detention is justified, imposes only a minimal burden and cost on the government. DHS and immigration courts frequently perform such custody redetermination hearings for individuals in detention. *See* 8 C.F.R. § 1236.1(d)(1).

61. The government's summary detention of Petitioner without a custody redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

62. Core habeas relief is appropriate when, as is the case here, detention is the result of a constitutional violation based on categorical revocation of an individual's liberty. Immediate release is the necessary remedy to end the ongoing unlawful deprivation of liberty.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside the U.S. District Court for the Southern District of Florida while this habeas petition is pending;

c. Issue an Order to Show Cause ordering Respondent to show cause why this Petition should not be granted within three days;

d. Declare that Petitioner's detention is unlawful under 8 U.S.C. § 1225 and/or the

Due Process Clause of the Fifth Amendment;

e. Issue a Writ of Habeas Corpus ordering Respondent to release Petitioner immediately or, in the alternative provide Petitioner with a custody redetermination hearing pursuant to 8 U.S.C. § 1226(a) and relevant regulations within seven days, where the government must demonstrate by clear and convincing evidence before a neutral decisionmaker that Petitioner is a flight risk or danger to the community, such that his physical detention is legally justified;

f. If a bond hearing is ordered, direct Respondent to file a written status report with this Court within a definite time, stating whether bond was granted or denied, the bond amount and conditions if granted, and a summary of the reasons stated on the record for the custody determination, so as to ensure compliance with statutory and constitutional due process requirements;

g. Order that Respondent is enjoined and restrained from re-detaining Petitioner without first providing him notice and a pre-deprivation hearing where the government bears the burden of proof to establish flight risk and danger to the community.

h. Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Date: February 18, 2026

Respectfully submitted,

/s/ *Martin D. Rosenow*

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Helmer Hernan Flores Vallecillo, and submit this verification on his behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and the documents submitted in support thereof are true and correct to the best of my knowledge.

Date: February 18, 2026

/s/ Martin D. Rosenow
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