

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

JEFFRY GERARD PAZ-MONTERROSA,

Petitioner/Plaintiff, v.

KRISTI NOEM, in their official
capacity as Secretary of the United States
Department of Homeland Security;

PAMELA BONDI, in their official
capacity as Attorney General of the
United States;

JUAN AGUDELO in his official
capacity as BROWARD
TRANSITIONAL CENTER,

Respondents/Defendants.

Case No.

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

INTRODUCTION

Petitioner, JEFFRY GERARD PAZ-MONTERROSA ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, Petitioner is civilly detained by U.S. Immigration and Customs Enforcement ("ICE") pursuant to INA § 236(a), 8 U.S.C. § 1226(a). His continued detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment. Petitioner seeks an order requiring a prompt bond hearing with the burden on the Government, or, in the alternative, immediate release.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and is detained in violation of the Constitution and laws of the United States.
2. Venue is proper in the SOUTHERNDistrict of Florida because Petitioner is detained at the BROWARD TRANSITIONAL CENTER, 3900 N. POWERLINE RD NA POMPANO BEACH, FL 33073, which lies within this District.

PARTIES

3. Petitioner JEFFRY GERARD PAZ-MONTERROSA is a citizen and national of HONDURAS A# [REDACTED] and is currently detained at BROWARD TRANSITIONAL CENTER.
4. Respondent KRISTI NOEM is sued in her official capacity as Secretary of the Department of Homeland Security and is responsible for the administration and enforcement of the Immigration and Nationality Act.
5. Respondent PAMELA BONDI is sued in her official capacity as Attorney General of the United States.
6. Respondent JUAN AGUDELO in his official capacity as BROWARD TRANSITIONAL CENTER, is the immediate physical custodian of Petitioner.

FACTUAL BACKGROUND

7. Petitioner is a native and citizen of Honduras.
8. He entered the United States in 2019.
9. On February 27, 2019, immigration authorities released him on his own recognizance.
10. Petitioner has resided in West Palm Beach, Florida.
11. He has strong community ties and a committed bond sponsor.
12. He has lawful full-time employment.
13. He has no criminal history.
14. He is pursuing asylum and related protection-based relief.
15. Removal proceedings remain pending.
16. Petitioner requested a custody redetermination under 8 C.F.R. § 1236.
17. On January 27, 2026, the Immigration Judge denied the request, checking the box: "Denied, because The court lacks jurisdiction – Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025)".
18. The IJ made no findings regarding flight risk.
19. The IJ made no findings regarding danger to the community.
20. The denial was purely jurisdictional.

LEGAL FRAMEWORK

21. Pre-final-order immigration detention under INA § 236(a) is civil, not punitive, and must be reasonably related to the purposes of ensuring appearance and protecting the community.
22. Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.

23. Federal courts have repeatedly held that detainees held under § 1226(a) are entitled to a constitutionally adequate bond hearing where the Government bears the burden of proving danger or flight risk by clear and convincing evidence.

COUNT I

Violation of the Due Process Clause (Fifth Amendment)

24. Petitioner incorporates all preceding paragraphs.
25. Petitioner's continued detention has become prolonged and unreasonable.
26. Petitioner has not received a constitutionally adequate bond hearing at which the Government bears the burden of justifying continued detention.
27. Continued detention under these circumstances is arbitrary, excessive, and punitive in violation of the Fifth Amendment.

COUNT II

Violation of INA § 241(a)

28. Petitioner incorporates all preceding paragraphs.
29. INA § 236(a) does not authorize prolonged detention without meaningful procedural safeguards.
30. ICE's continued detention of Petitioner exceeds its statutory authority and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this action;

- B.** Issue a Writ of Habeas Corpus ordering Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is justified;
- C.** Alternatively, order Petitioner's immediate release under reasonable conditions of supervision;
- D.** Enjoin Respondents from transferring Petitioner outside this District without prior Court approval; and
- E.** Grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all Respondents and counsel for Respondents by U.S. Mail and/or electronic service on this day of February 22, 2026

Respectfully submitted,

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Dated: December 18, 2025