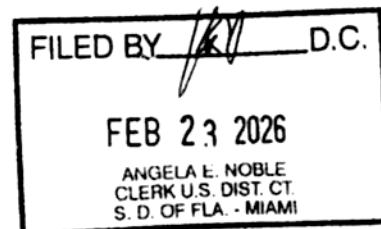


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**



PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

(PRO SE)

LANDIS LEDESMA NUNEZ,

Petitioner (PRO SE),

v.

MERRICK B. GARLAND, Attorney General of the United States;
ALEJANDRO MAYORKAS, Secretary of Homeland Security;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, BROWARD TRANSITIONAL CENTER,
Respondents.

I. INTRODUCTION

Petitioner Landis Ledesma Nunez respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, PRO SE, to challenge his unlawful arrest, detention, and continued civil confinement by U.S. Immigration and Customs Enforcement (ICE). This detention violates the Fourth Amendment, Fifth Amendment, and the fundamental principles governing civil immigration detention as articulated by the United States Supreme Court and federal appellate courts.

This Petition seeks immediate judicial intervention because Petitioner is currently subjected to an arbitrary deprivation of liberty without a judicial warrant, without probable cause, and without constitutionally adequate procedural safeguards. ICE's conduct transforms civil detention into impermissible punishment.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of that custody. Federal courts retain core habeas jurisdiction to review constitutional and statutory challenges to immigration detention.

Venue is proper in the Southern District of Florida because Petitioner is detained at the Broward Transitional Center, which lies within this judicial district, and the immediate custodian is subject to this Court's jurisdiction.

III. IDENTIFICATION OF THE PARTIES

Petitioner: Landis Ledesma Nunez

A-Number: [REDACTED]

Nationality: Cuban

Date of Birth: [REDACTED]

Date of Entry: December 27, 2021

Date of Detention: November 5, 2025

Current Facility: Broward Transitional Center

Respondents include the Attorney General of the United States, the Secretary of Homeland Security, the Director of ICE, and the Warden of the Broward Transitional Center, all of whom exercise custody or legal authority over Petitioner.

IV. STATEMENT OF FACTS

Petitioner has resided continuously in the United States for several years. He is married, maintains strong family and community ties, operates a business, files taxes, and has demonstrated consistent compliance with all immigration requirements.

The events leading to Petitioner's arrest arose from his minor son's immigration processing. Petitioner voluntarily appeared at a DHS office to comply with a DNA verification request. He was expressly informed that he was not under arrest and that his presence was purely administrative.

Several days later, Petitioner was summoned again under the false pretense of additional paperwork. Upon arrival, he was confronted by multiple ICE agents and arrested without a judicial warrant, without exigent circumstances, and without probable cause. This arrest was effectuated through deception and bad faith.

V. LEGAL STANDARD GOVERNING HABEAS REVIEW

Habeas corpus is a fundamental safeguard of individual liberty. Immigration detention, although civil in nature, is subject to strict constitutional limitations. Courts retain authority to order release where detention exceeds permissible bounds or violates constitutional guarantees.

VI. GROUNDS FOR RELIEF

A. Unlawful Warrantless Arrest – Fourth Amendment

The Fourth Amendment prohibits unreasonable seizures. ICE officers lack authority to arrest without a judicial warrant absent probable cause and exigent circumstances. *Payton v. New York*, 445 U.S. 573 (1980). Petitioner's arrest violated these principles and is unconstitutional per se.

B. Violation of Substantive and Procedural Due Process – Fifth Amendment

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Civil immigration detention must be reasonably related to its purpose and

not punitive. Petitioner's detention lacks individualized justification and violates due process.

C. Prolonged and Indefinite Detention

Even where detention is initially authorized, prolonged detention without meaningful review becomes unconstitutional. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner has not received a constitutionally adequate bond hearing.

D. Excessive Detention Without Bond Hearing

Due process requires an individualized determination of flight risk and danger. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). Petitioner poses no flight risk or danger and is entitled to release or a bond hearing.

E. Strong Equities and Community Ties

Petitioner has no criminal history, maintains lawful employment, supports his family, and has demonstrated good moral character. Continued detention serves no legitimate government interest.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Declare Petitioner's arrest and detention unconstitutional;
3. Order Petitioner's immediate release from ICE custody;
4. Alternatively, order an immediate individualized bond hearing;
5. Grant any further relief deemed just and proper.

Respectfully submitted,

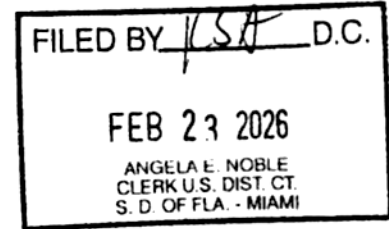


Landis Ledesma Nunez

Petitioner, PRO SE

Date: 2/13/2020

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



**PROOF OF SERVICE
(PRO SE)**

I, Landis Ledesma Nunez, hereby certify under penalty of perjury that on the date indicated below, I caused to be served true and correct copies of the following documents:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Motion for Immediate Release – PRO SE
- Motion to Expedite – PRO SE
- Emergency Motion for Temporary Restraining Order and Proposed Order – PRO SE
- Emergency Motion for Stay of Removal (Independent) – PRO SE

upon the following parties by U.S. Mail, postage prepaid:

1. Clerk of Court (Court)

Clerk of Court
United States District Court
Southern District of Florida
400 North Miami Avenue, Suite 8N09
Miami, FL 33128

2. Department of Homeland Security (DHS)

U.S. Department of Homeland Security
Office of the General Counsel
245 Murray Lane SW
Washington, DC 20528

3. ICE / OPLA

U.S. Immigration and Customs Enforcement (ICE)
Office of the Principal Legal Advisor (OPLA)
333 S. Miami Avenue, Suite 700
Miami, FL 33130

4. Warden – Broward Transitional Center

Warden
Broward Transitional Center
3900 N. Powerline Road
Pompano Beach, FL 33073

5. United States Attorney -- Southern District of Florida
United States Attorney's Office
Southern District of Florida
99 NE 4th Street
Miami, FL 33132

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

Executed on: _____



Landis Ledesma Nunez
Petitioner, PRO SE