

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

FLAVIO IMANOL MUNCADA-IZAGUIRRE,

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, FLAVIO IMANOL MONCADA-IZAGUIRRE("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 SOUTHERN District of Florida because Petitioner is detained at the Broward Transitional Center, 3900 N. Powerline Rd Pompano Beach, FL 33073, which lies within this District.

PARTIES

3. Petitioner, FLAVIO IMANOL MONCADA-IZAGUIRRE A  and is a citizen and national of Honduras. He 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 entered the United States without inspection through the Texas border on or about April 2021.
8. He has established residence in Lake Worth, Florida and has been employed as an independent contractor.
9. Petitioner has filed for relief from removal, including asylum and related protection.
10. Petitioner is detained under 8 U.S.C. § 1226(a).
11. On January 22, 2026, through counsel, Petitioner filed a Motion for Redetermination of Custody Status before the Miami Krome Immigration Court.
12. On February 3, 2026, Immigration Judge Christina Martyak denied bond redetermination **for lack of jurisdiction**, citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
13. The Immigration Judge did **not** conduct an individualized bond hearing.
14. No evidentiary hearing was held where the government bore the burden of proof.
15. Petitioner therefore remains detained without any constitutionally adequate bond hearing.

LEGAL FRAMEWORK

16. 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.
17. Prolonged detention without a meaningful opportunity for release violates the Due Process Clause of the Fifth Amendment.
18. 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)

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

COUNT II

Violation of INA § 241(a)

23. Petitioner incorporates all preceding paragraphs.
24. INA § 236(a) does not authorize prolonged detention without meaningful procedural safeguards.
25. 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 23, 2026

Respectfully submitted,

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