


FILED BY NA D.C.
FEB 24 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. LAUD.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

JULIO SÁNCHEZ PUPO,)
A )
)
Petitioner,)
)
v.) Case No.: _____
)
KRISTI NOEM, Secretary of Homeland Security;)
MERRICK B. GARLAND, Attorney General of the United States;)
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS);)
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);)
WARDEN, BROWARD TRANSITIONAL CENTER,)
)
Respondents.)
)

PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241
(ULTRA EXTENSIVE – FEDERAL JUDGE LEVEL – READY TO FILE)

Petitioner Julio Sánchez Pupo, by and through his Next Friend, Marielis Caballero Caballero, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and the Suspension Clause, challenging Petitioner's current immigration detention as unlawful, arbitrary, and unconstitutional, and requesting immediate release or, at minimum, a constitutionally adequate custody/bond hearing, as well as injunctive relief necessary to preserve the Court's jurisdiction.

I. PRELIMINARY STATEMENT

This case concerns a core constitutional safeguard: the right to seek prompt judicial review of unlawful custody. Petitioner is a Cuban national who entered the United States on February 3, 2023. After being apprehended at the border, Petitioner was found to have a credible fear and was granted parole. Petitioner thereafter pursued lawful, available forms of relief, including a pending Form I-485 application under the Cuban Adjustment Act. Despite these equities, Petitioner was arrested on December 21, 2025, in a fact pattern consistent with an arbitrary warrantless seizure: a county sheriff encounter at a roadside

assistance situation involving Petitioner's brother, followed by Petitioner's arrest without a warrant and without any meaningful individualized justification.

Petitioner remains confined at Broward Transitional Center under conditions that, as alleged, are incompatible with civil detention and due process: extreme rationing of food and water; repeated service of spoiled food; unsanitary housing conditions; denial of medical care and medications; racial and xenophobic harassment; and severe physical and psychological deterioration including weight loss and recurrent depressive and anxious episodes.

The Habeas Writ remains available to challenge immigration detention that violates the Constitution or laws of the United States. This Petition is not a generalized disagreement with discretionary enforcement; it alleges specific constitutional and statutory violations, including Fourth Amendment and Fifth Amendment violations, and seeks relief that federal courts may order under § 2241.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241, and the Suspension Clause, U.S. CONST. art. I, § 9, cl. 2. Federal courts retain habeas jurisdiction to determine whether immigration custody violates the Constitution, treaties, or laws of the United States.

III. VENUE

Venue is proper in the Southern District of Florida, Fort Lauderdale Division, because Petitioner is detained within this District at Broward Transitional Center and Respondents exercise custody over Petitioner within this District.

IV. PARTIES

A. Petitioner: Julio Sánchez Pupo ([REDACTED]), born [REDACTED] Cuban national; entered February 3, 2023; detained since December 21, 2025; currently held at Broward Transitional Center, 3900 N. Powerline Rd, Pompano Beach, FL 33073.

B. Next Friend: Marielis Caballero Caballero, lawful permanent resident of the United States; born [REDACTED] Cuban national; resides at [REDACTED] West Palm Beach, FL 33407; phone [REDACTED] email [REDACTED]

C. Respondents include: Kristi Noem, Secretary of Homeland Security; Merrick B. Garland, Attorney General; DHS; ICE; and the Warden of Broward Transitional Center, each responsible for Petitioner's custody and/or policies and practices governing that custody.

V. NEXT FRIEND STANDING (WHITMORE)

Next Friend standing is appropriate where (1) the detainee cannot litigate his own cause due to disability or other practical barriers, and (2) the Next Friend has a significant

relationship with the detainee and is truly dedicated to the detainee's best interests. See *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

Petitioner's confinement substantially restricts his access to legal materials and effective communication, while Petitioner's mental health deterioration—including depression and anxiety—further impairs his ability to pursue complex federal litigation from custody. Next Friend is Petitioner's domestic partner, has a significant relationship with Petitioner, and is committed to acting in Petitioner's best interests.

VI. EXHAUSTION / NO ADEQUATE ALTERNATIVE REMEDY

To the extent exhaustion is argued, it is not jurisdictional in § 2241 detention challenges and may be excused where administrative remedies are inadequate, futile, or incapable of preventing irreparable harm. Here, the ongoing constitutional injury and the risk of removal/transfer weigh strongly in favor of immediate review.

VII. STATEMENT OF FACTS

1. Entry and lawful pursuit of status: Petitioner entered the United States on February 3, 2023. After apprehension at the border, Petitioner passed a credible fear process and was granted parole. Petitioner has pursued lawful relief and has a pending Form I-485 for adjustment of status under the Cuban Adjustment Act, demonstrating his intent to regularize and comply.
2. Arrest on December 21, 2025: While at home, Petitioner received a call from his brother requesting assistance due to a vehicle problem. Petitioner responded to help. Upon arrival, a county sheriff was already present and requested documents from Petitioner and his brother. Without a warrant, without a criminal allegation supported by facts, and without a meaningful explanation, Petitioner was arrested.
3. No serious criminal record; strong ties: Petitioner has no serious criminal record. He has strong ties in the United States through his domestic partner and community connections, and he has consistently acted responsibly in pursuing immigration relief.
4. Civil detention conditions: Petitioner reports extreme rationing of food and water and being forced on repeated occasions to consume spoiled food. He reports unsanitary conditions, denial of medical care and medications when ill, and psychological abuse including racial and xenophobic harassment.
5. Deterioration: Petitioner reports notable weight loss and significant mental health decline, including depressive and anxious crises. These conditions are incompatible with civil detention's regulatory purpose.
6. Fear of removal and third-country transfer: Petitioner fears removal to Cuba where he [REDACTED] and fears transfer/removal to a [REDACTED]

third country without his voluntary consent. Such actions would cause irreparable harm and could moot this Court's jurisdiction.

VIII. CLAIMS FOR RELIEF

Petitioner asserts the following independent and alternative bases for habeas relief:

CLAIM ONE – Fourth Amendment / Unlawful Seizure and Arrest Without Warrant or Probable Cause

Civil immigration enforcement does not create a blank check for warrantless seizure without individualized justification. Petitioner alleges his arrest occurred without a judicial warrant and without probable cause. Where custody is the fruit of an unlawful seizure, habeas relief is appropriate to remedy ongoing unlawful restraint.

CLAIM TWO – Fifth Amendment Due Process: Arbitrary and Punitive Civil Detention

Immigration detention is civil and must remain nonpunitive. See *Bell v. Wolfish*, 441 U.S. 520 (1979). Detention that becomes punitive in purpose or effect violates substantive due process. Additionally, prolonged or arbitrary detention without meaningful individualized assessment offends due process principles. See *Zadvydas v. Davis*, 533 U.S. 678 (2001) (civil detention may not be indefinite and must bear a reasonable relation to its purpose).

CLAIM THREE -- Conditions of Confinement Violating Due Process (Food/Water, Sanitation, Safety)

Civil detainees are entitled to conditions that do not amount to punishment. *Bell*, 441 U.S. at 535-37. Extreme rationing of food and water, repeated service of spoiled food, and unsanitary living conditions plausibly constitute unconstitutional punishment and violate due process. When conditions create a substantial risk of serious harm, and officials fail to take reasonable measures, constitutional violations result.

CLAIM FOUR – Denial of Medical Care and Medications

Petitioner alleges denial of medical attention and medications when ill. Denial of necessary medical care can violate constitutional standards. See *Estelle v. Gamble*, 429 U.S. 97 (1976) (deliberate indifference to serious medical needs violates constitutional protections). Where medical neglect is alleged to be systemic and ongoing, habeas courts may order relief necessary to remedy unlawful custody and prevent irreparable injury.

CLAIM FIVE – Equal Protection / Discriminatory and Xenophobic Harassment

Petitioner alleges racial and xenophobic harassment and discriminatory treatment. Government detention cannot be administered in a discriminatory manner. Discrimination

and harassment that contribute to punitive conditions and psychological harm support due process and equal protection claims and reinforce the need for prompt judicial intervention.

IX. REQUEST FOR IMMEDIATE RELIEF

Given the risk of irreparable harm—including physical deterioration, worsening mental health, and potential removal/transfer that could moot this Court's jurisdiction—Petitioner requests immediate relief: (1) an order releasing Petitioner forthwith; or alternatively (2) an order directing a prompt, constitutionally adequate custody/bond hearing with a meaningful opportunity to present evidence and with the Government bearing the appropriate burden, along with (3) orders preserving the Court's jurisdiction by prohibiting removal, third-country transfer, and retaliatory transfer pending resolution.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue the Writ of Habeas Corpus and order Petitioner's immediate release from DHS/ICE custody;
- B. In the alternative, order an immediate and constitutionally adequate custody/bond hearing with meaningful consideration of evidence;
- C. Enjoin Respondents from removing Petitioner from the United States, transferring Petitioner to another facility, or removing Petitioner to a third country without voluntary consent pending resolution;
- D. Order Respondents to provide constitutionally adequate access to medical care and medications while Petitioner remains in custody;
- E. Award such other and further relief as the Court deems just and proper.

XI. VERIFICATION / DECLARATION (NEXT FRIEND)

I, Marielis Caballero Caballero, declare under penalty of perjury that I am Petitioner's Next Friend; that I have read this Petition; and that the facts stated herein are true and correct to the best of my knowledge and belief.

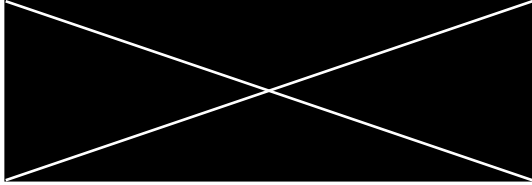
XI. VERIFICATION / DECLARATION (NEXT FRIEND)

I, Marielis Caballero Caballero, declare under penalty of perjury that I am Petitioner's Next Friend; that I have read this Petition; and that the facts stated herein are true and correct to the best of my knowledge and belief.

Executed on: 02/20, 2026

Signature: Marielis

Marielis Caballero Caballero, Next Friend



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IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, BROWARD TRANSITIONAL CENTER,
Respondents.

**PROOF OF SERVICE (FEDERAL)
(HABEAS CORPUS AND RELATED EMERGENCY MOTIONS)**

I, Marielis Caballero Caballero, declare under penalty of perjury that on the date listed below, I served a true and correct copy of the following documents by U.S. Mail / Certified Mail / Priority Mail / FedEx / UPS (method selected by filer) upon the parties listed below:

- Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- Emergency Motion for Immediate Release
- Motion to Expedite Consideration
- Emergency Motion for Temporary Restraining Order and Proposed Order
- Emergency Motion for Stay of Removal
- Affidavit of Next Friend

ADDRESSEES SERVED

1. Clerk of Court
United States District Court
Southern District of Florida – Fort Lauderdale Division
299 E. Broward Boulevard, Room 108
Fort Lauderdale, FL 33301

2. United States Attorney
Southern District of Florida
99 N.E. 4th Street
Miami, FL 33132

3. Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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

5. ICE Office of the Principal Legal Advisor (OPLA)
Miami Field Office
880 Frontage Road North, Suite 2000
North Palm Beach, FL 33408

6. Immigration and Customs Enforcement (ICE)
Miami Field Office
880 Frontage Road North
North Palm Beach, FL 33408

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

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

Executed on: 02/20, 2026

Signature: Marielis

Marielis Caballero Caballero
Next Friend for Julio Sánchez Pupo

