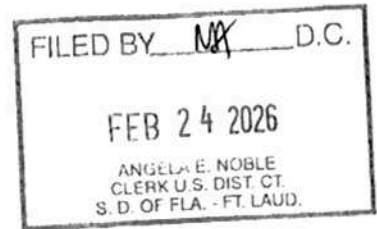


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION



JULIO SÁNCHEZ PUPO,

A 

Petitioner,

v.

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.

**EMERGENCY MOTION FOR IMMEDIATE RELEASE
(ULTRA MEGA – 28 U.S.C. § 2241)**

Petitioner Julio Sánchez Pupo, by and through his Next Friend, Marielis Caballero Caballero, respectfully moves this Honorable Court for an Order of Immediate Release pursuant to 28 U.S.C. § 2241. Petitioner's continued detention violates the United States Constitution, federal law, and binding Supreme Court precedent. No set of detention conditions can cure the ongoing constitutional violations described herein.

I. LEGAL STANDARD FOR IMMEDIATE RELEASE

Federal courts possess broad authority under § 2241 to order immediate release where custody is unlawful. When detention is arbitrary, punitive, or constitutionally infirm, release—not continued confinement—is the proper remedy. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

Petitioner has demonstrated a strong likelihood of success on his habeas claims. He was arrested without a warrant or probable cause while assisting his brother, despite having been paroled into the United States, having a pending I-485 under the Cuban Adjustment Act, and having no serious criminal history. Such arrest and continued detention violate the Fourth and Fifth Amendments.

III. DETENTION HAS BECOME PUNITIVE AND ARBITRARY

Immigration detention is civil in nature and may not be punitive. Petitioner's confinement at Broward Transitional Center includes extreme rationing of food and water, repeated service of spoiled food, unsanitary conditions, denial of medical care and medications, and racial and xenophobic harassment. These conditions transform civil detention into unconstitutional punishment. See *Bell v. Wolfish*, 441 U.S. 520 (1979).

IV. IRREPARABLE HARM

Petitioner is suffering ongoing and irreparable harm, including severe weight loss, deterioration of physical health, and acute depression and anxiety. Monetary damages cannot remedy this harm. Continued detention risks permanent injury and potential removal or third-country transfer that would moot this Court's jurisdiction.

V. NO FLIGHT RISK AND NO DANGER

Petitioner poses no danger to the community and no risk of flight. He has strong ties to the United States through his lawful permanent resident partner, has consistently complied with immigration requirements, and has done everything within his power to regularize his status.

VI. BALANCE OF EQUITIES AND PUBLIC INTEREST

The balance of equities overwhelmingly favors Petitioner. Immediate release imposes minimal burden on Respondents while preventing grave constitutional injury. The public interest is served by ensuring compliance with the Constitution and preventing unlawful detention.

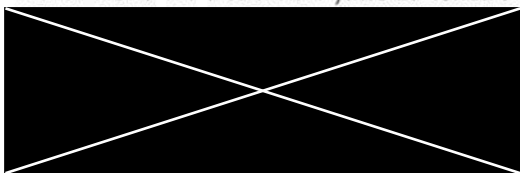
VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Order Petitioner's immediate release from DHS/ICE custody;
- B. Alternatively, order release under the least restrictive conditions;
- C. Grant any further relief the Court deems just and proper.

Respectfully submitted,

Marielis Caballero Caballero
Next Friend for Petitioner Julio Sánchez Pupo



Signature: Maxid
Date: 02/20/2026