

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CHAFIK  
SOFIA-LAFFITA,



Civil Action No.

*Petitioner.*

v.

CARLOS R. NUNEZ, in his official capacity as  
ASSISTANT FIELD OFFICER DIRECTOR  
BROWARD TRANSITIONAL CENTER;  
PAM BONDI, in her official capacity as  
ATTORNEY GENERAL;  
KRISTI NOEM, in her official capacity as  
SECRETARY OF THE DEPARTMENT OF  
HOMELAND SECURITY;  
CALEB VITELLO, in his official capacity as  
DIRECTORS OF UNITED STATES  
IMMIGRATION AND  
CUSTOMS ENFORCEMENT

*Respondents.*

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

Chafik Sofia-Laffita (Mr. Sofia-Laffita), a citizen of Cuba, petitions this Court for a writ of habeas corpus to remedy his prolonged and unlawful detention by Respondents. Immigration authorities detained Mr. Sofia-Laffita without presenting an arrest warrant on or about November 11, 2025.

The government transferred Mr. Sofia-Laffita to the Broward Transitional Center in Pompano Beach, Florida. As of the date of this petition, Mr. Sofia-Laffita has not received a copy of any form of arrest warrant permitting his detention. Respondents have detained Mr. Sofia-Laffita without an arrest warrant; without explanation; and without cause.

After the Immigration Judge denied bond twice, alleging lack of jurisdiction, Mr. Sofia-Laffita file a habeas corpus action and on January 30, 2026, U.S. District Judge Dimitrouleas ordered that Mr. Sofia-Laffita be provided a bond hearing. On February 3, 2026, the Immigration Court conducted the bond hearing pursuant to the Federal Habeas Court Order. Mr. Sofia-Laffita was granted bond in the amount of \$5,000.

On February 4, 2026, Mr. Sofia-Laffita's father posted the Immigration Bond of \$5,000 with DHS/ICE. On February 5, 2026, the ICE website reflected that the bond payment had been approved and accepted. On the same date, the Deportation Officer advised Mr. Sofia-Laffita's immigration counsel that Mr. Sofia-Laffita would be released once confirmation was received from ICE Bond Processing Center. As of the date of this petition, DHS/ICE is still holding the Immigration Bond of \$5,000 placed for the release of Mr. Sofia-Laffita.

On February 5, 2026, the Immigration Judge held the scheduled individual hearing, granted DHS's Motion to Pretermit, and ordered Respondent removed. On February 9, 2026, the Immigration Judge revoked the previously granted bond. This is despite Petitioner having been ordered removed *after* the Immigration Judge granted his release via an Immigration Bond of \$5,000. (Emphasis Added).

The Immigration Judge revoked the previously granted bond citing that Mr. Sofia-Laffita "was ordered removed on February 5, 2026, upon the granting of the [DHS'] motion to Pretermit Respondents applications for relief. This is a material change in circumstances, such that, the Respondent having had his applications for relief pretermitted, no longer has any relief available to him. Respondent is therefore subject to detention under 8 USC 1231(a)(2)(A)."

However, the Immigration Judge erred in revoking Mr. Sofia-Laffita's Immigration Bond of \$5,000 after Petitioner's father had already pledge the bond amount to DHS/ICE because the

removal order is not a final order of removal as it is still subject to appellate review. This is supported by the fact that Sofia-Laffita filed his Immigration Appeal with the Board of Immigration Appeals (BIA) appealing his removal order on February 11, 2026.

As of the date of this filing, no Appellate Brief Schedule has even been provided by the BIA. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission.<sup>1</sup> Therefore, Mr. Sofia-Laffita faces continued detention for at least six (6) additional months **if, and only if, the BIA issues a briefing schedule today and all parties submit their appellate briefs today. The very notion that this will occur is implausible.**

Consequently, Mr. Sofia-Laffita, who has already been detained for over three (3) months, faces detention for the majority of the year of 2026 while he exercises his Constitutional right to appellate review by the BIA of a non-final order of removal.

For the reasons set forth below, Mr. Sofia-Laffita's continued unreasonably prolonged detention is unlawful and he is entitled to release. In support of this petition, Mr. Sofia-Laffita alleges as follows:

#### **CUSTODY**

1. After Petitioner's unlawful arrest in November of 2025, the government transferred Mr. Sofia-Laffita to the Broward Transitional Center in Pompano Beach, Florida.

#### **JURISDICTION**

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104 - 208, 110 Stat. 1570.

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<sup>1</sup> See Case Processing At the Board of Immigration Appeals, October of 2019 Memo. (Last Visited on February 23, 2026).

3. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I §9, Cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 1331, because Mr. Sofia-Laffita is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

#### **VENUE**

4. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Southern District of Florida, the judicial district in which Mr. Sofia-Laffita is detained.

#### **PARTIES**

5. Mr. Sofia-Laffita is a citizen of Cuba. On or about December of 2022, he entered the United States where he was released on his own recognizance. Immigration and Customs Enforcement (ICE) detained Mr. Sofia-Laffita on November 11, 2025 and he has remained in custody continuously since that date.

6. Respondent Carlos R. Nunez, the Assistant Filed Officer Director of Broward Transitional Center, is responsible for the overall operation and direction of the detention center where Mr. Sofia-Laffita is currently detained under the authority of ICE. As such, Mr. Nunez may be considered to be Mr. Sofia-Laffita's immediate custodian.

7. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, the Attorney General is a legal custodian of Mr. Sofia-Laffita.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). The Secretary is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Secretary Noem is a legal custodian of Mr. Sofia-Laffita.

9. Respondent Carlos R. Nunez is the Assistant ICE Field Office Director of ICE's Broward Transitional Center and Warden of Broward Transitional Center. Mr. Nunez is a legal custodian of Mr. Sofia-Laffita. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), *cert. denied*, 122 S. Ct. 43 (2001).

10. Respondent Caleb Vitello, the Director of ICE, is responsible for the overall operation and direction of the Broward Transitional Center in Pompano Beach, Florida where Mr. Sofia-Laffita is currently detained under the authority of ICE. Mr. Vitello is a legal custodian of Mr. Sofia-Laffita.

#### **FACTUAL BACKGROUND**

11. On December 30, 2021, Mr. Sofia-Laffita, a 37-year-old native and citizen of Cuba, entered the United States without inspection. Shortly thereafter, he was encountered by U.S. Customs and Border Protection, taken into custody, and placed in detention. *See ICE Order of Release on Own Recognizance attached as Exhibit "A"*.

12. On January 10, 2022, Mr. Sofia-Laffita was released from custody based on an Order of Release on Own Recognizance issued by DHS/ICE. *See ICE Order of Release on Own Recognizance attached as Exhibit "A"*. It was not until May of 2022, that Mr. Sofia-Laffita was placed in removal proceedings pursuant to a Notice to Appear issued and lodged by DHS with the Miami Immigration Court. *See DHS' Notice to Appear attached as Exhibit "B"*.

13. For the duration of January of 2022 until his detention in November of 2025, Mr. Sofia-Laffita established residence in Florida, obtained a State of Florida electrician journeyman license,

became gainfully employed, and purchased a home. During this period, he married Janet Bencosme, also a Cuban national, who has a pending asylum application.

14. On December 12, 2025, the Immigration Judge presiding over the Immigration Court at Broward Transition Center where the Petitioner is currently detained denied Respondent's request for bond for lack of jurisdiction, relying on *Matter of Yahury-Hurtado*. On January 8, 2026, the Immigration Judge again denied bond, finding no material change in circumstances.

15. On January 12, 2026, DHS filed a Motion to Pretermit Respondent's asylum application based on the Asylum Cooperative Agreement with Ecuador. The Immigration Judge set January 26, 2026 as the deadline for Mr. Sofia-Laffita's response to DHS's motion. On January 30, 2026, Mr. Sofia-Laffita filed an amended asylum application with the Immigration Court.

16. On January 30, 2026, through a Federal Habeas Corpus action, U.S. District Judge Dimitrouleas ordered that Mr. Sofia-Laffita be provided a bond hearing. *See* Habeas Decision dated February 2, 2026 attached as Exhibit "C".

17. On February 3, 2026, the Immigration Court conducted the bond hearing pursuant to the Federal Habeas Court Order, whereas Mr. Sofia-Laffita was granted bond in the amount of \$5,000. *See* Immigration Court Order granting Bond attached as Exhibit "D".

18. On February 4, 2026, Mr. Sofia-Laffita's father posted the Immigration Bond of \$5,000 with DHS/ICE. On February 5, 2026, the ICE website reflected that the bond payment had been approved and accepted.

19. On the same date, the Deportation Officer advised Mr. Sofia-Laffita's immigration counsel that Mr. Sofia-Laffita would be released once confirmation was received from ICE Bond Processing Center. As of the date of this petition, DHS/ICE is still holding the Immigration Bond of \$5,000 placed for the release of Mr. Sofia-Laffita.

20. On February 5, 2026, the Immigration Judge held the scheduled individual hearing, granted DHS's Motion to Pretermit, and ordered Respondent removed.

21. On February 9, 2026, the Immigration Judge revoked the previously granted bond. *See* Immigration Court Order revoking Bond attached as Exhibit "E". On February 11, 2026, Mr. Sofia-Laffita filed his Immigration Appeal with the Board of Immigration Appeals (BIA) appealing his removal order. *See* Filing Receipt for Immigration Appeal attached as Exhibit "F".

**COUNT ONE**  
**VIOLATION OF IMMIGRATION AND NATIONALITY ACT – PROLONGED  
MANDATORY DETENTION OF A NON-CITIZEN AFTER AN INDEPENDENT BOND  
DETERMINATION**

22. Mr. Sofia-Laffita re-alleges and incorporates by reference paragraphs 1 through 21 above.

23. Mr. Sofia-Laffita's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1226(a)&(b). Specifically, 8 U.S.C. § 1226(a)(2) states that the Attorney General "may release the alien on ... (A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or (B) conditional parole." 8 U.S.C. § 1226(a). The method described by 8 U.S.C. § 1226(b) for a revocation of bond states that the Attorney General "at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien." 8 U.S.C. § 1226(b).

24. 8 U.S.C. § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings[.]" *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Section 1226(a) sets out a discretionary detention framework for noncitizens arrested and detained "[o]n a warrant issued by the Attorney General," and authorizes the Attorney General to "continue to detain the arrested alien[.]" release him on a "bond of at least \$1,500[.]" or release him on "conditional parole[.]" 8 U.S.C. § 1226(a)(1)–(2). "Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention." *Jennings*, 583 U.S. at

306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)); *see also Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, at \*13 (S.D.N.Y. Aug. 13, 2025) (“To be sure, a noncitizen detained under § 1226(a) is undoubtedly entitled to a bond hearing before an immigration judge.”).

25. Federal courts have consistently established that when due process protections apply to bond revocation proceedings, the government must bear the burden of proof by clear and convincing evidence.

26. The U.S. District Court for the Southern District of California have found that the Government has violated Due Process when “Respondents released Petitioner on his own recognizance, thereby finding that he was not a flight risk or a danger to the community. Respondents then unlawfully revoked that conditional parole and detained him without due process, or a finding of a change in circumstances, that he was a danger or that he was a flight risk. *See Faizyan v. Casey*, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025), at \*6-8 (gathering cases); *see also Sanchez v. LaRose*, 2025 WL 2770629, at \*4 (S.D. Cal. Sept. 26, 2025)(“Because Respondents revoked Petitioner’s parole and detained her without any rational individualized fact-finding or consideration of the effects of altering their prior decisions, Respondents acted arbitrarily and capriciously in violation of the APA.”).

27. For the same reasons, Respondents violated Petitioner’s due process rights under the Fifth Amendment. *Faizyan*, 2025 WL 3208844, at \*6-8; *see also Salazar v. Casey*, 2025 WL 3063629, at \*5 (S.D. Cal. Nov. 3, 2025)(“[B]ecause Respondents detained Petitioner by revoking her parole in violation of the Due Process Clause, her detention is unlawful.”) *N-E-M-B v. Wamsley*, 2025 WL 3527111, (D. Ore. Dec. 9, 2025).

28. In *J.G. v. Warden, Irwin County Detention Center*, 501 F.Supp.3d 1331 (2020), the Middle District of Georgia held that “the Government must bear the burden of proof” and that “[t]he clear

and convincing standard strikes the appropriate balance between avoiding erroneous deprivations and detaining noncitizens who legitimately pose a flight risk” for such proceedings. 501 F.Supp.3d 1331 (2020). The Court reasoned that “civil confinement is a significant liberty deprivation” requiring heightened procedural protections.” *J.G. v. Warden, Irwin County Detention Center*, 501 F.Supp.3d 1331 (2020).

29. In this instance, Mr. Sofia-Laffita entered the United States on or about December 30, 2021, where he was processed and released by DHS/CBP and was not placed in mandatory detention at the time of entry. *See* ICE Order of Release on Own Recognizance attached as Exhibit “A”.

30. The Government has detained Mr. Sofia-Laffita under the guise that it can revoke his conditional parole based on 8 U.S.C. § 1226(b) without providing any basis for this revocation. However, the Government has the burden, through “clear and convincing” evidence to establish that Mr. Sofia-Laffita is a danger to the community and/or pose a flight risk. The Government has not met this burden as it still has not even explained why Mr. Sofia-Laffita was detained in 2025 after being released on his own recognizance since January of 2022.

31. The reality is that the Government cannot support Mr. Sofia-Laffita’s detention. This is because Mr. Sofia-Laffita (1) has no criminal record anywhere in the world and (2) has consistently abided by the terms of DHS’ Order releasing him on his own recognizance.

32. More importantly, on February 3, 2026, Mr. Sofia-Laffita was granted an Immigration Bond in the amount of \$5,000 after the U.S. District Judge Dimitrouleas ordered that Mr. Sofia-Laffita be provided a bond hearing in his Federal Habeas Corpus action. *See* Habeas Decision dated February 2, 2026 attached as Exhibit “C”.

33. On February 4, 2026, Mr. Sofia-Laffita's father posted the Immigration Bond of \$5,000 with DHS/ICE. On February 5, 2026, the ICE website reflected that the bond payment had been approved and accepted. On the same date, the Deportation Officer advised Mr. Sofia-Laffita's immigration counsel that Mr. Sofia-Laffita would be released once confirmation was received from ICE Bond Processing Center. As of the date of this petition, DHS/ICE is still holding the Immigration Bond of \$5,000 placed for the release of Mr. Sofia-Laffita.

34. While Respondents may attempt to argue that they have an interest in detaining Mr. Sofia-Laffita in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Sofia-Laffita. This is because Petitioner was ordered removed after the Immigration Judge granted his release via an Immigration Bond of \$5,000. (Emphasis Added).

35. On February 9, 2026, the Immigration Judge revoked the previously granted bond citing that Mr. Sofia-Laffita "was ordered removed on February 5, 2026, upon the granting of the [DHS'] motion to Pretermitt Respondents applications for relief. This is a material change in circumstances, such that, the Respondent having had his applications for relief pretermitted, no longer has any relief available to him. Respondent is therefore subject to detention under 8 USC 1231(a)(2)(A)." See Immigration Court Order revoking Bond at 1 attached as Exhibit "E".

36. However, the Immigration Judge erred in revoking Mr. Sofia-Laffita's Immigration Bond of \$5,000 after Petitioner's father had already pledge the bond amount to DHS/ICE because the removal order is not a final order of removal as it is still subject to appellate review. This is supported by the fact that Sofia-Laffita filed his Immigration Appeal with the Board of Immigration Appeals (BIA) appealing his removal order. See Filing Receipt for Immigration Appeal attached as Exhibit "F".

37. As of the date of this filing, no Appellate Brief Schedule has even been provided by the BIA. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission.<sup>2</sup> Therefore, Mr. Sofia-Laffita faces continued detention for at least six (6) additional months if, and only if, the BIA issues a briefing schedule today and all parties submit their appellate briefs today. The very notion that this will occur is implausible. (Emphasis Added).

38. Consequently, Mr. Sofia-Laffita, who has already been detained for over three (3) months, faces detention for the majority of the year of 2026 while he exercises his Constitutional right to appellate review by the BIA of a non-final order of removal. Therefore, Petitioner's detention does and will continue to violate 8 USC 1231(a)(3), which states that "[i]f the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General." 8 USC 1231(a)(3).

39. For these reasons, Mr. Sofia-Laffita's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

**COUNT TWO**  
**SUBSTANTIVE DUE PROCESS VIOLATION**

40. Mr. Sofia-Laffita re-alleges and incorporates by reference paragraphs 1 through 21 above.

41. A person in removal proceedings is entitled to due process under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306 (1993). In removal proceedings, which are civil rather than criminal in nature, constitutional requirements of due process are only satisfied by a full and fair hearing. *Matter of Exilus*, 18 I&N Dec.276, 281 (BIA 1982).

42. The Due Process Clause of the Fifth Amendment requires that the deprivation of Mr. Sofia-Laffita's liberty be narrowly tailored to serve a compelling government interest. Mr. Sofia-Laffita

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<sup>2</sup> See Case Processing At the Board of Immigration Appeals, October of 2019 Memo. (Last Visited on February 23, 2026).

is currently deprived of his due process rights to which he is entitled under the Fifth Amendment of the United States Constitution. *Animashaun v. INS*, 990 F.2d 234, 238 (5th Cir.1993)(citing *Reno v. Flores*, 507 U.S. 292, 305 (1993)).

43. While Respondents may attempt to argue that they have an interest in detaining Mr. Sofia-Laffita in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Sofia-Laffita.

44. This is because, although Petitioner has been ordered removed, it was done after the Immigration Judge granted his release via an Immigration Bond of \$5,000.

45. On February 9, 2026, the Immigration Judge revoked the previously granted bond citing that Mr. Sofia-Laffita “was ordered removed on February 5, 2026, upon the granting of the [DHS]’ motion to Pretermitt Respondents applications for relief. This is a material change in circumstances, such that, the Respondent having had his applications for relief pretermitted, no longer has any relief available to him. Respondent is therefore subject to detention under 8 USC 1231(a)(2)(A).” See Immigration Court Order revoking Bond at 1 attached as Exhibit “E”.

46. However, the Immigration Judge erred in revoking Mr. Sofia-Laffita’s Immigration Bond of \$5,000 after Petitioner’s father had already paid the bond amount to DHS/ICE because the removal order is not a final order of removal as it is still subject to appellate review. This is supported by the fact that Sofia-Laffita filed his Immigration Appeal with the Board of Immigration Appeals (BIA) appealing his removal order. See Filing Receipt for Immigration Appeal attached as Exhibit “F”.

47. As of the date of this filing, no Appellate Brief Schedule has even been provided by the BIA. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief

Submission.<sup>3</sup> Therefore, Mr. Sofia-Laffita faces continued detention for at least six (6) additional months if, and only if, the BIA issues a briefing schedule today and all parties submit their appellate briefs today. The very notion that this will occur is implausible. (Emphasis Added).

48. Consequently, Mr. Sofia-Laffita, who has already been detained for over three (3) months, faces detention for the majority of the year of 2026 while he exercises his Constitutional right to appellate review by the BIA of a non-final order of removal.

49. For these reasons, Mr. Sofia-Laffita's continued detention by Respondents is unlawful and in violation of due process of the law under the Fifth Amendment.

### **COUNT THREE** **PROCEDURAL DUE PROCESS VIOLATION**

50. Mr. Sofia-Laffita re-alleges and incorporates by reference paragraphs 1 through 21 above.

51. Mr. Sofia-Laffita's prolonged detention violates a noncitizen's due process rights guaranteed under the Fifth Amendment. As the Court held in *Sopo*, "aliens should [not] be punished for pursuing avenues of relief and appeals." 825 F.3d at 1215 (citing *Ly v. Hansen*, 351 F.3d 263 at 272 (6th Cir. 2003); ("[A]ppeals and petitions for relief are to be expected as a natural part of the process. A noncitizen that would not normally be subject to indefinite detention cannot be so detained merely because he seeks to explore avenues of relief that the law makes available to him.")). "Although an alien may be responsible for seeking relief, he is not responsible for the amount of time that such determinations may take." *Ly*, 351 F.3d at 272.

52. Mr. Sofia-Laffita is currently being detained by Respondents despite (1) an Order by U.S. District Judge Dimitrouleas granting his Habeas Petition; (2) an Order from the Immigration Court issuing an Immigration Bond in the amount of \$5,000; (3) the posting of the Immigration Bond of

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<sup>3</sup> See Case Processing At the Board of Immigration Appeals, October of 2019 Memo. (Last Visited on February 23, 2026).

\$5,000 by Mr. Sofia-Laffita's father, which is still currently being held by DHS/ICE; and (4) Mr. Sofia-Laffita's pending immigration appeal before the BIA, which makes his removal order a non-final removal order.

53. While Respondents may attempt to argue that they have an interest in detaining Mr. Sofia-Laffita in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Sofia-Laffita. This is because, although Petitioner has been ordered removed, it was only after the Immigration Judge had already granted his release via an Immigration Bond of \$5,000.

54. On February 9, 2026, the Immigration Judge revoked the previously granted bond citing that Mr. Sofia-Laffita "was ordered removed on February 5, 2026, upon the granting of the [DHS'] motion to Pretermitt Respondents applications for relief. This is a material change in circumstances, such that, the Respondent having had his applications for relief pretermitted, no longer has any relief available to him. Respondent is therefore subject to detention under 8 USC 1231(a)(2)(A)." *See* Immigration Court Order revoking Bond at 1 attached as Exhibit "E".

55. However, the Immigration Judge erred in revoking Mr. Sofia-Laffita's Immigration Bond of \$5,000 after Petitioner's father had already pledge the bond amount to DHS/ICE because the removal order is not a final order of removal as it is still subject to appellate review. This is supported by the fact that Sofia-Laffita filed his Immigration Appeal with the Board of Immigration Appeals (BIA) appealing his removal order. *See* Filing Receipt for Immigration Appeal attached as Exhibit "F".

56. As of the date of this filing, no Appellate Brief Schedule has even been provided by the BIA. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission.<sup>4</sup> Therefore, Mr. Sofia-Laffita faces continued detention for at least six (6) additional

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<sup>4</sup> *See* Case Processing At the Board of Immigration Appeals, October of 2019 Memo. (Last Visited on February 23, 2026).

months if, and only if, the BIA issues a briefing schedule today and all parties submit their appellate briefs today. The very notion that this will occur is implausible. (Emphasis Added).

57. Consequently, Mr. Sofia-Laffita, who has already been detained for over three (3) months, faces detention for the majority of the year of 2026 while he exercises his Constitutional right to appellate review by the BIA of a non-final order of removal.

58. Respondents' decision to detain Mr. Sofia-Laffita without explanation, documentation, or legal reason makes his detention even more egregious. This is because Respondents previously determined that Mr. Sofia-Laffita did not warrant detention, releasing him after processing on or about January of 2022. Furthermore, an Immigration Judge found that he should be released on bond after a hearing. That determination is dispositive as to both dangerousness and flight risk.

59. For these reasons, Mr. Sofia-Laffita's continued detention by Respondents is unlawful and in violation of procedural due process under the Fifth Amendment.

#### **COUNT FOUR** **ADMINISTRATIVE PROCEDURE ACT VIOLATION**

60. Mr. Sofia-Laffita re-alleges and incorporates by reference paragraphs 1 through 21 above.

61. The APA provides that courts "shall . . . hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion." 5 U.S.C. § 706(2)(A). In *Motor Vehicle Mfrs. Ass'n v. State Farm*, the Supreme Court emphasized that an agency acts arbitrarily and capriciously when it entirely fails to consider an important aspect of the problem or offers an explanation that runs counter to the evidence before the agency. 463 U.S. 29, 43 (1983). Respondent's actions are arbitrary and capricious.

62. Mr. Sofia-Laffita's apprehension and continued detention is arbitrary and capricious because it departs from the agency's existing policies without providing a reasoned explanation for departing from these policies.

63. Mr. Sofia-Laffita is neither a flight risk, nor a danger to the community. Quite the opposite: Mr. Sofia-Laffita has complied with all of DHS and ICE conditions of his initial release under his own recognizance. Despite these findings, the government has departed from its existing policies without providing a reasoned explanation for departing from these policies when detaining Mr. Sofia-Laffita.

64. As noted above, no rationale for Mr. Sofia-Laffita's detention in November of 2025. Additionally, because Mr. Sofia-Laffita is currently appealing his non-final order of removal with the BIA, Petitioner's detention does and will continue to violate 8 USC 1231(a)(3), which states that "[i]f the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General." 8 USC 1231(a)(3).

65. For these reasons, Mr. Sofia-Laffita's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

**COUNT FIVE**  
**RECOVERY OF ATTORNEY FEES AND COSTS**

66. Mr. Sofia-Laffita re-alleges and incorporates by reference paragraphs 1 through 21 above.

67. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Issue an order directing Respondents to show cause why the writ should not be granted;
- c) Issue a writ of habeas corpus ordering Respondents to release Mr. Sofia-Laffita under the same terms of his previously granted Immigration Bond of \$5,000;

- d) Award Petitioner reasonable costs and attorney's fees; and
- e) Grant any other relief which this Court deems just and proper.

Date: February 24, 2026

Respectfully submitted:

/s/ Louize Fiore

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-and-

By: /s/ Inna Shapovalov

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