

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

GEOVANNY MARTIN CERDA SILVA,

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)**

Petitioner, GEOVANNY MARTIN CERDA SILVA (“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). He has been detained for approximately seven months and has been categorically denied access to an individualized bond hearing before an Immigration Judge due to his designation as an arriving alien. His continued detention without access to a neutral custody determination violates the Due Process Clause of the Fifth Amendment. Petitioner seeks an order requiring a prompt bond hearing before a neutral decisionmaker 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 SOUTHERNDistrict of Florida because Petitioner is detained at the BROWARD TRANSITIONAL CENTER, 3900 N. POWERLINE RD NA POMPANO BEACH, FL 33073, which lies within this District.

PARTIES

3. Petitioner GEOVANNY MARTIN CERDA SILVA is a citizen and national of NICARAGUA A [REDACTED] and 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 in February 2024 pursuant to humanitarian parole.
8. Petitioner fled Nicaragua due to fear of persecution arising from [REDACTED]
[REDACTED]
9. Petitioner has no criminal record in the United States or Nicaragua.
10. On July 26, 2025, Petitioner was taken into ICE custody and transferred to the Broward Transitional Center.
11. Petitioner has remained continuously detained since July 26, 2025.
12. On September 9, 2025, Petitioner filed Form I-589 seeking asylum, withholding of removal, and protection under the Convention Against Torture.
13. On October 6, 2025, the Immigration Judge denied relief and ordered removal.
14. On October 14, 2025, Petitioner filed a timely appeal with the Board of Immigration Appeals.
15. The appeal remains pending as of February 24, 2026.
16. Because the appeal is pending, the removal order is not administratively final.
17. Petitioner is detained pursuant to INA § 236(a), 8 U.S.C. § 1226(a).
18. On August 22, 2025, the Immigration Judge denied Petitioner's request for custody redetermination.
19. The Immigration Judge ruled that DHS had issued a superseding Notice to Appear designating Petitioner as an arriving alien.
20. The Immigration Judge concluded that the regulations preclude bond jurisdiction over arriving aliens in removal proceedings.
21. As a result, Petitioner has been categorically denied access to a bond hearing before an Immigration Judge.

22. As of February 24, 2026, Petitioner has been detained approximately seven months.
23. There is no defined endpoint to his detention while his appeal remains pending.
24. The duration of detention is attributable to the ordinary course of removal proceedings and appellate review, not to dilatory conduct by Petitioner.

LEGAL FRAMEWORK

25. Immigration detention is civil, not punitive.
26. Civil detention is constitutionally permissible only so long as it is reasonably related to legitimate regulatory purposes: ensuring appearance at proceedings and protecting the community.
27. The Fifth Amendment prohibits arbitrary or excessive civil detention.
28. Although § 236(a) authorizes discretionary detention, it does not authorize prolonged confinement without meaningful procedural safeguards.
29. Due process requires an individualized custody determination before a neutral decisionmaker when detention becomes prolonged.
30. A regulatory scheme that categorically bars a detainee from access to an Immigration Judge bond hearing raises serious constitutional concerns.
31. ICE parole is a purely discretionary executive mechanism and does not substitute for a neutral adjudicatory hearing.
32. When detention becomes prolonged and no neutral custody review is available, continued confinement violates due process.

COUNT I

Violation of the Due Process Clause (Fifth Amendment)

33. Petitioner incorporates all preceding paragraphs.
34. Petitioner has been detained approximately seven months.
35. He has been categorically barred from seeking bond before an Immigration Judge due to his arriving-alien designation.
36. His removal proceedings remain ongoing, and his appeal is pending.
37. There is no defined endpoint to his detention.
38. Petitioner has never received a constitutionally adequate custody determination before a neutral adjudicator.
39. Continued detention under these circumstances is arbitrary, excessive, and violates the Fifth Amendment.

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 27, 2026

Respectfully submitted,

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