

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

MAR 4 2026 PM 12:12
FILED - USDC - FLMD - FTM

RENE RODRIGUEZ-ALES,
Petitioner,

v.

Case No. 2:26-cv-612-SPC-DNF

Warden,
Alligator Alcatraz
Florida Soft Side South,
54575 Tamiami Trail East,
Ochopee, Florida 34141,
Respondent.

**PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)**

INTRODUCTION

Petitioner, Rene Rodriguez-Ales, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner was ordered removed on April 8th, 2010. Following that order, he remained in ICE custody for more than 180 days. Because Cuba did not accept him and removal was not feasible, ICE released him under an Order of Supervision.

On January 21st, 2026, Petitioner was re-detained by ICE. Although this re-detention technically falls within the current 90-day statutory removal period under 8 U.S.C. § 1231(a)(1), Petitioner previously completed the removal period and was detained well beyond six months before being released due to the Government's inability to remove him.

Absent materially changed circumstances demonstrating that removal is now significantly likely in the reasonably foreseeable future, continued detention violates 8 U.S.C. § 1231 as interpreted by the Supreme Court and the Due Process Clause of the Fifth Amendment.

He has been detained since July 23rd, 2025 (more than six months) despite having completed the statutory removal period years ago and despite the Government's failure to demonstrate that removal is significantly likely in the reasonably foreseeable future.

His continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231, and the Due Process Clause of the Fifth Amendment to the United States Constitution.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody within the Middle District of Florida.

PETITIONER INFORMATION

Name: Rene Rodriguez-Ales

Date of Birth: 

Country of Birth: Cuba

A-Number: 

Current Custody: ICE detention at Alligator Alcatraz – Florida Soft Side South

Arrest Date: January 21st, 2026

FACTUAL BACKGROUND

- Petitioner entered the United States legally on January 18th, 2005.
- He obtained lawful permanent resident status through his mother.
- A final order of removal was entered on April 8th, 2010.
- Following that order, Petitioner remained in ICE custody for more than 180 days.
- Removal was not effectuated because Cuba did not accept him.
- ICE released Petitioner under an Order of Supervision.
- Petitioner complied with supervision requirements for many years.
- On January 21st, 2026, Petitioner was re-detained.
- Petitioner does not possess a valid Cuban passport or travel documents.
- Petitioner is married and has a pending Form I-130 petition filed on his behalf.
- ICE has not demonstrated that removal is significantly likely in the reasonably foreseeable future.

Grounds for Relief (Ground One – Governing Law)

The Immigration and Nationality Act, 8 U.S.C. § 1231(a), governs detention following a final order of removal.

While the statute permits detention during the 90-day removal period, detention beyond that period is limited by the Constitution.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-order detention is limited to a period reasonably necessary to effectuate removal, presumptively six months. After six months, if removal is not significantly likely in the reasonably foreseeable future, continued detention violates the Due Process Clause of the Fifth Amendment.

Once the six-month period has passed, the burden shifts to the Government to demonstrate that removal is significantly likely.

Ground Two – Argument

(Petitioner Previously Completed the Removal Period)

Petitioner was detained for more than 180 days following the 2010 removal order. ICE released him because removal could not be accomplished.

The statutory removal period was satisfied years ago.

Re-detention in 2026 does not automatically restart constitutional detention authority absent materially changed circumstances.

Ground Three

The Government Has Not Demonstrated Newly Foreseeable Removal

Cuba previously refused to accept petitioner & lacks travel documents.

ICE has not demonstrated that removal is now significantly likely in the reasonably foreseeable future. Without such a showing, continued detention is arbitrary and unconstitutional.

Ground Four

Detention While an I-130 Is Pending

Undermines the Civil Purpose of Custody

Petitioner is married and has a pending Form I-130 petition filed on his behalf.

Detention during the pendency of a lawful immigration petition, where removal is not clearly imminent, further demonstrates that continued detention is not reasonably related to effectuating removal.

Ground Five

Detention Violates the Fifth Amendment

Civil immigration detention must remain regulatory, not punitive.

Where removal was previously deemed infeasible and no material change has occurred, renewed detention exceeds the limited authority granted under § 1231 and violates the Due Process Clause.

Relief Requested

WHEREFORE, Petitioner respectfully requests that this Court grant this Petition for Writ of Habeas Corpus, order Petitioner's immediate release under appropriate supervision, and grant such other relief as the Court deems just and proper.

Declaration Under Penalty Of Perjury

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of material fact may serve as the basis for prosecution for perjury.

Name: Rene Rodriguez-Ales (Pro Se)

Date: 02-27-2026

A-Number: 



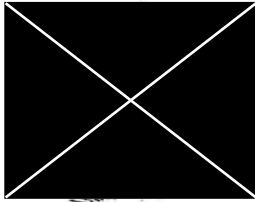
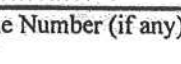
(Signature of Petitioner)

U.S. Department of Homeland Security

U.S. Immigration and Customs Enforcement

Continuation Page for Form:

I-220B

Alien's Name RODRIGUEZ-Ales, Rene	File Number 	Date 6/22/2012
Alien's Signature 		 RIGHT INDEX PRINT 
Alien's Address		
COB: CUBA		
DOB:  FBI#:  SS#: 		
Alien's Telephone Number (if any) (Home)		

PERSONAL REPORT RECORD

Subject next report to Tampa ICE/ERO Office will be on AUGUST 27, 2012. TJ

08.30.12 TJ	"Reported to TAM/ERO, Checks Negative, Next Report 11.08.12"
11.02.12 JC	"Reported to TAM/ERO, Checks Negative, Next Report 2.11.13"
01/10/13 (KJP)	"Reported to TAM/ERO, Checks Negative, Next Report 04/11/13"
1/12/13 WJ	"Reported to TAM/ERO, Checks Negative, Next Report 7/15/13"
07-15-13 KJP	"Reported to TAM/ERO, Checks Negative, Next Report 10-14-13"
10/15/13 JK	"Reported to TAM/ERO, Checks Negative, Next Report 01/21/14"
01/21/14 JA	"Reported to TAM/ERO, Checks Negative, Next Report 04/23/14"
4/23/14 WJ	"Reported to TAM/ERO, Checks Negative, Next Report 7/23/14"
07/23/14 KJP	"Reported to TAM/ERO, Checks Negative, Next Report 10-29-14"
10-30-14 PP	"Reported to TAM/ERO, Checks Negative, Next Report 2-3-15"
2-3-15	"Reported to TAM/ERO, Checks Negative, Next Report 5-5-2015"
5-5-2015 JK	"Reported to TAM/ERO, Checks Negative, Next Report 8-4-2015"
Signature T. Jimenez	Title I.E.A.

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Rodriguez-Ales, RENE

Department of Homeland Security
U.S. Immigration and Customs Enforcement

Order of Supervision

File #:

Date:

June 22, 2012

Name: RODRIGUEZ-Ales, ReneOn April 8, 2010, you were ordered:

- ☐ Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
☒ Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Bureau has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- ☒ That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- ☒ That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- ☒ That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- ☒ That you do not travel outside The State of Florida for more than 48 hours without first
(Specify geographic limits, if any)
 having notified this Bureau's office of the dates and places of such proposed travel.
- ☒ That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- ☒ That you report in person to this service 5524 West Cypress Street Tampa, FL 33607
Report on assigned date between 0700 AM & 0300 PM phone: 813-637-3070
- ☒ That you assist the Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☐ Other
- ☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

Marc J. Moore
 Marc J. Moore
 (Signature of ICE official)

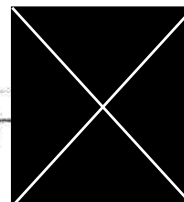
Field Office Director ICE/DRO
 (Print name and title of ICE official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English or Spanish language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

Jimenez
 (Signature of ICE official serving order)

Rene
 (Signature of alien)



6/22/2012
 Date

Department of Homeland Security

U.S. Immigration and Customs Enforcement

Order of Supervision-Addendum

File #:

Date:

June 22, 2012

Name: RODRIGUEZ-Ales, Rene

☒ That you do not associate with criminals or members of a gang that is known to be involved in criminal activity.

☐ That you register in a substance abuse program within 14 days and provide Immigration and Customs Enforcement (ICE) with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a program counselor.

☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, the duration and objectives of the program, and the name of a program counselor.

☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency/agencies and provide ICE with written proof of such registration within 10 days.

☒ That you do not commit any crimes or be associated with any criminal activity while on this Order of Supervision.

☒ That you report to a parole or probation officer as required within 24 hours and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.

☒ You must follow all reporting and supervision requirements as mandated by the parole or probation officer. You must report within one business day of being released from ICE custody.

☐ That you continue to follow any prescribed doctor's orders whether medical or psychological, including taking prescribed medications.

☒ That you make good faith and timely efforts to obtain a travel document and assist ICE in obtaining a travel document.

☒ That you submit a complete application for a travel document to all appropriate Embassies / Consulates, including those representing the countries of CUBA. You must present ICE with evidence that each Embassy or Consulate to which you apply has received your request and all required documents. This may be done, for example, by mailing your application(s) with a request for return receipt and providing the signed return receipt to ICE, by obtaining a tracking number when you mail your application(s) and providing the number to ICE, or by submitting written confirmation of receipt issued by the Embassy or Consulate.

☒ That you submit your application(s) for a travel document to all appropriate Embassies or Consulates and provide proof of receipt to ICE on or before _____.

☒ That you provide ICE a copy of your application(s) for a travel document that you submit to any Embassy or Consulate, including all supporting documents, photos, and other items provided to the Embassy or Consulate to support your application(s).

☒ That you provide ICE a copy of all correspondence related to your travel document application(s) that you send to, or receive from, an Embassy or Consulate.

☒ That you contact the Embassy or Consulate within 21 calendar days of making your application(s) to confirm that the information you provided is sufficient.

JS

~~That you comply with any requests from an Embassy or Consulate for an interview and make good with efforts to submit further documentation if required by the Embassy or Consulate.~~

☒ Every time you report in person under this order of supervision, you must inform the local ICE office of all actions you have taken to obtain a travel document. You must provide any available written documentation to ICE regarding these actions and the status of your travel document application(s).

☒ That you provide ICE, upon request, with any and all information relevant to application(s) for a travel document. This may include, but is not limited to, information regarding your family history, including dates of birth, nationalities, addresses, and phone numbers as requested for such persons, whether in your country of nationality and/or citizenship or elsewhere, and your past residences, schools attended, etc.

☒ You will participate in a supervised release program, as described in the attached document. You must register within one week. You will comply with the rules and requirements of this program, and cooperate with its administrators.

☐ Other:

I agree to comply with the rules, requirements, and administrators in the supervised release program described in the attached document.

Alien's signature

x



Date

6/22/2012

Any violation of any of the above conditions may result in a fine, more restrictive release conditions, return to detention, criminal prosecution, and/or revocation of your employment authorization document.

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English or Spanish language) the contents of this order and addendum, a copy of which has been given to me. I understand that failure to comply with the terms of this order and addendum may subject me to a fine, more restrictive release conditions, detention, criminal prosecution, and/or revocation of my employment authorization document.

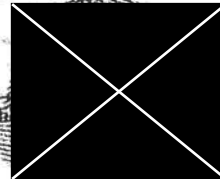
T. Jimenez

(Signature of ICE official serving order)

x



(Signature of alien)



6/22/2012

(date)