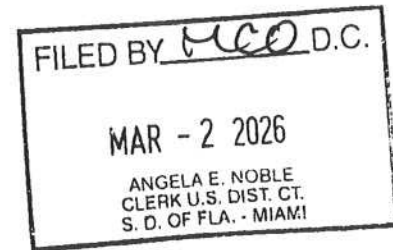


**PETITION FOR WRIT OF HABEAS CORPUS (28
U.S.C. § 2241)**

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



DANIEL ALEXANDER MELO FLOREZ

A# 

Petitioner,

v.

Civil Action No.: _____

WARDEN, SOUTH FLORIDA CONTRACT DETENTION FACILITY

("FLORIDA SOFT SIDE SOUTH"), et al.,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

COMES NOW BETSY DE ARMAS SERRANO, as Next Friend of Petitioner DANIEL ALEXANDER MELO FLOREZ, and petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and respectfully states:

I. PRELIMINARY STATEMENT

1. This is a habeas petition challenging Petitioner's ongoing immigration detention as unlawful, ultra vires, and unconstitutional. The detention began immediately

after an Immigration Judge dismissed Petitioner's proceedings on January 26, 2026, and ICE has continued custody despite the absence of a valid charging document (NTA) and despite ongoing administrative action, including an administrative appeal filed yesterday.

2. ICE is now attempting to pressure Petitioner to sign "expedited removal" documents. This creates an imminent risk of removal that would destroy meaningful judicial review, requiring immediate federal intervention. Courts may provide habeas relief and related injunctive relief where custody violates federal law and the Constitution. 28 U.S.C. § 2241; Preiser v. Rodriguez, 411 U.S. 475 (1973).

II. JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is "in custody" under federal authority and challenges the legality of that custody under the Constitution and laws of the United States.
4. Venue is proper in the Southern District of Florida because Petitioner is detained in Miami, Florida, within this District, and the proper respondent is Petitioner's immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

III. PARTIES

5. Petitioner: DANIEL ALEXANDER MELO FLOREZ, A# [REDACTED], citizen of Colombia, DOB [REDACTED] birthplace Bogotá, Colombia.
6. Next Friend: BETSY DE ARMAS SERRANO, Lawful Permanent Resident (LPR), pregnant partner/fiancée and mother of Petitioner's unborn child.

Address: [REDACTED]

7. Respondents:
 - a. Warden, South Florida Contract Detention Facility ("Florida Soft Side South");
 - b. U.S. Department of Homeland Security (DHS);
 - c. U.S. Immigration and Customs Enforcement (ICE).

IV. NEXT FRIEND STANDING (28 U.S.C. § 2242)

8. Under 28 U.S.C. § 2242, an application for writ of habeas may be signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

9. “Next friend” standing is appropriate where: (1) the detainee cannot litigate effectively due to inaccessibility or other disability; and (2) the next friend is truly dedicated to the detainee’s best interests and has a significant relationship. *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990).
10. Betsy has a significant relationship (pregnant partner/fiancée), is dedicated to Petitioner’s best interests, and is the person coordinating counsel communications, evidence, and filings while Petitioner is detained and facing coercive attempts to obtain waivers/signatures.

V. STATEMENT OF FACTS

11. Petitioner entered the United States on December 13, 2023 via San Ysidro, California and sought humanitarian protection through asylum because returning to Colombia places his life in danger.
12. Petitioner appeared in Immigration Court in Florida. On January 26, 2026, Petitioner attended his hearing and the Immigration Judge dismissed the case. Petitioner left court without a final order of removal.
13. Immediately after the dismissal, ICE detained Petitioner.
14. Petitioner has no criminal record, no arrests, no convictions, and no history of violence. Petitioner is a working individual and had a valid Employment Authorization Document (EAD) valid through October 2, 2029.
15. After detention, counsel sought release. On February 12, 2026, in proceedings described by the family, the Immigration Judge indicated Petitioner did not qualify for bond. Counsel requested voluntary departure due to pressure; the Immigration Judge denied voluntary departure because Petitioner had no NTA, confirming a core defect: there is no valid charging document initiating proceedings.
16. An administrative appeal was filed yesterday to preserve relief and challenge adverse procedural developments, underscoring that the matter remains legally contested and that summary removal would irreparably impair statutory and constitutional rights.
17. Petitioner’s partner, Betsy, is an LPR and is currently pregnant with Petitioner’s child. Petitioner’s detention is causing severe hardship, stress, and harm to family unity and to the prenatal medical stability of Betsy.
18. ICE is now attempting to obtain Petitioner’s signature on “expedited removal” documents. Expedited removal can be conducted under 8 U.S.C. § 1225(b)(1) with limited review, and coercion of such waivers threatens to defeat this Court’s jurisdiction and render habeas relief meaningless.

VI. LEGAL FRAMEWORK

19. Immigration detention is civil and cannot be punitive; it must bear a reasonable relationship to legitimate governmental interests. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
20. The Fifth Amendment Due Process Clause applies to persons within the United States, including noncitizens. *Zadvydas*, 533 U.S. at 693.

21. Due process requires adequate procedures where liberty is restrained; the balancing test in *Mathews v. Eldridge*, 424 U.S. 319 (1976), evaluates: (a) private interest, (b) risk of erroneous deprivation, and (c) governmental interest.
22. Unreasonable seizure and detention without probable cause violates the Fourth Amendment.
23. Statutory detention authority generally falls under:
 - a. 8 U.S.C. § 1226 (pre-final-order detention, typically where proceedings are pending);
 - b. 8 U.S.C. § 1231 (post-final-order detention after a final order of removal).

If neither applies, custody is ultra vires and unlawful.

VII. GROUNDS FOR RELIEF

GROUND ONE: ULTRA VIRES CUSTODY (NO STATUTORY AUTHORITY) – 8 U.S.C. § 1226 / § 1231

24. ICE's detention is not authorized by 8 U.S.C. § 1231 because there is no final order of removal following dismissal.
25. ICE's detention is not properly authorized by 8 U.S.C. § 1226 where there is no valid NTA/active charging document initiating proceedings and where the Immigration Judge's posture described by the family reflects the absence of a jurisdictional predicate.
26. Where detention lacks statutory basis, it is unlawful and must be remedied in habeas. 28 U.S.C. § 2241; *Preiser*, 411 U.S. 475.

GROUND TWO: FIFTH AMENDMENT DUE PROCESS

27. Continued detention without lawful process violates the Fifth Amendment. *Zadvydas*, 533 U.S. at 693.
28. Applying *Mathews v. Eldridge*:
 - a. Private interest: freedom from physical restraint is at the core of liberty (strongest interest).
 - b. Risk of error: extreme—dismissal, no NTA, attempted expedited removal/coercion, and inconsistent procedural posture.
 - c. Government interest: can be satisfied with less restrictive alternatives, including release, reporting, supervision, or parole.

29. Detention under these circumstances is arbitrary and excessive in relation to civil purpose, and thus unconstitutional. *Zadvydas*, 533 U.S. at 690.

GROUND THREE: FOURTH AMENDMENT – UNREASONABLE SEIZURE

30. Petitioner was seized immediately after court dismissal and has been held without individualized probable cause findings tied to a valid charging process. Continued warrantless civil detention without lawful predicate constitutes an unreasonable seizure.

GROUND FOUR: IRREPARABLE HARM AND THREAT TO MEANINGFUL REVIEW

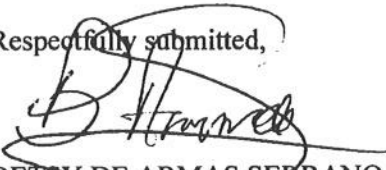
31. ICE's attempt to impose expedited removal and to procure signatures creates imminent irreparable harm and threatens to moot judicial review; removal would defeat this Court's ability to provide effective relief. This supports emergency relief ancillary to habeas.

VIII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

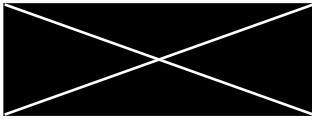
- A. Issue the writ and order immediate release from ICE custody;
- B. Alternatively, order any custody-related relief necessary to cure constitutional violations, including injunctive relief preventing expedited removal;
- C. Preserve the Court's jurisdiction by preventing transfer/removal while this action is pending; and
- D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



BETSY DE ARMAS SERRANO

Next Friend of Daniel Alexander Melo Florez



Phone: _____

Email: _____