

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LUIS MIGUEL BUZZI-RODRIGUEZ,

Case No.

Petitioner,

TODD M. LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;
Garrett J. Ripa, Miami Field Office Director of
Enforcement and Removal Operations,
Miami Field Office, Immigration and Customs Enforcement;
U.S. DEPARTMENT OF HOMELAND SECURITY;
Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
Warden of Florida Soft Side South also known as
Alligator Alcatraz Detention Facility,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, LUIS MIGUEL BUZZI-RODRIGUEZ(A:  by and
through his undersigned counsel, respectfully petitions this Court for a Writ of
Habeas Corpus and states as follows:

INTRODUCTION

This action challenges the unlawful and prolonged civil immigration
detention of Petitioner by U.S. Immigration and Customs Enforcement ("ICE").

Petitioner is a citizen of Cuba who is subject to a final order of removal from March 18, 2016, but whose removal cannot be effectuated because he does not possess travel documents and the Government of Cuba has declined to accept his repatriation.

After ICE was unable to effectuate removal in approximately 2016, Petitioner was released from custody under an Order of Supervision pursuant to INA § 241(a)(3), 8 U.S.C. § 1231(a)(3), which he has faithfully complied with for nearly ten years.

Petitioner has been detained since December 18, 2025, after ICE issued a Notice of Revocation of Release revoking Petitioner's prior Order of Supervision. The notice indicated that the revocation was undertaken to enforce Petitioner's removal from the United States. The notice further stated that if Petitioner was not removed within ninety days, ICE would evaluate whether he should again be placed on an Order of Supervision.

Despite this representation, Petitioner remains detained and there is no significant likelihood that his removal will occur in the reasonably foreseeable future.

The Supreme Court has made clear that immigration detention following a final order of removal is limited to the period reasonably necessary to accomplish

removal. When removal is not reasonably foreseeable, continued detention violates both federal law and the Due Process Clause of the Fifth Amendment.

Petitioner also lacks travel documents and Cuba has refused repatriation, his continued detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Petitioner also has substantial family ties in the United States. He is the parent of five children, including one minor child who continues to depend on Petitioner for emotional and familial support. Petitioner's children have submitted letters expressing their support and describing the hardship caused by Petitioner's continued detention. These letters are attached as exhibits to this Petition.

Petitioner also suffers from multiple serious medical conditions. A letter from Petitioner's medical provider confirms that Petitioner suffers from diabetes, heart failure, pulmonary disease, among other chronic conditions, all of which require consistent medical monitoring and treatment.

JURISDICTION

Petitioner is in the physical custody of Respondents. Petitioner is detained at the Florida Soft Side South Detention Facility in Ochopee, Florida.

This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

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 Middle District of Florida, the judicial district in which Petitioner currently is detained.

Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

This Petition for Writ of Habeas Corpus is brought pursuant to 28 U.S.C. § 2243 to challenge the Respondent’s unlawful detention of Petitioner, who has been subject to an Order of Supervision for nearly a decade, has complied with all its terms, and whose detention bears no reasonable relation to a likelihood of removal.

Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the

calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

Under 8 U.S.C. §1231(a), the government may detain a noncitizen subject to a final order of removal during a ninety-day removal period.

In *Zadvydas v. Davis*, the Supreme Court held that detention under §1231(a)(6) is limited to the period reasonably necessary to effectuate removal. The Court established a six-month presumptive limit, after which continued detention becomes unreasonable if there is no significant likelihood of removal in the reasonably foreseeable future. Once a detainee provides good reason to believe that removal is not reasonably foreseeable, the burden shifts to the government to demonstrate otherwise. The Supreme Court reaffirmed these limits in *Clark v. Martinez*, 543 U.S. 371 (2005), holding that the same interpretation of §1231(a)(6) applies to inadmissible noncitizens.

The Eleventh Circuit has similarly recognized the limits of prolonged detention where removal cannot be accomplished. See *Benitez v. Wallis*, 337 F.3d 1289 (11th Cir. 2003).

PARTIES

Petitioner Luis Miguel Buzzi-Rodriguez is a citizen of Cuba who has been in immigration detention since December 18, 2025.

Respondent Garrett J. Ripa is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations division. As such, Garrett J. Ripa is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

Respondent Todd M. Lyons he is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Lyons has ultimate custodial authority over Petitioner and is sued in her official capacity.

Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

Respondent Warden of Soft Side South also known as Alligator Alcatraz Detention Facility is employed by a private corporation as Warden of Alligator

Alcatraz Detention Facility, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIMS FOR RELIEF

COUNT I

Unlawful Prolonged Detention in Violation of *Zadvydas v. Davis*

Petitioner realleges the foregoing paragraphs.

The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that detention following a final order of removal may continue only for the period reasonably necessary to effectuate removal.

After six months of detention, continued detention becomes presumptively unreasonable unless the government can demonstrate a significant likelihood of removal in the reasonably foreseeable future.

Petitioner lacks travel documents necessary for removal and the Government of Cuba has declined to accept his repatriation.

Courts have repeatedly held that when a receiving country refuses repatriation, removal is not reasonably foreseeable. See *Benitez v. Wallis*, 337 F.3d 1289 (11th Cir. 2003).

Because there is no realistic prospect of removal in the reasonably foreseeable future, Petitioner's continued detention violates 8 U.S.C. §1231(a)(6) and *Zadvydas*.

COUNT II
Violation of the Fifth Amendment Due Process Clause

Petitioner realleges the foregoing paragraphs.

Civil immigration detention is permissible only where it bears a reasonable relationship to the government's purpose of effectuating removal.

When detention no longer serves that purpose, it becomes punitive and unconstitutional.

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. at 690.

Because Petitioner's removal is not reasonably foreseeable, his continued detention no longer serves a legitimate governmental purpose and violates the Fifth Amendment Due Process Clause.

COUNT III
Arbitrary and Unreasonable Revocation of Order of Supervision

Petitioner realleges the foregoing paragraphs.

Prior to his current detention, Petitioner was released under an Order of Supervision and complied with the conditions imposed by ICE.

ICE revoked Petitioner's release for the stated purpose of enforcing removal even though Petitioner lacked travel documents and removal was not realistically achievable.

Civil immigration detention must bear a reasonable relationship to its purpose and may not be used as a form of punishment or indefinite confinement. See *Demore v. Kim*, 538 U.S. 510 (2003).

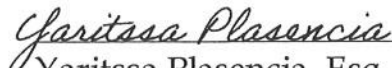
Revoking Petitioner's Order of Supervision under circumstances where removal is not reasonably foreseeable renders Petitioner's detention arbitrary and inconsistent with the statutory framework governing post-order detention.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 5th of March, 2026.


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**VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I am acting on behalf of the petitioner, Luis Miguel Buzzi-Rodriguez, based on discussions with his attorney. On the basis of these discussions and reviewing the record, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 5th of March, 2026.

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