

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

MIGUEL ARIEL SANTIESTEBAN MATOS,

Petitioner,

v.

Garrett RIPA Field Office Director of
Enforcement and Removal Operations, Miami
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Warden of
GLADES COUNTY DETENTION CENTER

Respondents.

Case No.

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

INTRODUCTION

1. Petitioner, Miguel Ariel Santiesteban Matos (“Miguel” or “Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful and prolonged civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement.

2. Petitioner is a citizen of Cuba who is presently detained at the Glades County Detention Center in Moore Heaven, Florida, within the jurisdiction of the Middle District of Florida.

3. Petitioner is Cuban asylum seeker who fled Cuba after receiving repeated death threats.

4. Petitioner entered the United States on or about March 16, 2022, near Eagle Pass, Texas. Petitioner’s case was referred to the Immigration Court for full removal proceedings, and

the Department of Homeland Security later issued him a Notice to Appear in Miami, Florida. *See Exhibit "A", Notice to Appear.*

5. Following his initial detention, Immigration and Customs Enforcement determined that Petitioner was appropriate for release on recognizance and issued him an I-220A, Order of Release on Recognizance on March 21, 2022. According to I-220A, the Petitioner "[had] been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, [Petitioner] was released on [his] own recognizance provided [he complied] with certain conditions". This release determination confirms that Immigration and Customs Enforcement previously concluded that Petitioner was neither a danger nor a flight risk. *See Exhibit "B", Order of Release on Recognizance.*

6. Despite this history, Petitioner is once again in Immigration and Customs Enforcement custody and has been subjected to prolonged detention without any constitutionally adequate custody hearing before a neutral decisionmaker.

7. Petitioner has never been adjudicated a danger to the community, and he has no disqualifying criminal convictions. Petitioner has family ties, a fixed address, and a documented history of complying with immigration supervision, as demonstrated by the release paperwork.

8. Petitioner's ongoing detention is unlawful. Immigration and Customs Enforcement continues to detain him without providing a meaningful opportunity for custody review, despite his prior release and despite the absence of any evidence that he is a flight risk or a danger. Petitioner's detention has endured far beyond what is constitutionally permissible and no longer bears a reasonable relation to any legitimate governmental purpose. It has become arbitrary, excessive, and punitive in nature, in violation of the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

9. Because Petitioner has been denied any mechanism to obtain individualized custody review, and because his prolonged civil detention is unreasonable and contrary to constitutional and statutory limits, habeas corpus relief is warranted.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief from custody that is in violation of the Constitution and laws of the United States. Federal courts retain

jurisdiction under 28 U.S.C. § 2241 to review the lawfulness of immigration detention notwithstanding the jurisdiction limiting provisions of the Immigration and Nationality Act. The Supreme Court has repeatedly affirmed that federal courts possess authority to hear habeas corpus petitions challenging the constitutionality of civil immigration detention. *See Demore v. Kim*, 538 U.S. 510 (2003), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

11. This Court has jurisdiction under Article III of the Constitution because Petitioner is suffering an ongoing and concrete injury traceable to the actions of Respondents and redressable by a favorable decision from this Court. The relief sought falls squarely within the scope of federal habeas corpus review, which permits individuals in federal custody to challenge detention that is arbitrary, excessive, or contrary to statutory and constitutional limits.

12. Venue is proper in the Middle District of Florida under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained within this District at the Glades County Detention Center in Moore Haven, Florida. The immediate custodian responsible for Petitioner's detention is located within this District, and all events relevant to Petitioner's present confinement are occurring within the territorial jurisdiction of this Court.

13. The Warden of the Glades County Detention Center is Petitioner's immediate custodian and maintains direct physical control over his confinement.

14. Respondent, the Field Office Director of the ICE Miami Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

15. Respondent Pam Bondi, as Attorney General of the United States, exercises supervisory authority over the Executive Office for Immigration Review (EOIR), including the Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's detention and access to custody review.

16. Respondent Kristi Noem, as Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of ICE policies and regulations governing immigration detention and release.

PARTIES

17. Petitioner Miguel Ariel Santiesteban Matos is a citizen and national of Cuba who is currently detained at the Glades County Detention Center in Moore Haven, Florida. Petitioner is held in the civil immigration custody of the United States Department of Homeland Security. Petitioner brings this habeas action to challenge the legality of his prolonged and unconstitutional immigration detention.

18. Respondent, the Warden of the Glades County Detention Center, is Petitioner's immediate custodian. The Warden exercises direct physical control over Petitioner's confinement and is a proper respondent under the immediate custodian rule governing habeas corpus petitions.

19. Respondent, the Field Office Director of the ICE Miami Field Office, oversees immigration enforcement functions and supervisory responsibilities relevant to Petitioner's detention and is included as a respondent in his official capacity.

20. Respondent Pam Bondi, Attorney General of the United States, is the chief legal officer of the federal government and exercises supervisory authority over the Executive Office for Immigration Review, including Immigration Courts and the Board of Immigration Appeals, whose determinations have affected Petitioner's access to custody review.

21. Respondent Kristi Noem, Secretary of the United States Department of Homeland Security, has ultimate legal and supervisory authority over the agencies and officers detaining Petitioner, including oversight of U.S. Immigration and Customs Enforcement operations, policies, and regulations governing civil immigration detention and release.

FACTUAL BACKGROUND

22. Petitioner Miguel Ariel Santiesteban Matos is a citizen and national of Cuba. He entered the United States on or about March 16, 2022, near Eagle Pass, Texas, after fleeing Cuba. He fears he would be killed if he returned to Cuba.

23. After crossing the southwest border, Petitioner was apprehended by United States Border Patrol agents, processed and released under an Order of Recognizance under INA § 236. He was served with a Notice to Appear and subsequently released into the U.S.

24. Petitioner has no criminal convictions, no history of violence, and no evidence suggests that he poses any danger or risk of flight. He has family and community connections in the United States and cooperated fully with immigration authorities.

25. The March 21, 2022, Order of Release on Recognizance issued by the Department of Homeland Security confirms that Immigration and Customs Enforcement concluded that Petitioner was neither a danger to the community nor a flight risk and that he was suitable for supervision outside of detention.

26. Petitioner complied with the conditions of his release and presented himself as required. He remained available to the Department of Homeland Security throughout the period of release. Despite this history of compliance and the absence of any new basis for detention, Immigration and Customs Enforcement subsequently arrested Petitioner again and placed him back into civil immigration custody at the Glades County Detention Center in Moore Haven, Florida, where he remains detained.

27. Petitioner has never received a bond hearing that complied with the requirements of the Fifth Amendment. He has not been afforded an individualized determination regarding danger or flight risk, and no neutral adjudicator has evaluated whether continued detention is necessary or reasonable. Petitioner's confinement is not tied to any criminal proceedings, and he has no disqualifying criminal history. His prior release demonstrates that the government previously concluded that less restrictive alternatives were appropriate and effective.

28. Petitioner continues to pursue protection from removal and maintains a well-founded fear of returning to Cuba. He has family support in the United States, a documented release address, and a demonstrated willingness to comply with supervision requirements. Nothing in the record indicates that detention is necessary to ensure his appearance in immigration proceedings or to protect the community.

29. Because Petitioner has been returned to civil immigration detention without any meaningful opportunity to seek release, and because he has been denied any mechanism for individualized custody review, he now faces prolonged and potentially indefinite confinement. His continued detention rests solely on the Department of Homeland Security's discretionary decision, rather than any judicial or administrative determination supported by evidence. As a result,

Petitioner remains confined in restrictive civil detention despite having no criminal background, no risk profile, and a viable claim for humanitarian protection.

30. Petitioner's ongoing detention without any opportunity for custody review violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, and longstanding constitutional principles that prohibit arbitrary, excessive, and indefinite civil detention. Because no administrative avenue for custody review is available to him, Petitioner seeks habeas corpus relief to secure his immediate release or, in the alternative, a constitutionally adequate bond hearing before a neutral decisionmaker with authority to consider all relevant factors.

COUNT I:

UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA) AND IMPLEMENTING REGULATIONS

31. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

32. The Immigration and Nationality Act authorizes civil immigration detention only when it serves a legitimate statutory purpose, namely, to ensure appearance at future proceedings or to protect public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that is unnecessary, arbitrary, or prolonged beyond what is reasonably required to serve these statutory objectives exceeds the government's lawful authority.

33. Petitioner is a citizen and national of Cuba who entered the United States near Eagle Pass, Texas, in March 2022 and was placed in removal proceedings. He expressed fear of returning to Cuba which is consistent and credible, and he continues to pursue protection from removal.

34. Petitioner has no criminal convictions, no history of violence, and no evidence suggests that he poses a danger to the community or a risk of flight. Nothing in his immigration record indicates that he would fail to appear for proceedings if released. To the contrary, Petitioner previously lived at a documented residence in Florida, complied with the conditions of his release, and maintained communication with the Department of Homeland Security while released on recognizance.

35. In March 2022, the Department of Homeland Security Ordered the Petitioner Released on Recognizance, which confirms that the government previously concluded that Petitioner was not a danger or a flight risk and that less restrictive means of supervision were appropriate.

36. Despite this prior finding, Petitioner is now detained at the Glades County Detention Cents and has not been afforded any constitutionally adequate custody review given the current BIA precedent in *Matter of Q. Li*, 29 I & N Dec. 66 (BIA 2025). He has not received a bond hearing before a neutral decisionmaker, nor has any adjudicator evaluated whether continued detention is necessary to serve a statutory purpose. Petitioner remains in custody solely because Immigration and Customs Enforcement has exercised discretionary authority to detain him, without any individualized assessment of current circumstances.

37. Petitioner's detention has therefore become prolonged and potentially indefinite. His confinement is not tied to any imminent removal because his protection claims remain pending, and he continues to fear severe harm if returned to Cuba. No statutory authority permits the government to detain a noncitizen for an extended period when the individual does not pose a danger or flight risk and has never been provided a meaningful opportunity to seek release.

38. The Immigration and Nationality Act does not authorize the indefinite detention of a noncitizen in removal proceedings who poses no danger or flight risk and who has never received a custody hearing before a neutral decisionmaker. See *Zadvydas*, 533 U.S. at 690–91; *Clark*, 543 U.S. at 380–81. Petitioner's continued confinement serves no legitimate governmental or statutory purpose. His detention bears no reasonable relation to ensuring his appearance or protecting public safety and has become arbitrary and excessive in violation of governing law.

39. Because Petitioner has no administrative mechanism for custody review, his continued detention exceeds the narrow authority granted by Congress and violates the Immigration and Nationality Act, its implementing regulations, and controlling Supreme Court precedent. Accordingly, Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require the government to provide a constitutionally adequate custody hearing before a neutral adjudicator with authority to order release on bond.

COUNT II:

**VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO
THE U.S. CONSTITUTION**

40. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

41. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States—including those who entered without inspection—are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

42. Petitioner is a citizen and national of Cuba, who entered the United States in 2022, and has been placed in § 240 removal proceedings. His asylum, withholding, and CAT application remains pending.

43. Petitioner has no criminal convictions, no history of violence, and has consistently cooperated with immigration authorities. Nothing in the record indicates he is a danger or a flight risk.

44. Petitioner has not requested custody review by an immigration judge as Immigration Judges are denying lack of jurisdiction on Custody Determination Proceedings relying on or *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

45. As a result, Petitioner has been deprived of any opportunity to present evidence regarding his lack of danger, his strong community ties, his long residence in the United States, or the feasibility of alternatives to detention.

46. As Immigration Courts all around the country are refusing to hear Custody Determination requests pursuant to BIA precedents that have stripped Immigration Courts of their jurisdiction to hear such requests, they are thus unlawfully subjecting the Petitioner to mandatory detention, Petitioner has never received a constitutionally adequate bond hearing before a neutral decisionmaker. He has never been permitted to contest the government's assertions concerning custody classification or eligibility for release.

47. Petitioner's detention has now become prolonged. There is no statutory or administrative process available for him to obtain individualized custody review. His confinement continues without meaningful procedural safeguards despite his non-dangerousness and ongoing pursuit of protection.

48. Immigration detention implicates a fundamental liberty interest. Prolonged civil detention without an opportunity to be heard, without notice, and without adjudication by a neutral decisionmaker violates the Due Process Clause. *See Zadvydas*, 533 U.S. at 690–91.

49. The government's reliance on a categorical jurisdictional bar—rather than an individualized assessment—renders Petitioner's detention arbitrary, punitive in effect, and constitutionally infirm.

50. Petitioner's continued incarceration without an individualized custody determination violates the Fifth Amendment's Due Process Clause. Habeas relief is warranted to remedy these constitutional violations.

51. Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and grant his release on bond.

COUNT III:

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT – ARBITRARY AND CAPRICIOUS AGENCY ACTION

52. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

53. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States, including those who entered without inspection, are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

54. Petitioner is a citizen and national of Cuba who entered the United States near Eagle Pass, Texas, in March 2022 and was placed in removal proceedings. He expressed fear of returning to Cuba and has filed his corresponding asylum application.

55. Petitioner has no criminal convictions, no history of violence, and has consistently cooperated with immigration authorities. Nothing in the record indicates that he is a danger to the community or a risk of flight. His behavior since his release in 2022 demonstrates that he complied with all supervision requirements and remained available to the Department of Homeland Security.

56. Petitioner was initially released on an Order of Release on Recognizance, confirming that DHS previously determined that he did not pose a danger or flight risk. Despite this favorable determination and his history of compliance, he was subsequently re-detained and is now confined at the Glades County Detention Center in Moore Haven, Florida.

57. Petitioner has never received a constitutionally adequate custody hearing before a neutral decisionmaker. No Immigration Judge has evaluated whether his continued detention is necessary, whether less restrictive alternatives to detention would suffice, or whether his personal circumstances warrant release. Petitioner has not been afforded an opportunity to present evidence regarding his lack of dangerousness, his documented residence, his community support, or his eligibility for parole or supervised release.

58. Petitioner remains detained solely due to the discretionary actions of DHS, without any procedural mechanism to obtain individualized custody review. He has no administrative avenue to challenge his detention and no process through which he can contest the government's continued confinement of him.

59. Petitioner's detention has now become prolonged. His removal proceedings remain pending, and his fear-based claims continue to require adjudication. There is no indication that his removal is imminent. His confinement therefore persists without meaningful procedural safeguards, without notice or an opportunity to be heard, and without the involvement of a neutral adjudicator.

60. Immigration detention implicates a fundamental liberty interest. Prolonged civil detention without an opportunity to be heard, without an individualized custody assessment, and without adjudication by a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment. See *Zadvydas*, 533 U.S. at 690–91. The government's reliance on a categorical detention classification, rather than an individualized evaluation, renders Petitioner's confinement arbitrary, punitive in effect, and constitutionally impermissible.

61. Petitioner's continued incarceration without any meaningful opportunity to contest his detention violates the Fifth Amendment's Due Process Clause. Habeas relief is warranted to remedy these constitutional violations.

62. Petitioner respectfully requests that this Court order his immediate release, or, in the alternative, require a prompt and constitutionally adequate custody hearing before a neutral adjudicator with authority to consider all relevant factors and grant his release on bond.

COUNT IV:

**VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE FIFTH
AMENDMENT**

63. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

64. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

65. Petitioner is a citizen and national of Cuba who entered the United States in March 2022 and is currently in removal proceedings under section 240 of the Immigration and Nationality Act. As a respondent in section 240 proceedings, Petitioner is similarly situated to other noncitizens who ordinarily receive individualized custody determinations under section 236(a) of the Immigration and Nationality Act.

66. Petitioner has no criminal convictions, no history of violence, and has consistently cooperated with immigration authorities. His record contains no indication that he is a danger to the community or a flight risk. To the contrary, he previously complied with all conditions of his release, further demonstrating that he presents no risk profile that would justify categorical detention.

67. Despite being similarly situated to other section 240 respondents, Petitioner has been categorically denied access to any individualized bond hearing. Immigration and Customs Enforcement has classified him entirely outside the ordinary custody review framework, even though he has no disqualifying conduct and no statutory bar applies. Petitioner's prior grant release

of recognizance confirms that the government previously determined he was appropriate for release, yet he has now been deprived of the procedural protections afforded to others in the same statutory posture.

68. Petitioner has never been provided with an opportunity to contest the basis of his custody classification. No Immigration Judge has evaluated his case, and no neutral decisionmaker has reviewed the government's rationale for treating him differently from other section 240 detainees. Petitioner's continued detention therefore rests on an unreviewed and arbitrary determination that denies him the individualized consideration regularly accorded to similarly situated individuals.

69. The resulting disparity constitutes a violation of equal protection. The Fifth Amendment prohibits the government from treating similarly situated persons differently without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). There is no rational or legitimate basis for denying Petitioner a custody review process that is routinely available to other section 240 respondents who have no criminal history, who present no danger, and who have previously demonstrated compliance with supervision.

70. Immigration authorities have provided no individualized explanation, no factual findings, and no adjudicative basis for placing Petitioner in a more restrictive custody category than similarly situated noncitizens. A custody classification that results in prolonged detention without review, premised solely on discretionary agency assertions and without the involvement of a neutral adjudicator, is arbitrary and not rationally related to any legitimate governmental purpose. Such disparate treatment is especially unconstitutional where, as here, Petitioner has deep family and community ties, a pending protection claim, and no adverse factors that would warrant deviation from standard custody procedures.

71. Civil immigration detention must be reasonably related to its permissible purposes. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Denying Petitioner the opportunity for individualized custody review that is available to other noncitizens in the same statutory category bears no reasonable relation to ensuring appearance at proceedings or protecting public safety.

72. The government's unequal treatment of Petitioner violates the equal protection guarantee embedded in the Fifth Amendment. This irrational and arbitrary deviation from

established custody procedures further underscores the constitutional infirmity of his continued detention.

73. Habeas relief is warranted to remedy this discriminatory treatment. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct the Department of Homeland Security to provide him with the same individualized custody review afforded to similarly situated respondents in section 240 proceedings.

COUNT V:

**VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES
CONSTITUTION**

74. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

75. The Suspension Clause of the United States Constitution provides that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the legality of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

76. Habeas corpus remains available to all individuals detained by executive authority within the United States, including noncitizens held in civil immigration custody. The Supreme Court has expressly held that Congress may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.

77. Petitioner is detained solely under civil immigration authority and is currently confined at the Glades County Detention Center in Moore Haven, Florida. He has no criminal convictions, no history of violence, and is pursuing protection from removal based on persecution in Cuba. Petitioner is seeking protection in good faith and remains in active removal proceedings.

78. Petitioner has never received a constitutionally adequate custody hearing. No Immigration Judge has evaluated whether his continued detention is justified, nor has any adjudicator assessed whether alternatives to detention would ensure compliance. Petitioner has been categorically excluded from meaningful custody review despite being similarly situated to other noncitizens in section 240 proceedings who receive individualized bond determinations under section 236(a).

79. Because neither Immigration Judges nor the Board of Immigration Appeals assert jurisdiction over his custody classification, Petitioner has no administrative pathway to challenge the legality, length, or necessity of his detention. Immigration and Customs Enforcement has likewise provided no discretionary parole review, no updated custody assessment, and no individualized consideration of his circumstances. The agency's actions have left Petitioner without any forum to contest the legality of his civil confinement.

80. As a result, no alternative remedy exists outside of habeas corpus through which Petitioner may secure judicial review of his prolonged and arbitrary detention. Neither the immigration courts nor the agency's internal processes offer a mechanism for him to challenge the basis or duration of his confinement.

81. The Suspension Clause prohibits the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). When no adequate and effective substitute exists, habeas corpus review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

82. Petitioner's detention—prolonged, indefinite, unreviewed, and insulated from any individualized determination—implicates the core protections of the Suspension Clause. Without access to habeas corpus, Petitioner would have no mechanism, judicial or administrative, to contest the legality of his ongoing civil detention.

83. The government's categorical refusal to provide custody review, and its reliance on internal detention classifications that foreclose individualized assessment, violate the Suspension Clause by depriving Petitioner of an effective and constitutionally required means to challenge unlawful confinement.

84. Accordingly, habeas corpus relief is required. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct Respondents to provide him with a prompt, meaningful, and individualized custody hearing before a neutral adjudicator with authority to grant release.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court grant the following relief:

- A. Assume jurisdiction over this matter.
- B. Order, under the All Writs Act, 28 U.S.C. § 1651, that Respondents not transfer Petition outside of the jurisdiction of the U.S. District Court for the Middle District of Florida during the pendency of this petition.
- C. Declare that the Respondent's actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;
- D. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration detention;
- E. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before a neutral Immigration Judge within seven (7) days of the Court's order,

at which the government bears the burden to prove by clear and convincing evidence that continued detention is justified based on danger to the community or risk of flight;

- F. Award Petitioner reasonable costs and attorneys' fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, to the extent applicable;
- G. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

Dated: March 6, 2026.

/s/ Diego Alejandro Gomez

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Attorney for Respondent

VERIFICATION BY SOMEONE ACTING OF PETITIONER'S BEHAL PURSUANT TO
28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this petition for Writ of Habeas Corpus are true and current to the best of my knowledge.

Dated: March 6, 2026

Respectfully submitted

/s/ Diego Alejandro Gomez
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2025, I electronically filed the foregoing Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with the Clerk of the Court.

Dated: December 9, 2025

Respectfully submitted

/s/ Diego Alejandro Gomez
Counsel for Petitioner