

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Case No.

DANIEL ALFONSO TRUJILLO PORRAS,
Petitioner

v.

WARDEN, Florida Soft Side South;

GARRETT J. RIPA,
in his official capacity as Field Office Director,
U.S. Immigration and Customs Enforcement (ICE),
Enforcement and Removal Operations,
Miami Field Office (Orlando Area Office);

KRISTI NOEM,
in her official capacity as Secretary of the United States
Department of Homeland Security;
Respondents.

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241**

Petitioner, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and for declaratory relief, and states as follows:

I. INTRODUCTION

1. Petitioner Daniel Alfonso Trujillo Porras is currently detained at the Florida Soft Side South aka "Alligator Alcatraz" (a state prison) in Ochopee, Florida, without criminal charges, judicial warrant, or lawful authority, based solely on an ICE immigration detainer.
2. Petitioner seeks a writ of habeas corpus directing his immediate release and a declaration that his detention is unlawful.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. §§ 1331, 2241, and 224.
4. Venue is proper in this District because Petitioner is detained within the Middle District of Florida and Respondents exercise custody here.

III. PARTIES

5. Petitioner Daniel Alfonso Trujillo Porras, a national of Colombia, lawfully present in the United States via pending immigration proceedings, currently detained at the Florida Soft Side South.
6. Warden, Florida Soft Side South, responsible for Petitioner's day-to-day confinement.
7. Garrett J. Ripa, in his official capacity as Field Office Director, ICE, Enforcement and Removal Operations, Miami Field Office (Orlando Area Office), responsible for civil immigration enforcement in the Middle District and the detainer at issue.
8. Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, responsible for civil immigration enforcement.

IV. CUSTODY AND EXHAUSTION

9. Petitioner is "in custody" for purposes of 28 U.S.C. § 2241.
10. No adequate or available administrative remedy exists to challenge a local jail's detention based solely on an ICE detainer. Exhaustion is not required and would be futile.

V. FACTUAL ALLEGATIONS

11. On March 3rd, 2026, Petitioner was arrested in Orlando, Florida, for allegedly being "undocumented."
12. Petitioner was driving on the Florida Turnpike and upon being pulled over he informed the officer he was in the United States legally pending a residency process and that he has a social security card, driver's license and work permit issued to him by the Department of Homeland Security. He was still arrested and taken into custody.
13. No criminal charges were filed, no probable cause affidavit exists, and no judicial warrant was issued.
14. The sole basis for confinement is an ICE immigration detainer issued under 8 C.F.R. § 287.7.
15. Petitioner is lawfully present in the United States, possesses a valid Florida driver's license, Social Security number, employment authorization. Petitioner initially entered the United States in 2015 with a tourist visa and currently has an application to register status as a permanent resident in process. **See Exhibit A**

16. Undersigned counsel has represented petitioners in nearly identical factual circumstances, and as of today, nineteen (19) such habeas corpus petitions have been granted by courts within the Middle District of Florida, either through immediate release or immigration bond hearings, both in the Orlando division and Ft. Myers division.

VI. LEGAL CLAIMS

A. Habeas Relief Is Available for Unlawful Civil Detention

20. Habeas relief under § 2241 extends to unconstitutional restraints on liberty imposed by state actors acting under color of federal authority.

B. ICE Detainers Do Not Authorize Local Detention

21. An ICE detainer is a request, not a warrant, and confers no independent authority to detain an individual.
22. Detention based solely on a detainer violates the Fourth Amendment and due process.

C. Fourth Amendment – Unreasonable Seizure

23. Petitioner's detention without criminal charges, probable cause, or a judicial warrant constitutes an unreasonable seizure.

D. Fifth and Fourteenth Amendments – Due Process

24. Petitioner has been deprived of liberty without notice, hearing, or lawful process.

E. Ultra Vires Detention

25. Local jail officials lack authority to effectuate civil immigration detention absent lawful federal process.

VII. OVERWHELMING JUDICIAL CONSENSUS REJECTS THE GOVERNMENT'S DETENTION THEORY

26. Numerous federal courts have held that detention based solely on an ICE detainer violates the Fourth Amendment and due process, and that local jailers lack independent authority to effectuate civil immigration detention. Courts have overwhelmingly rejected the Government's position that noncitizens who are lawfully present—whether through Temporary Protected Status, parole, or pending asylum—are subject to mandatory detention without judicial review. Instead, such individuals are detained, at most, under 8 U.S.C. § 1226(a) and are therefore entitled to habeas relief in the form of release or a bond hearing.
27. For example, the Middle District of Florida has expressly adopted this reasoning in *Gimenez Rivero*, and many other cases granting temporary restraining order relief and habeas petitions in materially indistinguishable habeas cases. The court recognized that noncitizens with TPS and/or pending asylum applications are not subject to mandatory

detention, and that continued confinement without a bond hearing is likely unlawful.

28. Here, as in *Gimenez Rivero* and the more than 1,600 cases nationwide (and growing) rejecting the Government's position, Petitioner is lawfully present in the United States, is not subject to removal, and is being detained without criminal charges, without a judicial warrant, and without any statutory authority permitting mandatory detention. *Id.*
29. The government may argue, as it has done unsuccessfully in a majority of almost identical cases, that petitioner is subject to mandatory detention as resolved in *Costa v. Noem*, 3:25-cv-1384-JEP-MCR (M.D. Fla. Feb 18, 2026) and *Buenrostro-Mendez v. Bondi*, No. 25-cv-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), which had a strong dissent.
30. However, this case is readily distinguishable from the aforementioned authorities. Unlike the petitioners in those cases—who were Mexican nationals that never sought asylum and lacked lawful documentation—Petitioner here is not a Mexican national and has, in fact, sought asylum. He was issued a Social Security number, employment authorization, and a driver's license by the very DHS that now unlawfully detained him and the State of Florida, reflecting his lawful presence and participation in the immigration process.

VII. RULE 65(b)(1) CERTIFICATION OF NOTICE

31. Pursuant to 28 U.S.C. § 2242 and the Rules Governing Section 2254 Cases (applicable to § 2241 petitions), this petition is signed and verified by counsel for Petitioner, who is detained and not readily accessible to sign personally. Counsel is authorized to act on Petitioner's behalf and verifies the facts based on personal knowledge, review of records, and communications with Petitioner and relevant officials.

"Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf." *Id.*

VIII. REQUESTED RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner;
2. Declare that Petitioner's detention based solely on an ICE detainer is unlawful;
3. Order expedited proceedings under 28 U.S.C. § 2243;
4. Grant such other relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on March 10th, 2026, I electronically served a copy of the foregoing on the respondents through the online electronic filing portal.

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