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

LUIS SANTIAGO RIVERO GONZALEZ,

Petitioner,

v.

Case No. 2:26-cv-681-KCD-NPM

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, Luis Santiago Rivero Gonzalez, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner is detained pursuant to 8 U.S.C. § 1231 following a final order of removal. He has been detained since December 2, 2025, despite having been released under an Order of Supervision since April 23rd, 2007 and having complied fully with all supervision requirements for more than eighteen (18) years.

His continued detention violates 8 U.S.C. § 1231 as interpreted by the Supreme Court and the Due Process Clause of the Fifth Amendment.

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 is currently detained at:

Alligator Alcatraz – Florida Soft Side South
54575 Tamiami Trail East
Ochopee, Florida 34141

PETITIONER INFORMATION

Name: Luis Santiago Rivero Gonzalez

Date of Birth: 

Country of Birth: Cuba

A-Number: 

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

Arrest Date: December 2nd, 2025 (+100 Days in ICE Custody)

FACTUAL BACKGROUND

- Petitioner has been under an Order of Supervision since April 23rd, 2007.
- For more than eighteen (18) years, Petitioner fully complied with all reporting requirements imposed by ICE. Petitioner consistently appeared for scheduled check-ins and was never alleged to have violated supervision.
- On December 2nd, 2025, Petitioner was detained upon returning from travel to Puerto Rico.
- Travel to Puerto Rico is domestic travel within United States territory and does not constitute an immigration violation.
- Petitioner does not possess a Cuban passport.
- ICE has not demonstrated that removal is significantly likely in the reasonably foreseeable future.
- Petitioner is the father of three United States citizen children and provides care for his disabled United States citizen mother.

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.

I. Ground Two – Argument

(Longstanding Compliance Demonstrates No Flight Risk)

Petitioner remained under supervision for more than eighteen years without incident. He consistently reported to ICE and complied with all conditions.

This extensive history of compliance demonstrates that he poses no flight risk and that conditions of supervision are sufficient.

Ground Three

ICE Has Failed to Demonstrate Foreseeable Removal

Petitioner has been supervised for nearly two decades without removal being effectuated. ICE has not demonstrated that removal to Cuba is significantly likely in the reasonably foreseeable future.

Absent such a showing, continued detention violates 8 U.S.C. § 1231 as construed in *Zadvydas*.

II. Ground Four

Continued Detention Is Arbitrary and Violates Due Process

Petitioner was detained despite years of compliance and without any allegation of violation of supervision or changed circumstances.

Civil immigration detention must serve a legitimate regulatory purpose. Where removal is not foreseeable and supervision has proven effective, continued detention becomes excessive and unconstitutional under the Fifth Amendment.

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.

Mailing Address & Courtesy Copy Request

Petitioner respectfully requests that the Court send copies of any orders, notices, or filings in this case to the following address in addition to Petitioner's detention address, to ensure reliable receipt of court communications while Petitioner remains detained.

Name: Mabel Gonzalez

Address:



Phone:



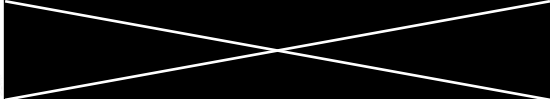
This request is made solely to facilitate reliable communication while Petitioner is detained. Petitioner remains the sole party to this action and will personally sign and verify all filings submitted to the Court.

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: WISS Rivero Gonzalez

Date: 02/28/2026

A-Number: 


(Signature of Petitioner)

(Signature of Attorney or other authorized person, if any)