

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FIDEL ALEJANDRO GAMBOA DIAZ,

A# 

Petitioner,

v.

WARDEN, FLORIDA SOFT SIDE SOUTH DETENTION FACILITY,
ICE FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE,

Respondents.

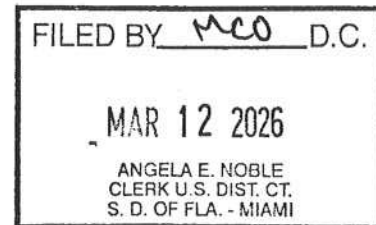
PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

Petitioner Fidel Alejandro Gamboa Diaz respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his detention by U.S.

Immigration and Customs Enforcement (ICE). Petitioner is currently detained at the Florida Soft Side South detention facility in Ochopee, Florida, without having received a bond hearing or individualized determination regarding the necessity of his continued detention. Petitioner asserts that his continued detention without a prompt bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution.



JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of that custody.

Venue is proper in the United States District Court for the Southern District of Florida because Petitioner is detained within this judicial district.

PARTIES

Petitioner

Petitioner Fidel Alejandro Gamboa Diaz is a citizen of Cuba. He was born on [REDACTED] His Alien Registration Number is [REDACTED] Petitioner is currently detained at Florida Soft Side South detention facility located in Ochopee, Florida.

Respondents

Respondent Warden of the Florida Soft Side South detention facility is the immediate custodian of Petitioner.

Respondent ICE Field Office Director for the Miami Field Office is responsible for the administration and supervision of immigration detention operations within this district.

FACTUAL BACKGROUND

1. Petitioner Fidel Alejandro Gamboa Diaz is a citizen of Cuba and was born on 
 His Alien Registration Number is 
2. Petitioner was detained by U.S. Immigration and Customs Enforcement on March 8, 2026.
3. Petitioner is currently detained at the Florida Soft Side South detention facility located in Ochopee, Florida.
4. Petitioner does not have a final order of removal and is currently awaiting immigration court proceedings.
5. Petitioner has not received a bond hearing before an immigration judge to determine whether his continued detention is necessary.
6. Petitioner suffers from numerous serious and documented medical conditions, including:
 - Portal Hypertension
 - Hepatitis C
 - Hepatic Cirrhosis
 - Esophageal Varices
 - Idiopathic Thrombocytopenic Purpura (ITP)
 - Splenomegaly
 - Hepatic cyst
 - Depressive syndrome
7. In addition, Petitioner has a large tumor compressing the optic chiasm. Medical imaging describes a large enhancing sellar mass with suprasellar extension measuring approximately 3.7 cm, producing compression of the optic chiasm and mass effect on the

third ventricular floor. Imaging findings are most consistent with a pituitary macroadenoma with suprasellar extension.

8. As a result of these conditions, Petitioner currently experiences blurred vision, headaches, dizziness, abdominal pain, weakness, and depression.

9. Petitioner requires ongoing specialized medical treatment and follow-up with several medical specialists, including a neurosurgeon, gastroenterologist, and hematologist. He has been receiving medical care from physicians affiliated with the University of Miami Health System.

10. Petitioner's gastrointestinal conditions, including portal hypertension and esophageal varices, place him at significant risk of life-threatening gastrointestinal bleeding. Petitioner has previously experienced severe bleeding episodes requiring emergent medical treatment.

11. Medical providers have advised that Petitioner must avoid any kind of stress and maintain appropriate medical management in order to prevent serious complications, including potentially fatal gastrointestinal hemorrhage.

12. Petitioner also requires consistent access to prescribed medications, including:

- Propranolol 40 mg twice daily
- Pantoprazole 20 mg once daily
- Bupropion 75 mg once daily
- Divalproex Sodium 125 mg at bedtime

13. In addition to medication, Petitioner requires careful dietary management and medical supervision to reduce the risk of gastrointestinal complications.

14. Petitioner's continued detention places him at significant medical risk because detention conditions may limit his access to specialized care and increase psychological and physical stress that could trigger serious complications.
15. Petitioner has strong family support in the United States. His mother, brother, father-in-law, and extended family reside in the country and are willing to support him.
16. Petitioner has a stable residence where he can live if released:

4050 NW 135th St., Apt 11-23

Opa-Locka, Florida 33054.
17. Petitioner is also the emotional and economic support for his two children. One of his children has behavioral health needs and depends on Petitioner for assistance with therapy compliance and care.
18. Petitioner's mother, a United States citizen, also suffers from significant health conditions, including diabetes, hypertension, and depression, and relies on family support.
19. Given Petitioner's severe medical conditions, strong family support, and lack of a final removal order, continued detention without a bond hearing is unnecessary and poses serious risks to Petitioner's health and safety.

CLAIMS FOR RELIEF

Claim 1 – Violation of the Fifth Amendment Due Process Clause

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Petitioner's continued detention without a prompt bond hearing violates these

constitutional protections because it deprives Petitioner of an individualized determination of whether detention is necessary.

Claim 2 – Unlawful and Excessive Detention

Respondents' continued detention of Petitioner without providing a bond hearing or individualized custody determination is inconsistent with fundamental principles of fairness and due process in immigration detention.

Claim 3 – Serious Medical Risk and Humanitarian Grounds for Release

Petitioner suffers from multiple severe and documented medical conditions requiring specialized medical care. Continued detention places Petitioner at significant risk of serious medical complications, including potentially life-threatening gastrointestinal bleeding and neurological complications related to the pituitary mass compressing the optic chiasm.

Given Petitioner's medical vulnerabilities, strong family support, stable residence, and lack of a final removal order, continued detention is unnecessary and poses an unreasonable risk to Petitioner's health.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondents to justify Petitioner's detention;
2. Order Respondents to immediately provide Petitioner with a prompt bond hearing before an immigration judge;

3. In the alternative, order Petitioner's release from immigration detention under appropriate conditions of supervision;
4. Grant such other and further relief as the Court deems just and proper.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondents to justify Petitioner's detention;
2. Order Respondents to provide Petitioner with a prompt bond hearing before an immigration judge;
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,


Sandra Diaz Rodriguez

(on behalf of Fidel Alejandro Gamboa Diaz)

