

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SERGIO ROBLES-NOA,

Petitioner,

v.

Kristi NOEM, Secretary, U.S.
Department of Homeland Security
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.

Case No.

A#

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner Sergio Robles-Noa, A# [REDACTED], respectfully submits
3 this Petition for Writ of Habeas Corpus challenging his continued detention by the
4 United States Department of Homeland Security, Immigration and Customs
5 Enforcement ("ICE").
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7 2. Petitioner was paroled into the United States from Freedom Flights
8 on October 8, 1971 as a refugee from Cuba. Petitioner has resided continuously in
9 the United States since that time.

10 3. In 1994, Petitioner was convicted of a drug-related offense and served
11 a term of imprisonment in the United States. Following the completion of his
12 criminal sentence, Petitioner was placed in immigration proceedings and
13 appeared before an Immigration Judge.
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15 4. On May 25, 2004, an Immigration Judge entered a final order of removal
16 against Petitioner.

17 5. After ICE was unable to effectuate removal on September 2, 2004,
18 Petitioner was released from custody under an Order of Supervision pursuant to
19 INA § 241(a)(3), 8 U.S.C. § 1231(a)(3), which he has faithfully complied with for
20 over two decades.
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6. On January 13, 2026, nearly 22 years after his release on supervision, ICE re-detained Petitioner without alleging or establishing any violation of the Order of Supervision.

7. Removal is not reasonably foreseeable, and ICE has not demonstrated a significant likelihood of effectuating Petitioner's removal in the reasonably foreseeable future.

8. Petitioner's continued detention is therefore unauthorized under INA § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

9. Petitioner seeks immediate relief from this unlawful detention, including release under the existing Order of Supervision or under reasonable conditions of supervision.

JURISDICTION

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

11. 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).

12. 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

13. 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.

14. 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

15. 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 22 years, has complied with all its terms, and whose detention bears no reasonable relation to a likelihood of removal.

16. 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

1 added). "The application for the writ usurps the attention and displaces the
2 calendar of the judge or justice who entertains it and receives prompt action from
3 him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120
4 (9th Cir. 2000) (citation omitted).

5 6 **PARTIES**

7 17. Petitioner Sergio Robles-Noa is a citizen of Cuba who has been in
8 immigration detention since January 13, 2026.

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

13 19. Respondent Kristi Noem is the Secretary of the Department of
14 Homeland Security. She is responsible for the implementation and enforcement of
15 the Immigration and Nationality Act (INA), and oversees ICE, which is
16 responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority
17 over Petitioner and is sued in her official capacity.

18 20. Respondent Department of Homeland Security (DHS) is the federal
19 agency responsible for implementing and enforcing the INA, including the
20 detention and removal of noncitizens.
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1 21. Respondent Pamela Bondi is the Attorney General of the United
2 States. She is responsible for the Department of Justice, of which the Executive
3 Office for Immigration Review and the immigration court system it operates is a
4 component agency. She is sued in her official capacity.

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

9 23. Respondent Warden of Soft Side South also known as Alligator
10 Alcatraz Detention Facility is employed by a private corporation as Warden of
11 Alligator Alcatraz Detention Facility, where Petitioner is detained. He has
12 immediate physical custody of Petitioner. He is sued in his official capacity.

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14 **CLAIM FOR RELIEF**

15 **COUNT I**

16 **Unlawful Post-Order Immigration Detention in Violation of the Due Process**
17 **Clause and 28 U.S.C. § 2243**

18 24. Petitioner is in the custody of Respondents pursuant to post-order
19 immigration detention, despite having lived under an Order of Supervision for
20 nearly 20 years and having fully complied with all terms and conditions imposed
21 by the Department of Homeland Security.

22 25. Petitioner was detained without any allegation or finding that he
23 violated the Order of Supervision, failed to report, or posed a danger to the
24 community or a flight risk.

26. Immigration detention following a final order of removal is civil in nature and is constitutionally permissible only so long as it is reasonably related to the government's purpose of effectuating removal.

27. Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future. Respondents have been unable to effectuate removal for approximately two decades, and no new facts or developments support a conclusion that removal has become practicable.

28. Where removal is not significantly likely in the reasonably foreseeable future, continued detention exceeds the authority granted under the Immigration and Nationality Act and violates the Due Process Clause of the Fifth Amendment.

29. Respondents' decision to detain Petitioner after decades of supervised liberty, without an individualized determination justifying custody and without evidence of a realistic prospect of removal, is arbitrary and capricious.

30. Continued detention under these circumstances constitutes unlawful and indefinite civil confinement, which the Constitution does not permit.

31. This Court has jurisdiction under 28 U.S.C. § 2243 to grant habeas relief and to order Petitioner's release from custody where detention is no longer authorized by statute or the Constitution.

32. Unless the Court grants relief, Petitioner will continue to suffer irreparable harm from unlawful detention that serves no legitimate governmental purpose.

COUNT II

Violation of the Administrative Procedures Act, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, et seq.

32. To prevail on a § 2241 habeas petition challenging immigration detention, Petitioner must show by a preponderance of the evidence that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28

1 U.S.C. § 2241(c)(3); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at *4
2 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)).

3 33. Because habeas proceedings are civil in nature, Petitioner bears this
4 burden. *Id.* (quoting *Skarfour v. United States*, 667 F.3d 145, 158 (2d Cir. 2011)); see
5 also *Braden v. 30th Judicial Dist. Court*, 410 U.S. 484, 489-90 (1973). "A court
6 considering a habeas petition must 'determine the facts, and the issue of...justice
7 require.'" *Id.* (quoting 28 U.S.C. § 2243).

8 34. As in *Salgar v. Noem*, Petitioner challenges his detention on two
9 principal grounds: (1) ICE violated due process by failing to follow its own
10 procedures and regulations in revoking her OSUP; and (2) the detention
11 violates *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001), and
12 the Immigration and Nationality Act because he is held indefinitely without a
reasonably foreseeable removal date.

13 35. Petitioner's detention violates due process because ICE failed to follow
14 the procedural requirements in its own regulations when revoking his OSUP.

15 36. Petitioner has been on supervised release since 2004, following a
16 determination that he was nonviolent, posed no danger, was unlikely to violate
release conditions, and did not present a flight risk. See 8 C.F.R. § 241.4(d)(1), (e).

17 37. Under governing regulations, an OSUP may be revoked if the
18 noncitizen violates its conditions. See 8 C.F.R. § 241.4(d)(1), (2)(i).

19 38. In addition, an OSUP "may be revoked when it is appropriate to
20 enforce a removal order or [if] the conduct of the alien, or any other circumstance,
21 indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(d)(2)(ii),
22 (iii).
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1 39. Revocation authority is limited to the Executive Associate
2 Commissioner of ICE or, when referral to that official is impracticable, a district
3 director of ICE. 8 C.F.R. § 241.4(c)(2).

4 40. Upon revocation, the noncitizen must "be notified of the reasons for
5 revocation of his or her release" and afforded a "prompt 'initial informal
6 interview'" to allow the noncitizen an opportunity to respond to and contest the
7 reasons for revocation. 8 C.F.R. § 241.4(d)(1)(iii)(A), (iv).

8 41. These procedures and safeguards provide protection "where the
9 detention or re-detention of noncitizens is necessarily an action that results in the
10 loss of personal liberty that requires due process protections." *Santamaria Orellana*
11 *v. Baker*, No. CV-25-1788-TDC, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025).

12 42. Here, Petitioner contends he was given no explanation for his re-
13 detention, no informal interview, and no opportunity to contest the grounds for
14 revoking his supervision as the regulations expressly require.

14 PRAYER FOR RELIEF

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

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

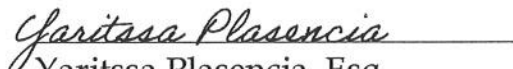
24 DATED this 12 of March, 2026.

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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, Sergio Robles-Noa, 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 12th of March, 2026.


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