

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT TRINIDAD-SUAREZ,

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 Glades County Detention Center,

Respondents.

Case No.

A#

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Robert Trinidad-Suarez, A# [REDACTED] respectfully submits this Petition for Writ of Habeas Corpus challenging his continued detention by the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE").

2. This case concerns the unlawful civil detention of a Dominican Republic national who was previously released on an Order of Release on Recognizance (Form I-220A), who complied with all supervision requirements,

who has no criminal history, and whose removal is neither imminent nor reasonably foreseeable.

3. Petitioner entered the United States on or about May 13, 2021. Upon entry, immigration authorities issued Petitioner Form I-220A and released him into the community.

4. Petitioner complied fully with all reporting requirements and supervision conditions.

5. During this time, Petitioner established significant ties to the community. Petitioner married a United States citizen.

6. Petitioner timely filed an application for asylum with USCIS.

7. USCIS administratively closed Petitioner's asylum application and did not issue a Notice to Appear, did not refer the matter to Immigration Court, and did not provide further procedural guidance. Leaving Petitioner without an active forum to pursue immigration relief.

8. Petitioner has not been convicted of any crime and has not been charged with any criminal offense.

9. On or about January 2025, ICE took Petitioner into custody.

10. No Notice to Appear has been filed with the Immigration Court pursuant to 8 U.S.C. § 1229(a).

11. Petitioner has not been referred to an Immigration Judge.

12. Petitioner has not received a bond hearing or individualized custody determination before an Immigration Judge.

13. There is no administratively final order of removal.

14. There is no indication that removal is imminent or that travel documents have been requested.

15. Petitioner remains detained in a procedural vacuum created by the Government's failure to initiate proceedings.

JURISDICTION

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at Glades County Detention Center in Moore Haven, Florida.

17. 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).

18. 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

19. 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.

20. 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. §2241 and §2243

21. 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, This Petition is brought pursuant to 28 U.S.C. § 224, which authorizes federal district courts to grant writs of habeas corpus to persons who are in custody in violation of the Constitution or laws of the United States.

22. Petitioner satisfies the requirements of § 2241 because:

- a. Petitioner is "in custody" within the meaning of the statute, as he is physically detained by Immigration and Customs Enforcement.
- b. Petitioner challenges the legality of his detention, not a final order of removal.
- c. Petitioner alleges that his continued confinement violates the Fifth Amendment and exceeds statutory authority under the Immigration and Nationality Act.

23. Pursuant to 28 U.S.C. § 2243, once a habeas petition is filed, the Court must promptly review the petition and either issue the writ or order Respondents to show cause why the writ should not be granted.

24. Section 2243 further requires that Respondents certify the true cause of detention and that the Court summarily hear and determine the matter as law and justice require.

25. Because Petitioner remains in custody without pending removal proceedings, without a final order of removal, and without access to an Immigration Judge, habeas relief is the proper and necessary remedy.

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

PARTIES

27. Petitioner Robert Trinidad-Surez is a citizen of Dominican who has been in immigration detention since January 2026.

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

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

30. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

31. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

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

33. Respondent Warden of Glades County Detention Center is employed by a private corporation as Warden of Glades County Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF
COUNT I
Violation of Procedural Due Process (Fifth Amendment)

34. The Fifth Amendment prohibits deprivation of liberty without due process of law.

35. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

36. Immigration detention is civil and subject to constitutional limits. *Demore v. Kim*, 538 U.S. 510 (2003).

37. Under 8 U.S.C. § 1226(a), detention pending removal proceedings contemplates access to an Immigration Judge for custody redetermination. See also 8 C.F.R. § 1236.1(d).

38. Procedural due process requires notice and a meaningful opportunity to be heard before a neutral decision-maker. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

39. Petitioner has not been placed in removal proceedings, has not been served with a filed Notice to Appear, and has not received a bond hearing.

40. Continued detention without access to a neutral adjudicator violates procedural due process.

41. The Eleventh Circuit has recognized constitutional concerns regarding prolonged immigration detention without adequate review. *Sopo v. U.S.*

COUNT II

Detention Without Statutory Authority

42. Executive detention must be grounded in express statutory authority. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

43. Post-removal detention under 8 U.S.C. § 1231 applies only after a removal order becomes administratively final. 8 U.S.C. § 1231(a)(1)(B).

44. Petitioner does not have a final order of removal. Therefore, detention under § 1231 is unlawful.

45. Pre-removal detention under 8 U.S.C. § 1226(a) applies pending a decision on removal.

46. USCIS closed Petitioner's asylum case and did not initiate removal proceedings.

47. No Notice to Appear has been filed, and Petitioner is not before an Immigration Judge.

48. Detention that is not meaningfully connected to pending removal proceedings exceeds statutory authority.

49. The Executive may not detain an individual indefinitely where Congress has not clearly authorized such detention.

COUNT III
Substantive Due Process – Arbitrary Civil Detention

50. Civil detention must bear a reasonable relationship to its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

51. Immigration detention is constitutionally permissible only to ensure appearance at proceedings or to effectuate removal. *Demore v. Kim*, 538 U.S. 510 (2003).

52. When detention becomes excessive in relation to its purpose, it violates substantive due process. *Foucha v. Louisiana*, 504 U.S. 71 (1992).

53. Petitioner was previously deemed suitable for release on Form I-220A.

54. He complied with supervision requirements and has no criminal history.

55. No proceedings are pending and no removal process is actively underway.

56. Detention under these circumstances is not regulatory but punitive and arbitrary.

COUNT IV
Removal Is Not Reasonably Foreseeable

57. The Supreme Court held that detention becomes unconstitutional once removal is no longer reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

58. Petitioner has no final order of removal.

59. USCIS closed his asylum case and did not refer him to Immigration Court.

60. No Notice to Appear has been filed.

61. No removal proceedings are pending.

62. There is no evidence that travel documents have been requested or that removal to Cuba is imminent.

63. Petitioner may qualify for lawful permanent residence under the Cuban Adjustment Act.

64. Where removal is speculative and not reasonably foreseeable, continued detention violates the Fifth Amendment.

COUNT V **Government-Created Procedural Limbo**

65. USCIS closed Petitioner's asylum application without issuing a Notice to Appear or referring him to Immigration Court.

66. The Government may not create a procedural vacuum and then use that vacuum to justify detention.

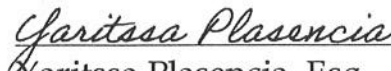
67. Detention resulting from the Government's own failure to initiate proceedings is arbitrary and unconstitutional.

PRAYER FOR RELIEF

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

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

DATED this 12th of March, 2026.



Yaritssa Plasencia, Esq.
Florida Bar No.: 1021659
Great American Law Firm PLLC
100 Frandorson Cir., Ste. 202C
Apollo Beach, FL 33572
Phone: (407) 929-9292
greatamericanlaw@gmail.com
Attorney for Petitioner

**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, Robert Trinidad-Suarez, 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.

Yaritssa Plasencia
Yaritssa Plasencia, Esq.
Florida Bar No.: 1021659
Great American Law Firm PLLC
100 Frandorson Cir., Ste. 202C
Apollo Beach, FL 33572
Phone: (407) 929-9292
greatamericanlaw@gmail.com
Attorney for Petitioner