

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

RICARDO ABEL VELEZ CORONEL

Petitioner,

v.

Case No.: 2:26-cv-719

KEVIN GUTHRIE, Executive Director of the
Florida Division of Emergency Management
TODD LYONS, Acting Director of the United
States Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the United States
Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States;
GARRETT RIPA, Field Office Director of the
Miami Immigration and Customs Enforcement
Office, acting in their official capacities; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; and DEPARTMENT OF
HOMELAND SECURITY

Respondents.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, RICARDO ABEL VELEZ CORONEL, seeks a writ of habeas corpus following his unlawful detention at the Florida Soft Side South in

Ochopee, Florida, by Respondents, who provide no legal authority or justification for his ongoing detention.

2. Pursuant to Local Rule 3.01, Petitioner is unlawfully detained at the Florida Soft Side South and is at high medical risk due to his high blood pressure condition. Petitioner has already been hospitalized once because of his high blood pressure while in Respondents' custody.

3. Petitioner is a native and citizen of Ecuador who entered the United States on a B-2 visa and has been living in the United States since on or about 2018.

4. Although Petitioner is subject to detention pursuant to 8 U.S.C. § 1226(a), Respondents did not arrest Petitioner pursuant to a valid warrant, constituting a violation of his right to due process and making immediate release the only appropriate remedy.

5. Petitioner is married and the father of two adult children, ages 18 and 22, and is the primary financial provider of his household.

6. Based on information and belief, Petitioner has never been placed in removal proceedings.

7. Based on information and belief, Petitioner has no prior history of arrest or criminal record.

8. Petitioner is currently detained at the Florida Soft Side South Detention Facility without any valid warrants of any kind, without pending or current criminal charges, and without a sentence to be served.

9. Petitioner respectfully requests this Court to order Respondents to show cause why the writ should not be granted within three days.

10. Petitioner further requests immediate release from detention.

JURISDICTION AND VENUE

11. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and Art. I, Sec. 9, Cl. 2 of the United States Constitution (Suspension Clause), and Petitioner is presently in custody under, or by color of, the authority of the U.S. and challenges his custody as a violation of the Constitution, laws, or treaties of the United States.

12. Venue lies in this District pursuant to 28 U.S.C. §§ 1391 and 2241, because Petitioner is detained at the Florida Soft Side Detention Center, which is within the Middle District of Florida.

PARTIES

13. Petitioner, RICARDO ABEL VELEZ CORONEL, is a native and citizen of Ecuador, and currently detained at Florida Soft Side South within the Middle District of Florida. Petitioner brings this petition pursuant to 28 U.S.C § 2241 to challenge the legality of his continued detention.

14. Respondent, KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management is responsible for managing Florida Soft Side South and is thus the legal custodian of Petitioner.

15. Respondent, TODD LYONS, in his official capacity as Senior Official performing the Duties of the Director of ICE, directs the agency that exercises authority over the detention, custody, and supervision of noncitizens pursuant to the INA.

16. Respondent, KRISTI NOEM¹, in her official capacity as Secretary of the United States Department of Homeland Security, is the highest official within the DHS, which is charged with administering and enforcing federal immigration laws, including detention authority under the INA.

17. Respondent, PAMELA BONDI, in her official capacity as Attorney General of the United States, presides over the Executive Office for Immigration Review and Board of Immigration Appeals (“BIA”), and shares responsibility for the implementation and enforcement of immigration laws.

18. Respondent, GARRETT RIPA, in his official capacity as Field Office Director of the Miami Immigration and Customs Enforcement Office is responsible for the custody, detention, and removal operations for individuals detained within the geographic area encompassing Petitioner’s place of confinement.

19. Respondent, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”) is an agency within the Department of Homeland Security charged with the enforcement of immigration laws, including the detention and removal of noncitizens.

¹ As of the time of this filing, Kristi Noem is still named as the Secretary of DHS according to DHS webpage. See **Exhibit 1**.

20. Respondent, DEPARTMENT OF HOMELAND SECURITY (“DHS”) is the federal department responsible for administering and enforcing the INA, including statutory authority governing the detention of certain noncitizens.

EXHAUSTION OF REMEDIES

21. Petitioner is detained at the Florida Soft Side South Detention Facility after being arrested without a valid I-200 Warrant and without proper probable cause. Petitioner has no administrative remedies available to him other than the subject action, and seeking such would be futile.

STATEMENT OF FACTS

22. Based on information and belief, Petitioner is a native and citizen of Ecuador, who entered the United States on a B-2 visa and has been living in the United States since on or about 2018.

23. Petitioner has high blood pressure.

24. Petitioner has a pending I-589 application.

25. Petitioner is authorized to work in the United States

26. Based on information and belief, on or about March 7, 2026, Petitioner was driving his vehicle to or from work when the Polk County Sheriff’s Office conducted a traffic stop on his vehicle. Petitioner was issued a civil citation for unknowingly operating a vehicle while his driver’s license was suspended, canceled, or revoked. **See Exhibit 2.** After the issuance of the civil citation, the Sheriff’s Deputy informed Petitioner that he was an acting ICE agent. Petitioner was arrested without

proper probable cause and only on the basis of his immigration status. Petitioner was transported to the Polk County Jail. No criminal charges were alleged to be a basis of Petitioner's arrest.

27. Based on information and belief, sometime thereafter, Petitioner was transported towards the Tampa ICE field office. While in the Tampa area, Petitioner was admitted to the St. Joseph's Hospital for treatment of complications stemming from his high blood pressure condition. Petitioner was eventually discharged, and sometime thereafter transported to Florida Soft Side South Detention Facility, where he remains detained today.

28. Petitioner was arrested without a valid I-200 Warrant and without proper probable cause.

LEGAL FRAMEWORK

I. GENERALLY

29. Noncitizens present in the United States are entitled to due process under the Fifth Amendment and Fourteenth Amendment of the United States Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Plyler v. Doe*, 457 U.S. 202, 210 (1982).

30. Agencies are bound to adhere to self-imposed mandatory policies and processes. *Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Failure to do so by amount to a violation of due process. *Semeena, Inc. v. United States Airforce*, 147 F.3d 1148, 1153 (9th Cir. 1998) ("An agency's failure to follow its own regulation . . . may result in a

violation of an individual's constitutional right to due process.”) (internal quotations omitted).

II. IMMEDIATE RELEASE IS THE ONLY APPROPRIATE REMEDY

a. *An arrest made without an I-200 Warrant or made pursuant to an I-200 Warrant issued before a Notice to Appear violates Petitioner's right to Due process.*

32. A discretionary arrest made pursuant to 8 U.S.C. § 1226 must be made after the issuance of an I-200 Warrant. 8 U.S.C. § 1226(a). Furthermore, an I-200 Warrant can only be executed at the time of or after the issuance of a I-862 Notice to Appear, otherwise the I-200 Warrant is rendered invalid and any arrest made pursuant to the same is a Due process violation warranting immediate release. 8 C.F.R. § 1236.1(b).

b. *Warrant Required.*

33. An I-200 Warrant is a prerequisite for conducting an arrest pursuant to § 1226. Section 1226(a) states, “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” **See Exhibit 3, I-200 Warrant for Arrest of Alien.**² Based on information and belief, Petitioner was not arrested pursuant to a warrant issued by the Attorney General which is required to effectuate an arrest under § 1226, violating his due process rights and justifying immediate release. *Wash. G. v. Bondi*, No. 26-CV-250 (JMB/LIB), 2026 LX 94867, at *7 (D. Minn. Jan. 16, 2026) (Ordering immediate

² Source: https://www.ice.gov/sites/default/files/documents/Document/2017/I-200_SAMPLE.PDF

release after finding that “an arrest warrant is a prerequisite to detention under section 1226(a).”); *Ahmed M. v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 LX 76899, at *8 (D. Minn. Jan. 5, 2026) (finding no warrant was produced showing that arrest was authorized by § 1226 and ordering immediate release on recognizance); *Chogllo Chafila v. Scott*, 804 F. Supp. 3d 247 (D. Me. 2025) (“As such, it follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a). To put it simply, Petitioners’ detentions are improper because there is no evidence in the record that they were arrested pursuant to a warrant. Since the Government did not comply with the plain language of section 1226(a), their immediate release is justified.”).

34. Section 1226(c) authorizes mandatory detention of those who are inadmissible or deportable on the basis of certain enumerated crimes, or presently charged with, arrested for, convicted of burglary, theft, larceny, shoplifting, assault on law enforcement, or any crime that results in death or serious bodily injury. Based on information and belief, Petitioner has no record of a qualifying crime under § 1226(c). Thus, a warrant is a precondition to arresting Petitioner under § 1226.

c. Warrant issued before a Notice to Appear is Invalid, and an arrest made pursuant to an invalid warrant violates Due process.

35. An arrest pursuant to an I-200 Warrant can only be executed at the time of or after the issuance of a Notice to Appear. The language of 8 C.F.R. § 1236.1 is clear:

At the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest.

An I-200 Warrant issued before the issuance of a Notice to Appear renders the warrant invalid. *See Castanon Nava v. Dep't of Homeland Sec.*, 806 F. Supp. 3d 823, 853-54 (N.D. Ill. 2025) (holding that I-200 warrants issued without a concurrent or previously issued Notice to Appear renders the I-200 warrant invalid).

36. An arrest made pursuant to an invalid I-200 warrant violates the arrestee's due process rights, with immediate release being the only appropriate remedy. *Arellano v. Quinones*, No. 6:26-cv-00512-GAP-DCI, at Fn 1 (M.D.F.L. Mar. 9, 2026) (ordering immediate release after respondents conceded the Government arrested petitioner without a legitimate warrant because the Notice to Appear was issued **49 minutes** after the I-200 warrant was served); *Ardon v. Mina*, No. 6:26-cv-313-JSS-LHP, 2026 WL 530199, at *7 (M.D.F.L. Feb. 26, 2026) (ordering immediate release after finding petitioner's due process rights were violated because petitioner's I-200 warrant arrest occurred **two weeks** before the issuance of a Notice to Appear.); *Arango v. Genalo*, No. 25-cv-6720(RER), 2025 WL 3637500, at *2 (E.D.N.Y. Dec. 16, 2025) (ordering immediate release after finding petitioner's due process rights were violated because she "was not served with [Notice to Appear until **two days**] after her [I-200 warrant] arrest," in contravention of 8 C.F.R. § 1236.1); *Gopie v. Lyons*, No. 25-cv-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025) (ordering immediate release after finding that the government lacked the authority to arrest a noncitizen pursuant to an I-200 warrant because the warrant was issued **three days** before the Notice to Appear).

37. Immigration law is clear: a Notice to Appear must come first, followed by an I-200 Warrant, otherwise the warrant is invalid.

CLAIMS FOR RELIEF

Count I Violation of Due process

38. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

39. Petitioner has been deprived of liberty with no judicial process, no opportunity to challenge the detention, and without proper probable cause.

40. Respondents failed to adhere to self-imposed mandatory policies and processes.

41. The due process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Prolonged civil detention requires a sufficiently strong special justification to outweigh the significant deprivation of liberty. *Id.* at 690-91.

42. Civil detention also requires the accompaniment of strong procedural protections to guard against the erroneous deprivation of liberty and avoid violating due process. *Id.*; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

43. These procedural safeguards are missing, subjecting Petitioner to an erroneous deprivation of his liberty. Respondents provide no legal justification for Petitioner's ongoing detention.

44. Petitioner's detention violates substantive and procedural due process.

Count II
Unreasonable Seizure

45. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

46. Petitioner is being detained without charge and without proper probable cause, constituting an unreasonable seizure under the Fourth Amendment of the U.S. Constitution.

PRAYER FOR RELIEF

47. Assume jurisdiction over this matter;

48. Order Respondents to show cause why this petition should not be granted within three (3) days;

49. Declare that Petitioners continued detention is unconstitutional and unlawful, as it violates the Fifth Amendment guarantee of due process and Fourth Amendment protection against unreasonable seizures, violates the APA, and is in violation of statutory authority;

50. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from their custody with immediate return of all personal possessions to Petitioner;

51. Order Respondents to immediately return to Petitioner all personal belongings, including but not limited to driver's license, mobile phone, and documents, upon Petitioner's release;

52. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;

53. Enter preliminary and permanent injunctive relief enjoining Respondents from placing Petitioner under any restrictive supervision conditions, including but not limited to electronic monitoring;

54. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes;

55. Grant such further relief as the Court deems just and proper.

Dated: March 13, 2026

Respectfully submitted,

/s/ Denisse C. Ilabaca

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Lead Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I certify and declare under penalty of perjury that the facts alleged in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 13, 2026

Respectfully submitted,

/s/ Denisse C. Ilabaca

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