

2:26-cv-716-SPC-NPM

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

ANDY POZO SANCHEZ
Petitioner,

v.

WARDEN, GLADES DETENTION CENTER;
FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE, ICE;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY,
Respondents.

MAR 13 2026 AM 10:50
FILED - USDC - FLMD - FTM

INTRODUCTION

Petitioner respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. §2241 challenging his continued immigration detention and seeking immediate release or, alternatively, a constitutionally adequate custody hearing.

Petitioner has been detained for approximately five months despite having entered the United States lawfully under parole and having a pending adjustment of status application under the Cuban Adjustment Act. Continued detention without individualized justification violates the Due Process Clause of the Fifth Amendment.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. §2241 and 28 U.S.C. §1331 because Petitioner is in custody in violation of the Constitution and laws of the United States.

Venue is proper in the Middle District of Florida because Petitioner is detained at the Glades County Detention Center in Moore Haven, Florida.

PARTIES

Petitioner is currently detained at:

Glades County Detention Center
Moore Haven, Florida 33471, withing the jurisdiction of this court.

Respondent Warden is the immediate custodian of Petitioner.

Respondents DHS and ICE officials are responsible for Petitioner's immigration detention and enforcement actions.

LEGAL STANDARD

Immigration detention must be reasonably related to the purposes of ensuring appearance at proceedings and protecting the community. Prolonged detention without adequate justification violates due process.

ARGUMENT

A. Lawful Entry and Pending Adjustment

Petitioner was lawfully paroled into the United States and has a pending adjustment application under the Cuban Adjustment Act. This demonstrates a legitimate pathway to lawful permanent residence.

B. Government Recognition of Authorized Stay

USCIS granted Petitioner employment authorization valid for five years, demonstrating that the government recognizes his authorized stay while the adjustment application is pending.

C. Prolonged Detention Violates Due Process

Petitioner has been detained for approximately five months. Continued detention without individualized justification is unreasonable and violates constitutional due process protections.

D. Petitioner is Not a Flight Risk

Petitioner maintained steady employment, complied with immigration requirements, and has stable housing available up on release.

E. Petitioner is Not a Danger to the Community

Petitioner has no history of violence and has demonstrated good moral character.

F. Family Hardship

Petitioner is the father of a one-year-old United States citizen child who depends on him emotionally and financially. Petitioner was present at the birth of his child and has maintained a relationship with the child.

RELIEF REQUESTED

Prolonged Immigration Detention Violates Due Process.

The Fifth Amendment prohibits the government from depriving individuals of liberty without due process of law.

Prolonged immigration detention without individualized justification is unconstitutional. Petitioner has now been detained for approximately five months without meaningful review of whether continued detention is necessary.

Petitioner is neither a flight risk nor a danger to the community. Continued detention therefore serves no legitimate governmental purpose.

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

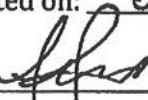
1. Issue a writ of habeas corpus;
2. Order Petitioner's immediate release from custody, or
3. Order a prompt individualized custody hearing before an immigration judge;
4. Grant any other relief the Court deems appropriate.

Respectfully submitted,



Andy Pozo Sanchez

I, Andy Pozo Sanchez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Petition for Writ of Habeas Corpus and that the facts stated therein are true and correct to the best of my knowledge and belief.

Executed on: 03/10/2026


Andy Pozo Sanchez
Petitioner

Executed at: Glades County Detention Center
Moore Haven, Florida

Clerk of Court
United States District Court
Middle District of Florida
Fort Myers Division

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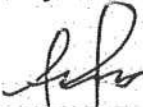
Re: Emergency Habeas Filing – Request for Stay of Removal

Dear Clerk:

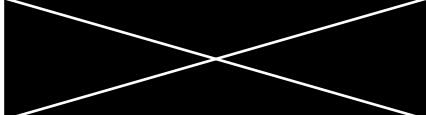
Enclosed please find a Verified Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, an Emergency Motion to Stay Removal, a Proposed Order, supporting exhibits, the Civil Cover Sheet, and the \$5 filing fee.

An Immigration Judge issued a removal order on March 3, 2026.
Petitioner respectfully requests expedited processing of this filing
because removal may occur before the Court can review the petition.

Respectfully submitted,



Andy Pozo Sanchez



Email:

