

FILED
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CLERK OF COURT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
MIAMI

DETAINED

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF FLORIDA

KEYNNERD GEOVANNY CRUZ CASTRO

A#

Petitioner,

v.

WARDEN, GLADES COUNTY DETENTION CENTER

KRISTI NOEM, SECRETARY OF HOMELAND

SECURITY, TODD M. LYONS, ACTING DIRECTOR

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

DHS, AND PAMELA BONDI, ATTORNEY GENERAL

OF THE UNITED STATES

Respondents.

CASE No.: 2:26-cv-703-KCD-NPI

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

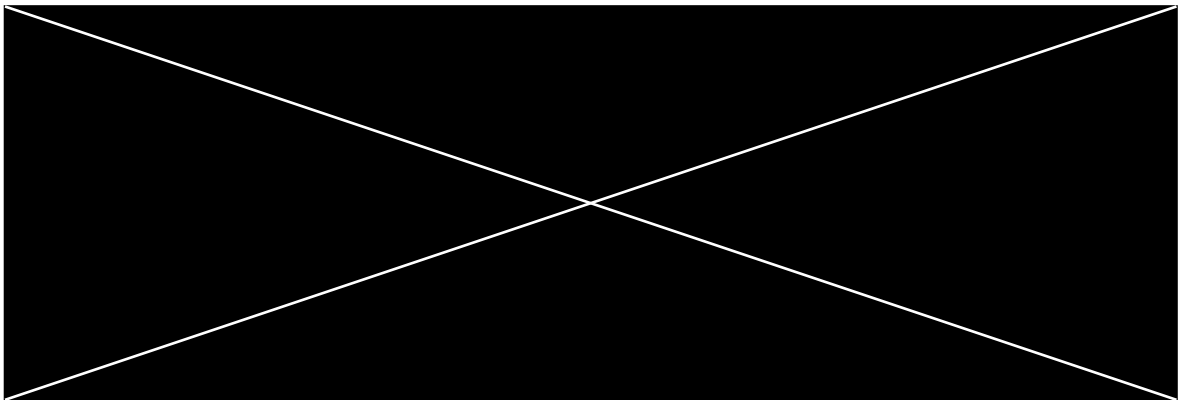
I. INTRODUCTION

1. Petitioner Keynerd Geovanny Cruz Castro (“Mr. Cruz Castro”) seeks a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful detention by the Department of Homeland Security (“DHS”) in violation of the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. The Department of Homeland Security (“DHS”) and its agents with Immigration and Customs Enforcement (“ICE”) arrested Mr. Cruz Castro on or about November 17, 2025. Since that time, he has remained continuously detained at the Glades County detention center. During this period, he has not been afforded a meaningful and constitutionally adequate opportunity to seek release on bond. Mr. Cruz Castro has no criminal record, poses no danger to the community, and presents no flight risk. Accordingly, his continued detention without an individualized bond hearing at which the Government bears the burden of justifying confinement has become unreasonable and violates the Due Process Clause of the Fifth Amendment.
3. Petitioner Keynerd Geovanny Cruz Castro is a national of Nicaragua [SEE EXHIBIT A]. He has resided continuously in the United States since November 2021 during which time he has established substantial family, social, and community ties. Despite his significant equities and the absence of any criminal history that would justify mandatory detention, he is currently being held in immigration custody without a meaningful opportunity to seek release on bond.

4. Mr. Cruz Castro's detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution. ICE and DHS have exceeded the scope of their limited authority by depriving Mr. Cruz Castro of his physical liberty without a meaningful bond hearing before a neutral arbiter. Accordingly, Mr. Cruz Castro respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release or, in the alternative, an order requiring a prompt individualized bond hearing that comports with due process.

II. BACKGROUND

5. Petitioner is a native and citizen of Nicaragua who entered the United States seeking protection. At the time of his departure in November 2021, conditions in Nicaragua were marked by significant political repression and restrictions on civil liberties.



created a climate of fear and instability that ultimately forced petitioner to leave the country at the end of 2021 in search of safety and protection. [SEE EXHIBIT B]

6. Petitioner first arrived in the United States on or about November 18, 2021, at or near Texas. Upon arriving in the United States, Petitioner voluntarily presented himself to immigration authorities shortly after entry. He was detained for

approximately two to three days, during which his fingerprints and biographical information were collected, and he was subsequently released with a notice to appear before immigration court on a scheduled court date. Petitioner was not admitted following inspection, but rather was processed by immigration authorities upon his arrival and permitted to remain in the United States pending his removal proceedings and asylum application.

III. JURISDICTION AND VENUE

7. Mr. Cruz Castro is detained at the Glades County detention center, Florida, within the Middle district of Florida. [SEE EXHIBIT C]
8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because petitioner is currently in federal immigration custody and seeks to challenge the legality of his ongoing detention. Venue is proper in in the Middle District of Florida because Petitioner is detained within this District.
9. This Court has subject-matter jurisdiction under the Suspension Clause of the U.S. Constitution, Art. I, § 9, cl. 2, and 28 U.S.C. § 1651 (All Writs Act), because Petitioner is presently held in federal custody under the authority of the United States. His detention by Respondents constitutes a severe restraint on his liberty in violation of the Constitution and laws of the United States. See *Hensley v. Municipal Court*, 411 U.S. 345 (1973).

IV. PARTIES

10. Petitioner Keynnerd Geovanny Cruz Castro is a 33-year-old national and citizen of Nicaragua currently detained at Glades County Detention Center.
11. Warden, Glades County Detention Center where petitioner is apprehended since November 17, 2025.
12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. She is sued in her official capacity.
13. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, responsible for ICE's detention and removal operations among all its other functions. He is sued in his official capacity.
14. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States. She is sued in her official capacity.

V. LEGAL FRAMEWORK

15. This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals who are "in custody in violation of the Constitution or laws or treaties of the United States." Immigration detention constitutes "custody" for purposes of § 2241, and federal courts retain jurisdiction to review the legality of such detention.

16. Immigration detention is civil and regulatory, not punitive. Detention must bear a reasonable relation to its legitimate governmental purpose and may not be imposed as punishment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention that is not authorized by statute or that violates constitutional protections is unlawful.
17. Noncitizens, including asylum applicants physically present in the United States, are entitled to due process protections under the Fifth Amendment. See *Reno v. Flores*, 507 U.S. 292, 306 (1993). Due process requires that civil detention be accompanied by adequate procedural safeguards and individualized review.
18. The INA provides that any noncitizen who is physically present in the United States may apply for asylum. 8 U.S.C. § 1158(a)(1). Although the ultimate grant of asylum is discretionary, the statutory right to apply for asylum is not. Individuals with pending asylum applications are authorized to pursue protection through removal proceedings conducted under 8 U.S.C. § 1229a.
19. Prolonged civil detention without a meaningful opportunity for individualized review raises serious constitutional concerns. Where detention ceases to be reasonably related to its regulatory purpose or is imposed without adequate procedural safeguards, continued confinement violates the Due Process Clause.
20. Federal courts retain habeas authority under 28 U.S.C. § 2241 to ensure that executive detention complies with statutory and constitutional limits. Where detention exceeds statutory authority or violates due process, habeas relief including release or an order requiring a constitutionally adequate bond hearing is appropriate.

VI. FACTS

Departure from Nicaragua

Petitioner is a native and citizen of Nicaragua who departed in or about November 2021. At that time, Nicaragua was experiencing significant political tension, restrictions on civil liberties, and heightened government repression following the 2021 electoral period. Individuals perceived as political opponents or critics faced risks of surveillance, intimidation, or retaliation. Petitioner left Nicaragua due to concerns about personal safety, lack of reliable state protection, and the deteriorating social and political conditions, ultimately seeking safety and stability.

Entry into the United States

Upon arriving in the United States, Petitioner voluntarily presented himself to immigration authorities shortly after entry. He was detained for approximately two to three days during processing, during which his fingerprints and biographical information were collected. Petitioner was then released with a notice to appear before immigration court at a scheduled hearing date while his removal proceedings and asylum application remained pending.

Life in the United States

Since his arrival, Petitioner has resided continuously in the United States and has established strong family, community, and social ties. Petitioner has been employed and has complied with tax obligations when required. Petitioner has no criminal record, no criminal charges, and no convictions of any kind. He is not serving any

sentence, probation, or supervision, and his background reflects no pending criminal history.

Detention Incident

In or about November 17, 2025, while traveling as a passenger on his way to work, Petitioner was stopped during a routine checkpoint conducted by Florida Highway Patrol officers. Petitioner provided his identification documents and employment authorization card to demonstrate his pending asylum status. After determining that Petitioner was not a United States citizen or lawful permanent resident, the officers contacted Immigration and Customs Enforcement (“ICE”). Petitioner was transported to the sheriff’s office for processing, where his personal documents, including his passport, foreign identification, employment authorization card, and other identification documents were retained. Petitioner was subsequently transferred to immigration detention and remains in custody.

Pending Immigration Proceedings

Petitioner was ordered removed as a consequence of the adjudication of his asylum application; however, a timely appeal was filed on or about October 31, 2024, and the removal order has not become final. Petitioner’s asylum-related proceedings remain pending during the appellate review of the removal order. [SEE EXHIBIT D]

VII. ARGUMENT

21. Petitioner's Detention Violates the Fifth Amendment Due Process Clause

The Fifth Amendment's Due Process Clause protects noncitizens from unlawful deprivation of liberty during immigration proceedings. See *Demore v. Kim*, 538 U.S. 510, 523 (2003). "Freedom from imprisonment—from government custody, detention, or other physical restraint—lies at the heart of the liberty that the Due Process Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Due process requires that immigration detention remain reasonably related to its regulatory purposes, such as ensuring appearance at proceedings or protecting community safety. Petitioner has been detained despite having no criminal history and posing no demonstrated danger to the community. Continued detention without individualized justification is not reasonably related to any legitimate governmental objective.

22. Statutory Basis for Detention

Immigration detention must be authorized by statute under the Immigration and Nationality Act. Under 8 U.S.C. § 1226(a), individuals in removal proceedings may be detained only after consideration of alternatives to detention and individualized assessment of flight risk and danger. Administrative precedent similarly requires individualized assessment before detention decisions. See *Matter of Adeniji*, 22 I&N Dec. 1102 (BIA 1999); *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976). Respondents have failed to provide constitutionally adequate individualized justification for Petitioner's continued detention.

23. Alternatives to Detention Are Available

Petitioner has strong family and community ties in the United States, as well as significant financial obligations and responsibilities. These factors demonstrate diminished flight risk. In the absence of individualized findings of risk or danger, continued detention is excessive and inconsistent with due process requirements.

Zadvydas, 533 U.S. at 700.

24. Continued Detention Without Individualized Review Raises Due Process Concerns

Prolonged civil detention without meaningful individualized review may raise constitutional concerns under the Due Process Clause. While the government may detain noncitizens during removal proceedings under lawful authority, such detention must remain proportionate to its regulatory purpose and supported by adequate procedural safeguards.

Where detention continues despite the absence of criminal history, demonstrated community risk, or individualized findings supporting custody, continued confinement may become inconsistent with the constitutional protections afforded to liberty interests under the Fifth Amendment.

25. Burden of Justification for Continued Detention

Due process requires the government to provide sufficient justification for the continuation of civil detention when a significant liberty interest is at stake. See *Cooper v. Oklahoma*, 517 U.S. 348, 363 (recognizing heightened procedural protection in civil proceedings involving important liberty interests). Respondents

should provide sufficient justification that continued detention is constitutionally and statutorily justified. Where the government fails to provide adequate justification for confinement, continued detention may violate due process protections under the Fifth Amendment.

VIII. PRAYER FOR RELIEF

1. Assume jurisdiction over this matter;
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, because it is an action brought under Chapter 153 (habeas corpus) of Title 28;
3. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243, directing Respondents to explain within three (3) days why the writ of habeas corpus should not be granted;
4. Grant a writ of habeas corpus directing Respondents to immediately release Petitioner from custody, or, in the alternative, release Petitioner on bond under such conditions as the Court deems appropriate, pursuant to 8 C.F.R. § 241.5, including the use of electronic monitoring measures such as ankle monitoring devices or other approved tracking devices to ensure compliance with release conditions;
5. Order that Respondents shall not transfer Petitioner outside the middle District of Florida while this petition is pending, unless prior authorization is obtained from this Court. This relief is requested pursuant to the Court's inherent authority to preserve and protect its jurisdiction over this habeas

proceeding and is not sought as a Temporary Restraining Order or preliminary injunction, but solely to ensure that the Court can fully adjudicate the merits of this case. Any transfer made in violation of this order shall not defeat this Court's jurisdiction.

6. Grant any and all further relief that this Court deems just and proper.

IX. DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03/01/26

KGCC

Signature of Petitioner

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

In the matter of: Cruz Castro, Keynnerd Geovanny

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EXHIBITS

EXHIBIT A: IDENTIFICATION DOCUMENTS

Respondent's Driver License

EXHIBIT B: NICARAGUA 2021 HUMAN RIGHTS REPORT

"There were credible reports that members of the security forces committed numerous abuses. Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cruel, inhuman, or degrading treatment or punishment by prison guards and parapolice; harsh and life-threatening prison conditions; arbitrary arrest and detentions; political prisoners; politically motivated reprisal against individuals located in another country; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including threats of violence, unjustified arrests, censorship, criminal libel suits against journalists; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, and operation of nongovernmental organizations and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement within the country and the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and