

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

NORDELO LEZCANO
LEONARDO JAVIER, A 240-096-735

Civil Action No.

Petitioner.

v.

WARDEN OF GLADES COUNTY
DETENTION CENTER, in his official capacity
as Warden; GARRETT RIPA, in his official
capacity as Field Office Director, Miami Field
Office, U.S. Immigration and Customs
Enforcement; PAMELA JO BONDI, in her official
capacity as Attorney General of the United States;
KRISTI NOEM, in her official capacity as
Secretary of the Department of
Homeland Security;
TODD LYONS, in his official capacity as
Director of United States
Immigration and
Customs Enforcement

Respondents.

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Leonardo Javier Nordelo Lezcano (Mr. Nordelo Lezcano), a citizen of Cuba, petitions this Court for a writ of habeas corpus to remedy his prolonged and unlawful detention by Respondents. Immigration authorities assumed custody of Mr. Nordelo Lezcano in April of 2025 and have detained him continuously since that date. As of the date of this filing, Mr. Nordelo Lezcano has been detained in immigration custody for approximately eleven (11) months.

On February 27, 2026, the Immigration Court held a custody redetermination hearing before Immigration Judge Alexander Scott. The Immigration Judge denied the request for release,

finding that Mr. Nordelo Lezcano “presently had no relief available in his removal proceedings.” This is despite the fact that Mr. Nordelo Lezcano’s individual hearing had not yet taken place and the Government’s Motion to Pretermit had not yet been adjudicated at the time of the bond hearing.

The Immigration Judge erred in denying Mr. Nordelo Lezcano’s bond because the bond determination is not a proper forum to adjudicate the merits of a removal proceeding. Under federal law, bond determinations “shall be separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding.” 8 C.F.R. § 1003.19. The Immigration Judge’s stated basis for denial, that Mr. Nordelo Lezcano had no relief available, is not a recognized bond factor. Because Mr. Nordelo Lezcano was never provided a lawful individualized bond hearing, his continued detention is unlawful.

On March 4, 2026, the Immigration Court continued Petitioner’s case. Mr. Nordelo Lezcano’s individual hearing is currently scheduled for April 1, 2026. Even in the scenario most favorable to the Government, in which a removal order is entered on that date, Mr. Nordelo Lezcano intends to appeal to the Board of Immigration Appeals (BIA). The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission. Therefore, Mr. Nordelo Lezcano faces continued detention for at least an additional eight (8) months in addition to his already eleven (11) months in detention. This is if, and only if, the BIA issues a briefing schedule on April 1, 2026 and all parties submit their appellate briefs on April 1, 2026. The very notion that this will occur is implausible.

Consequently, Mr. Nordelo Lezcano, who has already been detained for eleven (11) months, faces detention well into 2027 while he exercises his constitutional right to appellate review by the BIA of a non-final order of removal. This is to say nothing of the fact that Mr. Nordelo Lezcano suffers from Post-Traumatic Stress Disorder, Major Depressive Disorder,

Generalized Anxiety Disorder, and Schizophrenia, and remains at risk of suicide. It is precisely this kind of unreasonably prolonged detention that the Constitution forbids.

For the reasons set forth below, Mr. Nordelo Lezcano's continued detention is unlawful and he is entitled to release. In support of this petition, Mr. Nordelo Lezcano alleges as follows:

CUSTODY

1. Mr. Nordelo Lezcano is detained at the Glades County Detention Center, Moore Haven, Florida, within the Middle District of Florida.

JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 1570.

3. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I § 9, Cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 1331, because Mr. Nordelo Lezcano is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. 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 Mr. Nordelo Lezcano is detained.

PARTIES

5. Mr. Nordelo Lezcano is a citizen of Cuba. On October 19, 2022, he entered the United States by homemade boat and was encountered by the United States Border Patrol. Immigration

and Customs Enforcement (ICE) assumed custody of Mr. Nordelo Lezcano in April of 2025, and he has remained in custody continuously since that date.

6. Respondent Warden of Glades County Detention Center is responsible for the overall operation and direction of the detention center where Mr. Nordelo Lezcano is currently detained under the authority of ICE. As such, the Warden may be considered to be Mr. Nordelo Lezcano's immediate custodian.

7. Respondent Garrett Ripa is the Field Office Director of ICE's Miami Field Office and is responsible for the administration of ICE operations in this jurisdiction. As such, Mr. Ripa is a legal custodian of Mr. Nordelo Lezcano.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and is responsible for the administration and oversight of immigration detention. As such, Mr. Lyons is a legal custodian of Mr. Nordelo Lezcano.

9. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, the Attorney General is a legal custodian of Mr. Nordelo Lezcano.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). The Secretary is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Secretary Noem is a legal custodian of Mr. Nordelo Lezcano.

FACTUAL BACKGROUND

11. Leonardo Javier Nordelo Lezcano is a citizen and national of Cuba. Prior to fleeing Cuba, Mr. Nordelo Lezcano was imprisoned by Cuban authorities and subjected to repeated physical abuse, deprivation of food and hygiene, and other inhumane treatment, including multiple beatings that caused permanent head injuries. He refused mandatory military service on political grounds,

was imprisoned for two years, and was repeatedly detained, surveilled, and tortured by Cuban authorities. When he finally fled Cuba by sea, Cuban Border Guard vessels pursued him and used force against his vessel. He escaped only because the United States Coast Guard intervened.

12. On October 19, 2022, at approximately 3:05 a.m., Mr. Nordelo Lezcano entered the United States by homemade boat and was encountered by the United States Border Patrol. DHS processed him under Alien Number A240-096-735. He was given and passed a credible fear interview and was subsequently released.

13. After entering the United States, Mr. Nordelo Lezcano resided with his United States citizen aunt in South Miami, Florida. During this period, he assisted in caring for her husband, who was suffering from serious medical issues, helped care for her minor daughter, and later worked at his aunt's plant nursery, Las Dos Rosas Nursery, LLC, after receiving employment authorization.

14. On December 19, 2022, Mr. Nordelo Lezcano filed an affirmative Form I-589 Application for Asylum and for Withholding of Removal with United States Citizenship and Immigration Services.

15. On November 18, 2024, Mr. Nordelo Lezcano was arrested in connection with a criminal case in Miami-Dade County, Florida. On March 11, 2025, Mr. Nordelo Lezcano entered a plea of nolo contendere to misdemeanor charges of trespass of an occupied structure or conveyance, criminal mischief of \$200 or less, and petit theft.

16. Following completion of his criminal sentence, immigration authorities assumed custody of Mr. Nordelo Lezcano and placed him in immigration detention. On April 11, 2025, the Department of Homeland Security (DHS) filed a Notice to Appear (NTA) charging Mr. Nordelo Lezcano as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act as an

alien present in the United States without being admitted or paroled. *See* Notice to Appear, dated April 11, 2025, attached as Exhibit “A”.

17. On April 30, 2025, a copy of Mr. Nordelo Lezcano’s previously submitted Form I-589 was filed with the Immigration Court, which remains pending adjudication by the Immigration Judge as of the date of this petition. On May 1, 2025, Mr. Nordelo Lezcano appeared before the Immigration Court for his initial hearing in removal proceedings.

18. On August 6, 2025, Mr. Nordelo Lezcano requested a custody redetermination hearing pursuant to 8 C.F.R. § 1236. During that hearing, the Immigration Judge removed the motion from the calendar because Mr. Nordelo Lezcano had not yet provided an original identification document from his home country. After obtaining his original Cuban passport, Mr. Nordelo Lezcano renewed his request for a custody redetermination hearing.

19. On October 14, 2025, Mr. Nordelo Lezcano filed a renewed Form I-589 and additional competency-related documentation with the Immigration Court. On November 24, 2025, Mr. Nordelo Lezcano submitted additional supporting evidence, including a witness list and pre-hearing statement, in support of his asylum claim.

20. Mr. Nordelo Lezcano suffers from serious and documented mental health conditions, including Post-Traumatic Stress Disorder (PTSD), Major Depressive Disorder (MDD), Generalized Anxiety Disorder (GAD), and Schizophrenia. He has presented symptoms of psychosis, including hallucinations and possible paranoid delusions, and has been assessed as remaining at risk of suicide. *See* Request for Safeguards, dated December 9, 2025, attached as Exhibit “B”.

21. On October 15, 2025, the Immigration Court found Mr. Nordelo Lezcano competent to proceed but ordered that safeguards be implemented during his immigration proceedings,

including the use of simple and clear language, prompts to assist with recall, and additional time to retrieve memories and express himself. It is inhumane to subject a person with these documented conditions to prolonged immigration detention.

22. On February 4, 2026, the Department of Homeland Security filed a Motion to Pretermit Mr. Nordelo Lezcano's asylum application based on the Asylum Cooperative Agreement with Ecuador. On February 14, 2026, Mr. Nordelo Lezcano filed a reply to the Government's Motion to Pretermit.

23. On February 27, 2026, the Immigration Court held a custody redetermination hearing before Immigration Judge Alexander Scott. The Immigration Judge denied the request for release, finding that Mr. Nordelo Lezcano had not established that he was not a flight risk and stating that he "presently had no relief available in his removal proceedings." This finding was based on the Immigration Judge's anticipation that DHS's Motion to Pretermit would be granted, a motion that had not yet been adjudicated at the time of the bond hearing. *See* Immigration Court Bond Denial Order, dated February 27, 2026, attached as Exhibit "C".

24. The February 27, 2026 hearing was not a true individualized bond hearing. The Immigration Judge did not apply the correct legal standard. Rather than evaluating dangerousness and flight risk based on the enumerated bond factors, the Immigration Judge rested his entire denial on the anticipated outcome of the removal proceeding.

25. This is precisely what federal law prohibits. The bond docket and the removal docket are separate proceedings. The absence of relief in the removal case is not a recognized bond factor. A pending asylum application, far from being a basis for denial, is a positive factor, because it demonstrates that the alien has a concrete incentive to appear for future proceedings. The Immigration Judge inverted this framework entirely.

26. On March 4, 2026, the Immigration Court issued an order granting a continuance whereas Mr. Nordelo Lezcano's individual hearing is currently scheduled for April 1, 2026. *See* Notice of Individual Hearing, attached as Exhibit "D".

27. At the time Mr. Nordelo Lezcano's immigration detention began, his uncle was in hospice care suffering from cancer. On March 7, 2026, that uncle passed away. Mr. Nordelo Lezcano was unable to be present with his family due to his detention.

28. As of the date of this filing, Mr. Nordelo Lezcano has been detained in immigration custody for approximately eleven (11) months. Even if DHS is successful in its Motion to Pretermit, Petitioner's order of removal will not be a final order of removal and he will seek an appeal with the BIA.

29. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission. Therefore, Mr. Nordelo Lezcano faces continued detention for at least an additional eight (8) months in addition to the eleven (11) months of detention. This is if, and only if, the BIA issues a briefing schedule by April 1, 2026 and all parties submit their appellate briefs by April 1, 2026. The very notion that this will occur is implausible.

30. Consequently, Mr. Nordelo Lezcano, who has already been detained for eleven (11) months, faces detention well into 2027 while he exercises his constitutional right to appellate review by the BIA of a non-final order of removal.

COUNT ONE
**VIOLATION OF IMMIGRATION AND NATIONALITY ACT – FAILURE TO
PROVIDE A CONSTITUTIONALLY ADEQUATE INDIVIDUALIZED BOND
HEARING**

31. Mr. Nordelo Lezcano re-alleges and incorporates by reference paragraphs 1 through 30 above.

32. Mr. Nordelo Lezcano's continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1226(a). Section 1226(a) sets out a discretionary detention framework for noncitizens arrested and detained pending removal proceedings, and authorizes the Attorney General to continue to detain the arrested alien, release him on a bond of at least \$1,500, or release him on conditional parole. 8 U.S.C. § 1226(a)(1)–(2). “Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.” *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)).

33. Federal regulations further require that bond determinations “shall be separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding.” 8 C.F.R. § 1003.19. The Board of Immigration Appeals has established that when conducting a bond hearing, an Immigration Judge must evaluate only two questions: (1) whether the alien poses a danger to persons or property or threatens national security; and (2) whether the alien presents a risk of flight. *Matter of Siniuskas*, 27 I. & N. Dec. 207 (BIA 2018). The Immigration Judge must evaluate dangerousness first and may only proceed to flight risk if dangerousness is not established. *Matter of Urena*, 25 I. & N. Dec. 140 (BIA 2009).

34. The Immigration Judge conducted no such analysis. Instead, the Immigration Judge denied bond based on a single finding: that Mr. Nordelo Lezcano “presently had no relief available in his removal proceedings.” See Immigration Court Bond Denial Order, dated February 27, 2026, attached as Exhibit “C”. This is not a recognized bond factor. The absence of relief in removal proceedings cannot, as a matter of law, serve as the primary basis for a bond denial.

35. Moreover, at the time of the February 27, 2026 bond hearing, the Motion to Pretermit had not yet been adjudicated. This is because Petitioner's individual immigration hearing is not scheduled until April 1, 2026. See Notice of Individual Hearing, attached as Exhibit “D”.

36. The Immigration Judge's conclusion that no relief was available was based entirely on his own anticipation of the removal outcome, not on any adjudicated fact. The bond docket is not a proper forum for pre-adjudicating the removal merits.
37. A pending asylum application is, in fact, a positive factor for bond purposes. It establishes that the alien has a concrete incentive to appear for future proceedings in order to obtain lawful status. The Board of Immigration Appeals has identified the alien's "family ties in the United States and whether they may entitle the alien to reside permanently" as a relevant bond factor. *Matter of Andrade*, 19 I. & N. Dec. 488 (BIA 1987). A pending asylum application is no different. It cannot be inverted and used against the alien.
38. Federal district courts in this District, including this Division, have consistently granted habeas relief where noncitizens detained under § 1226(a) were denied constitutionally adequate bond hearings. See *Cruz-Ros v. Warden, Fla. S. Side Facility*, No. 2:25-cv-01006-JES-DNF (M.D. Fla. Dec. 16, 2025) (Fort Myers Division, granting § 2241 petition and ordering bond hearing); *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025) (*same*); *Jacobo v. Ripa*, No. 2:25-CV-1190-KCD-NPM, 2026 WL 145460 (M.D. Fla. Jan. 20, 2026) (*same*).
39. Because Mr. Nordelo Lezcano was never afforded a constitutionally adequate individualized bond hearing, his continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

COUNT TWO
SUBSTANTIVE DUE PROCESS VIOLATION

40. Mr. Nordelo Lezcano re-alleges and incorporates by reference paragraphs 1 through 30 above.

41. A person in removal proceedings is entitled to due process under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306 (1993). In removal proceedings, which are civil rather than criminal in nature, constitutional requirements of due process are only satisfied by a full and fair hearing. *Matter of Exilus*, 18 I&N Dec. 276, 281 (BIA 1982).

42. The Due Process Clause of the Fifth Amendment requires that the deprivation of Mr. Nordelo Lezcano's liberty be narrowly tailored to serve a compelling government interest. Mr. Nordelo Lezcano is currently deprived of his due process rights to which he is entitled under the Fifth Amendment of the United States Constitution. *Animashaun v. INS*, 990 F.2d 234, 238 (5th Cir. 1993) (citing *Reno v. Flores*, 507 U.S. 292, 305 (1993)).

43. While Respondents may attempt to argue that they have an interest in detaining Mr. Nordelo Lezcano in order to effectuate removal, that interest does not justify the prolonged detention of Mr. Nordelo Lezcano.

44. This is because Mr. Nordelo Lezcano's individual hearing is not until April 1, 2026. *See* Notice of Individual Hearing, attached as Exhibit "D". Even assuming a removal order is entered on that date, Mr. Nordelo Lezcano intends to appeal that order to the BIA. That order will not be a final order of removal.

45. As of the date of this filing, no removal order has been entered against Petitioner and, thus, no appeal of his removal proceedings exists with the BIA. The BIA period for deciding appeals is estimated to be 180 days from Reply Brief Submission. Therefore, Mr. Nordelo Lezcano faces continued detention for at least eight (8) additional months if, and only if, the BIA issues a briefing schedule on April 1, 2026 and all parties submit their appellate briefs on April 1, 2026. The very notion that this will occur is implausible.

46. Consequently, Mr. Nordelo Lezcano, who has already been detained for eleven (11) months, faces detention well into 2027 while he exercises his constitutional right to appellate review by the BIA of a non-final order of removal.

47. Mr. Nordelo Lezcano suffers from Post-Traumatic Stress Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, and Schizophrenia, and remains at risk of suicide. *See* Request for Safeguards, dated December 9, 2025, attached as Exhibit “B”. The Immigration Court itself recognized the severity of his conditions and ordered that safeguards be implemented in his immigration proceedings.

48. It is inhumane to subject a person with these documented conditions to nineteen (19) or more months of immigration detention. This detention is not narrowly tailored to serve any compelling government interest.

49. For these reasons, Mr. Nordelo Lezcano’s continued detention by Respondents is unlawful and in violation of due process of the law under the Fifth Amendment.

COUNT THREE **PROCEDURAL DUE PROCESS VIOLATION**

50. Mr. Nordelo Lezcano re-alleges and incorporates by reference paragraphs 1 through 30 above.

51. Mr. Nordelo Lezcano's prolonged detention violates a noncitizen's due process rights guaranteed under the Fifth Amendment. As courts in this Circuit have held, "aliens should [not] be punished for pursuing avenues of relief and appeals." *Sopo v. U.S. Atty Gen.*, 825 F.3d 1199, 1218 (11th Cir. 2016), *vacated on other grounds*, (11th Cir. May 17, 2018); *accord Oscar v. Ripe*, 751 F.Supp.3d 1324, 1332 (S.D. Fla. 2024) (applying same principle and finding due process violated where petitioner "should [not] be punished for pursuing avenues of relief and appeal"). "[A]ppeals and petitions for relief are to be expected as a natural part of the process. A noncitizen

that would not normally be subject to indefinite detention cannot be so detained merely because he seeks to explore avenues of relief that the law makes available to him." *Ly*, 351 F.3d at 272. "Although an alien may be responsible for seeking relief, he is not responsible for the amount of time that such determinations may take." *Id.*

52. Mr. Nordelo Lezcano has not been afforded a genuine opportunity to challenge his detention in a forum applying the correct legal standards. The February 27, 2026 bond hearing was not a lawful individualized hearing because the Immigration Judge applied an improper legal framework, conflating the bond docket with the removal docket. As a result, the procedural mechanism by which Mr. Nordelo Lezcano's detention has been reviewed does not satisfy the constitutional requirements of procedural due process.

53. Furthermore, Respondents' decision to continue detaining Mr. Nordelo Lezcano makes his detention even more egregious given that he suffers from serious mental illness, recently lost his uncle while detained and unable to be present with his family, and has been confined for eleven (11) months.

54. For these reasons, Mr. Nordelo Lezcano's continued detention by Respondents is unlawful and in violation of procedural due process under the Fifth Amendment.

COUNT FOUR **ADMINISTRATIVE PROCEDURE ACT VIOLATION**

55. Mr. Nordelo Lezcano re-alleges and incorporates by reference paragraphs 1 through 30 above.

56. The APA provides that courts "shall . . . hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion." 5 U.S.C. § 706(2)(A). In *Motor Vehicle Mfrs. Ass'n v. State Farm*, the Supreme Court emphasized that an agency acts arbitrarily and capriciously when it entirely fails to consider an important aspect of the problem or offers an explanation that runs

counter to the evidence before the agency. 463 U.S. 29, 43 (1983). Respondents' actions are arbitrary and capricious.

57. Mr. Nordelo Lezcano's continued detention is arbitrary and capricious. This is especially true because the Immigration Judge's February 27, 2026 bond denial departed from the mandatory legal framework governing custody redeterminations under 8 C.F.R. § 1003.19 and BIA precedent, without providing any reasoned explanation for doing so.

58. Mr. Nordelo Lezcano is neither a flight risk nor a danger to the community. Quite the opposite: Mr. Nordelo Lezcano entered the United States fleeing political persecution, passed a credible fear interview, filed a timely asylum application, maintained stable residence with family in South Miami, was gainfully employed with authorization, appeared for all immigration proceedings, and has no violent criminal history. Despite these facts, the Government has departed from its existing policies without providing a reasoned explanation.

59. For these reasons, Mr. Nordelo Lezcano's continued detention by Respondents is unlawful and in violation of the Immigration and Nationality Act.

COUNT FIVE
RECOVERY OF ATTORNEY FEES AND COSTS

60. Mr. Nordelo Lezcano re-alleges and incorporates by reference paragraphs 1 through 30 above.

61. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

- a) Assume jurisdiction over this matter;
- b) Issue an order directing Respondents to show cause why the writ should not be granted;
- c) Issue a writ of habeas corpus ordering Respondents to immediately provide Mr. Nordelo Lezcano with a constitutionally adequate individualized bond hearing applying the correct legal standards;
- d) In the alternative, issue a writ of habeas corpus ordering Respondents to immediately release Mr. Nordelo Lezcano from immigration detention, with appropriate conditions of supervision;
- e) Award Petitioner reasonable costs and attorney's fees; and
- f) Grant any other relief which this Court deems just and proper.

Date: March 17, 2026

Respectfully submitted:

/s/ Louise Fiore

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