

DETAINED

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF FLORIDA

MAIKEL MUNOZ ARENCIBIA

A# [REDACTED]

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-709-KCD-DNF

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

I. INTRODUCTION

1. Petitioner Maikel Munoz Arencibia (“Mr. Munoz Arencibia”) 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. Munoz Arencibia on or about December 30, 2025, following his arrest during a routine traffic stop for driving with a suspended license. After his December 30, 2025 arrest, he appeared before a state court judge, was granted bond in the amount of \$250.00, and paid that bond. However, despite having satisfied the bond requirement and being processed for release, ICE lodged a detainer and assumed custody of him. Since that time, Mr. Munoz Arencibia has been transferred through multiple detention facilities, including the Pinellas County Jail, Florida Soft Side South (also known as “Alligator Alcatraz”), and the Broward Transitional Center. He is currently detained at the Glades County Detention Center. During this period of detention, he has not received a meaningful opportunity for bond before an immigration judge, and there is no clear end in sight to his confinement. ICE asserts that mandatory detention under 8 U.S.C. § 1225(b)(2) authorizes his continued detention. However, Mr. Munoz Arencibia has no criminal history beyond these minor traffic-

related infractions, poses no threat to the community, and his continued detention is unreasonable and unconstitutional.

3. Petitioner Maikel Munoz Arencibia is a national of Cuba [SEE EXHIBIT A]. He has lived continuously in the United States since 2022, establishing strong family and community ties. Despite his long-term presence and lack of criminal record, he remains detained without a meaningful opportunity for release on bond.
4. Mr. Munoz Arencibia's continued detention violates the Due Process Clause of the Fifth Amendment. ICE and DHS have exceeded the scope of their limited authority by depriving Mr. Munoz Arencibia of his physical liberty without a meaningful bond hearing before a neutral arbiter. Accordingly, Mr. Munoz Arencibia brings this Petition for Writ of Habeas Corpus to challenge his continued detention on statutory and constitutional grounds.

II. BACKGROUND

Petitioner is a native and citizen of Cuba who left the country in 2022 due to the worsening economic collapse, persistent shortages of food, medicine, and electricity, and increased government repression following the aftermath of the July 11, 2021 protests. During that period, Cuba experienced prolonged blackouts, severe inflation, lack of access to basic necessities, and heightened restrictions on civil liberties. These conditions created instability and hardship that directly affected Petitioner and led him to fear remaining in the country. [SEE EXHIBIT B]

Petitioner entered the United States through the border in Eagle Pass, Texas on or about February 12, 2022. Upon entry, he was detained by U.S. immigration authorities and subsequently released under an I-220A Order of Release on Recognizance. [SEE EXHIBIT C]. Petitioner later appeared for his initial check-in on April 12, 2022, at the ICE office located in Miramar, as required, and complied with all reporting obligations.

III. JURISDICTION AND VENUE

1. Mr. Munoz Arencibia is detained at the Glades County detention center, Florida, within the Middle district of Florida. [SEE EXHIBIT D]
2. 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.
3. 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

4. Petitioner Maikel Munoz Arencibia is 31-year-old national and citizen of Cuba currently detained at Glades County Detention Center.

5. Warden at Glades County Detention Center where petitioner is apprehended since December 30, 2025.
6. 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.
7. 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.
8. 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. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England,

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).

11. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

VI. FACTS

Petitioner is a native and citizen of Cuba. He departed Cuba in or about February 2022 due to deteriorating economic conditions, ongoing shortages of essential goods, and political repression that made it unsafe for him to remain there. Seeking safety and protection, he traveled to the United States.

Petitioner entered the United States through the border in Eagle Pass in or about February 12, 2022. Upon entry, he was detained by U.S. immigration authorities and subsequently released under an I-220A Order of Release on Recognizance. He later appeared for his first check-in appointment that same year at the ICE office located in Miramar, as required.

On or about July 15, 2022, Petitioner filed Form I-589, Application for Asylum and for Withholding of Removal. [EXHIBIT E]. Following the filing of his asylum application, Petitioner was issued employment authorization and obtained a valid work permit, allowing him to lawfully work in the United States while his immigration applications remain pending [EXHIBIT F]. Thereafter, on or about January 20, 2025, after residing in the United States for the requisite period, Petitioner filed Form I-485 seeking lawful permanent residence pursuant to the Cuban Adjustment Act [EXHIBIT G].

On or about December 30, 2025, at approximately 7:15 p.m., Petitioner was arrested during a routine traffic-related incident in Lake Wales. He was transported to the Polk County Sheriff's Office in Winter Haven, where Immigration and Customs Enforcement ("ICE") lodged a detainer and assumed custody of him.

Petitioner was transferred to Bartow and subsequently to the Pinellas County Jail. After several days, he was transferred to Florida Soft Side South (also known as "Alligator Alcatraz") on or about January 5, 2026. He was later transferred to the Broward Transitional Center and, on or about February 12, 2026, to the Glades County Detention Center, where he remains detained.

Petitioner was arrested solely in connection with minor traffic-related matters, and ICE assumed custody following the arrest. He has remained detained despite the absence of any criminal convictions, and his pending immigration applications for relief

VII. EXHAUSTION

ICE asserts authority to detain Mr. Munoz Arencibia pursuant to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). However, Mr. Munoz Arencibia was arrested by local authorities in connection with minor traffic-related matters. Following the arrest, ICE assumed custody pursuant to an immigration detainer and transferred Mr. Munoz Arencibia from local custody to immigration detention.

No statutory exhaustion requirement applies to Mr. Munoz Arencibia's challenge to the lawfulness of his detention. See, e.g., *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538

(S.D.N.Y. 2014) (“There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.”). Mr. Munoz Arencibia challenges the legality of his continued detention arising from his transfer to immigration custody and the prolonged detention despite the non-violent, minor nature of the underlying traffic-related matter.

To the extent prudential exhaustion principles may apply, exhaustion is excused as futile. Mr. Munoz Arencibia’s detention arises solely from ICE’s assumption of custody following the traffic-related arrest. The Immigration Court lacks jurisdiction to review the legality of the transfer from local custody to federal detention or to adjudicate constitutional challenges to prolonged detention. Because the agency cannot provide the requested relief, namely, release from unlawful detention, no meaningful administrative remedy exists.

Prudential exhaustion is further excused because Mr. Munoz Arencibia faces irreparable harm. Each day he remains detained constitutes an ongoing deprivation of liberty, including loss of freedom, emotional distress, and disruption of family and community relationships. See, e.g., *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018). Prudential exhaustion is also excused because immigration courts and the Board of Immigration Appeals lack authority to adjudicate constitutional challenges to detention. See, e.g., *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992); *Matter of Akram*, 25 I&N Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I&N Dec. 343, 345 (BIA 1982).

Accordingly, requiring Mr. Munoz Arencibia to exhaust administrative remedies would be futile and would perpetuate irreparable harm. This Court may properly exercise habeas jurisdiction without requiring exhaustion.

VIII. GROUNDS OF RELIEF

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, detention, or physical restraint is a core liberty interest protected by the Due Process Clause as recognized in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Immigration detention must be reasonably related to legitimate regulatory purposes, such as ensuring appearance at proceedings or protecting the community, and must not be arbitrary, excessive, or punitive. Here, Petitioner entered the United States in February 2022 through the border in Eagle Pass and was released under an I-220A Order of Release on Recognizance. He complied with reporting requirements by attending his check-in appointment in Miramar. Petitioner filed Form I-589, Application for Asylum and for Withholding of Removal, in 2022 and later filed Form I-485 under the Cuban Adjustment Act in 2025. Petitioner has no criminal convictions and was arrested only in connection with minor, non-violent traffic-related matters. Despite these facts, Petitioner remains detained without any individualized determination establishing that he poses a flight risk or danger to the community. Continued detention under these circumstances is not

reasonably related to any legitimate governmental objective and therefore violates the Fifth Amendment.

Petitioner's Detention Must Be Statutorily Authorized

Immigration detention must be supported by clear statutory authority under the Immigration and Nationality Act. Under 8 U.S.C. § 1226(a), individuals in removal proceedings may be detained only after an individualized assessment of risk, and release on bond or parole must be considered.

Respondents have not provided individualized findings demonstrating that Petitioner is a flight risk or a danger to the community. Detention based solely on immigration status and minor traffic-related matters, without any criminal conviction, exceeds statutory authority.

Petitioner was inspected upon entry and released under an I-220A order. He has pending asylum and adjustment of status applications, including relief under the Cuban Adjustment Act. His detention cannot be treated as automatic or mandatory without individualized statutory justification.

Alternatives to Detention Are Available

Petitioner has established strong community ties and has demonstrated compliance with immigration reporting requirements since his arrival in the United States. He timely pursued immigration relief by filing his applications and maintaining lawful processes.

These facts demonstrate that Petitioner is not a flight risk, does not pose a danger to the community, and that less restrictive alternatives to detention are available. Where effective

alternatives exist, continued detention becomes excessive and unconstitutional under *Zadvydas v. Davis*, 533 U.S. at 700.

The Government Bears the Burden of Justifying Continued Detention

Immigration detention is civil, not punitive. Because it deprives an individual of physical liberty, the government bears the burden of demonstrating that detention is legally and constitutionally justified. See *Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996). Respondents have failed to meet that burden. Petitioner has no criminal record, no violent or serious offenses, a pending asylum application, a pending lawful permanent residence application under the Cuban Adjustment Act, and demonstrated consistent compliance with immigration authorities. Absent individualized findings supported by evidence, continued detention is arbitrary and unlawful.

Continued Detention Is Not Authorized by Law and Has Become Excessive

Civil immigration detention must remain reasonably related to its regulatory purpose and cannot become punitive in effect. Under *Zadvydas v. Davis*, detention that becomes excessive or detached from its legitimate purpose raises serious constitutional concerns.

Petitioner's detention is not based on any criminal conviction but arises from minor unresolved traffic-related matters. The detention prevents Petitioner from resolving those traffic matters and interferes with pending immigration relief applications.

Under these circumstances, detention is excessive, unnecessary, and inconsistent with statutory authority and constitutional due process protections.

Detention Unlawfully Interferes with Petitioner's Pending Immigration Relief

Petitioner has properly filed and pending Form I-589 and Form I-485 applications. His pending adjustment application under the Cuban Adjustment Act establishes that he is statutorily eligible to seek lawful permanent residence and is entitled to pursue that relief.

Detaining a Cuban national who entered, was released under I-220A, has no criminal convictions, and has pending applications for relief undermines the statutory framework permitting adjustment of status and violates fundamental fairness principles embedded in the Due Process Clause.

IX. 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.

X. 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: 03/01/2026



Signature of Petitioner