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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ALIESKY)
ALVAREZ SANCHEZ,)
)
Petitioner,)
)
v.)
)
Warden, Glades County Detention Center;)
)
TODD M. LYONS, Acting Director of U.S.)
Immigration and Customs Enforcement;)
)
PAMELA BONDI, Attorney General of the)
United States; and)
)
U.S. Attorney for the Middle District of Florida,)
in their official capacities.)
)
Respondents.)
_____)

**PETITION
FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner Aliesky Alvarez Sanchez is a Cuban national who entered the United States on or about February 8, 2023, pursuant to a grant of humanitarian parole (“CHP”), and was thereafter processed as an arriving alien. He has been detained at the Glades County Detention Center in Fort Myers, Florida since March 17, 2026

2. This Petition presents nine grounds for relief: (I) ultra vires detention under 8 U.S.C. § 1225(b); and (II) APA and Accardi doctrine violations. Absent an order from this Court, Petitioner will remain unlawfully detained without individualized review in violation of federal statute and the Constitution.

3. Petitioner asks this Court to find that his present detention is unlawful and order his immediate release under reasonable conditions of supervision; or, in the alternative, order an immediate custody redetermination hearing under 8 U.S.C. § 1226(a) within seven days, at which the Government must bear the burden of demonstrating by clear and convincing evidence that Petitioner poses a danger to the community and by a preponderance of evidence that he presents a serious risk of flight.

Accordingly, to vindicate Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

JURISDICTION

4. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Petitioner does not seek review of a final order of removal or a

discretionary decision. He challenges the legality of his seizure and the statutory and constitutional basis for his present detention—challenges lying at the historic core of the writ of habeas corpus.

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at the Glades County Detention Center in Fort Myers, Florida, which is within the jurisdiction of this District.

8. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, and a substantial part of the events or omissions giving rise to her claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 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.” *Id.* (emphasis added).

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) (emphasis added).

PARTIES

11. Petitioner Aliesky Alvarez Sanchez is a Cuban national paroled into the United States on February 8, 2023. He is currently detained at the Glades County Detention Center in Fort Myers, Florida. He is in the custody, and under the direct control, of Respondents and their agents.

12. Respondent Warden of the Glades County Detention Center has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement ("ICE") to detain noncitizens and is a legal custodian of Petitioner.

13. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of ICE. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

14. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). Respondent Bondi is a legal custodian of Petitioner.

15. Respondent U.S. Attorney for the Middle District of Florida is sued in an official capacity as an officer of the United States with authority over matters arising within this District.

STATEMENT OF FACTS

16. Petitioner is a Cuban national who entered the United States lawfully on February 8, 2023, through the Miami International Airport. He was inspected and granted parole pursuant to INA § 212(d)(5). He has resided continuously in the United States since that date. *See* Exhibit ("Exh.") A, copy of Petitioner's Cuban Passport and Travel Authorization.

17. On February 8, 2024, the Petitioner becomes *prima facie* eligible for U.S. Lawful Permanent Residency status. More specifically, the Petitioner is a Cuban national, who was paroled into the United States, and has maintained continuous presence in the United States for over one year. *See* Exhibit ("Exh.") B, copy of Form I-94 (Parole Document).

18. Petitioner initially resided in the Commonwealth of Pennsylvania before relocating approximately one year ago to the State of Florida, where he has continuously resided at [REDACTED] During his time in the United States, Petitioner has established significant family ties, including his wife and their four-month-old United States citizen child. He also has close family members in the United States who are lawful permanent residents.

19. On or about Thursday, March 12, 2026, Petitioner was arrested by local law enforcement officers in connection with allegations of insurance fraud arising from a motor vehicle accident that allegedly occurred in or around September 2025. He was initially taken into custody and transported to the Turner Guilford Knight Correctional Center ("TGK"), where he was processed and later granted bond by a state court in the amount of \$12,500. To this end, the Petitioner retained a bail bondsman and covered their fee of 10% of the bond total. *See* Exhibit ("Exh.") C, copy of the Payment Receipt.

20. Despite the grant of bond, Petitioner was not released. On or about Monday, March 16, 2026, Petitioner was transferred to the Metro West Detention Center, where he remained for approximately twenty-four (24) hours. He was then transferred back to TGK, and shortly thereafter, on or about Tuesday, March 17, 2026, he was transferred to the Glades County Detention Center, where he is currently detained under the authority of Immigration and Customs Enforcement ("ICE"). Upon information and belief, ICE lodged an immigration

detainer that prevented Petitioner's release from state custody despite the bond granted by the state court. ICE subsequently assumed custody of Petitioner, and he has remained continuously detained since his initial arrest. Respondents purport to detain Petitioner under 8 U.S.C. § 1225(b) as an applicant for admission subject to mandatory detention.

LEGAL FRAMEWORK

21. The Supreme Court has confirmed that 28 U.S.C. § 2241 remains available to test the legality of executive detention in the immigration context. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). Constitutional challenges to immigration detention remain cognizable in habeas even where statutory claims are constrained. *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018). Although *Department of Homeland Security v. Thuraissigiam* narrowed habeas review of expedited removal determinations, it expressly did not eliminate review of unlawful custody or constitutional violations relating to detention. 591 U.S. 103, 117 (2020).

22. The Eleventh Circuit recognizes that exhaustion of administrative remedies may be excused where claims are constitutional in nature, where administrative remedies are inadequate, or where exhaustion would be futile. *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982). Because Petitioner raises constitutional claims that administrative officers lack authority to adjudicate, because Respondents have treated detention as categorically mandatory foreclosing meaningful bond review, and because continued detention inflicts irreparable injury to liberty, exhaustion is excused.

23. Section 1225(b) of the INA governs inspection and detention of individuals at ports of entry or those apprehended near the border contemporaneously with arrival. Section

1226 governs arrest and detention of noncitizens already present in the interior. These provisions must be read in harmony. *United States v. Phipps*, 81 F.3d 1056, 1060 (11th Cir. 1996).

CLAIMS FOR RELIEF

COUNT ONE

Ultra Vires Detention — Respondents' Reliance on 8 U.S.C. § 1225(b) Exceeds Statutory Authority

24. The allegations in the above paragraphs are realleged and incorporated herein.

25. Respondents purport to detain Petitioner under 8 U.S.C. § 1225(b) as an applicant for admission subject to mandatory detention.

26. Petitioner lawfully entered the United States through a port of entry on February 8, 2023, was granted parole under INA § 212(d)(5), and has been physically present in the United States for over a year. He was not apprehended at the border or during inspection. Section 1225(b) governs detention during inspection and contemporaneous admissibility determinations. It does not authorize the Executive to re-trigger mandatory detention for a long-released parolee seized in the interior years after inspection.

27. Interpreting § 1225(b) to reach Petitioner would render § 1226 superfluous as applied to parolees and would produce grave constitutional concerns under the Fourth and Fifth Amendments. Under the canon of constitutional avoidance, the narrower reading—that § 1225(b) applies only during inspection and immediate removal processing—is required.

Zadvydas v. Davis, 533 U.S. 678, 682 (2001); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018).

28. For these reasons, Petitioner's detention under § 1225(b) is ultra vires and violates 8 U.S.C. § 1225(b) and 8 U.S.C. § 1226.

COUNT TWO

Violation of the Administrative Procedure Act and the Accardi Doctrine — Failure to Follow Agency Regulations

29. The allegations in the above paragraphs are realleged and incorporated herein.

30. Under the APA, courts must hold unlawful and set aside agency action taken "without observance of procedure required by law" or that is "arbitrary, capricious, [or] not in accordance with law." 5 U.S.C. § 706(2)(A), (D). The Accardi doctrine requires agencies to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

31. ICE's own regulations provide mechanisms for discretionary parole and individualized release determinations. Respondents denied requests for release without meaningful individualized consideration, treating detention as categorically mandatory. Failure to exercise discretion where discretion exists constitutes arbitrary and capricious agency action. 5 U.S.C. § 706(2)(A), (D).

32. Detaining a CAA-eligible parolee without individualized review contradicts congressional policy and constitutes an abuse of discretion.

33. For these reasons, Petitioner's detention violates 5 U.S.C. § 706(2)(A) and (D) and the Accardi doctrine.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner's detention violates U.S.C. § 1225(b) and 5 U.S.C. § 706(2)(A) and (D);

- (4) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner under reasonable conditions of supervision; or, in the alternative, order an immediate individualized custody redetermination hearing before an Immigration Judge within seven days, at which the Government bears the burden of demonstrating by clear and convincing evidence that Petitioner poses a danger to the community and by a preponderance of the evidence that he presents a serious risk of flight;
- (5) Enjoin Respondents from transferring Petitioner outside this District during the pendency of this action;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

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Dated: March 19, 2026

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

I represent Petitioner, Aliesky Alvarez Sanchez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 19th day of March, 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PETITION FOR WRIT OF HABEAS CORPUS** was filed via CM/ECF and served on all counsels of record on this **19th** day of **MARCH** 2026.

Respectfully submitted,

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