

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

**MARLON DAVID VASQUEZ-BANEGAS,**

**Petitioner/Plaintiff, v.**

**PAMELA BONDI**, in their official  
capacity as Attorney General of the  
United States;

**DAVID HARDIN** in his official  
capacity Sheriff of Glades County,  
Florida.

**Respondents/Defendants.**

**Case No.**

**PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. § 2241)**

**INTRODUCTION**

Petitioner, MARLON DAVID VASQUEZ-BANEGAS ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is civilly detained by U.S. Immigration and Customs Enforcement ("ICE") pursuant to INA § 236(a), 8 U.S.C. § 1226(a). His continued detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment. Petitioner seeks an order requiring a prompt bond hearing with the burden on the Government, or, in the alternative, immediate release.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and is detained in violation of the Constitution and laws of the United States.
2. Venue is proper in the Middle District of Florida because Petitioner is detained at the Glades County Detention Center, 1279 East SR 78, Moore Haven, FL 33471, which lies within this District.

### **PARTIES**

3. Petitioner Marlon David Vasquez-Banegas is a citizen and national of HONDURAS A# [REDACTED] and is currently detained at Broward Transitional Center.
4. Respondent Pamela Bondi is sued in her official capacity as Attorney General of the United States.
5. Respondent David Hardin in his official capacity as Sheriff of Glades County, is the immediate physical custodian of Petitioner.

### **FACTUAL BACKGROUND**

6. Petitioner has resided in the United States for a significant period of time, including continuous presence since approximately 2014.
7. Petitioner has substantial family ties in the United States, including U.S. citizen children with documented medical and developmental needs.
8. Petitioner has no criminal history.
9. Petitioner is currently detained by ICE pending removal proceedings.
10. Petitioner requested a custody redetermination hearing before an Immigration Judge pursuant to 8 C.F.R. § 1236.1(d).
11. On March 20, 2026, the Immigration Judge issued a written order refusing to exercise jurisdiction over Petitioner's custody redetermination.
12. The Immigration Judge concluded that Petitioner is subject to mandatory detention under INA § 235(b)(2)(A) and therefore the court lacks authority to redetermine custody.
13. Specifically, the Immigration Judge found:

“The court lacks authority to redetermine Respondent's custody status because the Respondent is present in the United States without admission and is subject to mandatory detention pursuant to section 235(b)(2)(A) of the INA. Matter of Yajure Hurtado...”

14. As a result of this ruling, Petitioner has never received a bond hearing.
15. Petitioner remains detained without any individualized determination of whether continued detention is justified.

## **V. LEGAL FRAMEWORK**

16. Under INA § 236(a), the Government has discretionary authority to detain or release a noncitizen on bond. Immigration Judges have authority to conduct custody redetermination hearings under 8 C.F.R. § 1236.1(d).
17. Under INA § 235(b), certain noncitizens are subject to mandatory detention without bond.
18. The classification of a noncitizen under § 235(b) or § 236(a) determines whether a bond hearing is available.
19. The Due Process Clause of the Fifth Amendment limits the Government's authority to detain individuals without procedural safeguards.

## **VI. CLAIMS FOR RELIEF**

### **COUNT I**

#### **Violation of the Due Process Clause (Fifth Amendment)**

20. Petitioner incorporates all preceding paragraphs.
21. Civil immigration detention must bear a reasonable relation to its purpose.
22. The Due Process Clause requires that a noncitizen have a meaningful opportunity to challenge continued detention.
23. Petitioner has been denied any bond hearing.
24. The Immigration Judge's refusal to exercise jurisdiction has resulted in the complete absence of any individualized custody determination.
25. This constitutes arbitrary detention without procedural safeguards.
26. Petitioner's continued detention violates the Fifth Amendment.

### **COUNT II**

#### **Statutory Misclassification – INA §§ 235(b) vs. 236(a)**

27. Petitioner incorporates all preceding paragraphs.
28. Petitioner is not properly classified as an arriving alien subject to detention under INA § 235(b).
29. Petitioner has been physically present in the United States for a prolonged period, including since approximately 2014.
30. Petitioner is properly subject to detention under INA § 236(a).
31. The Government's misclassification of Petitioner under § 235(b) improperly deprives him of access to a bond hearing.
32. As a result, Petitioner is being detained more than statutory authority.

### **COUNT III**

#### **Unlawful Detention Even if § 235(b) Applies**

- 33. Petitioner incorporates all preceding paragraphs.
- 34. Even if Petitioner were properly subject to detention under INA § 235(b), due process imposes limits on the duration and conditions of civil detention.
- 35. Prolonged detention without any form of custody review violates the Constitution.
- 36. Petitioner has received no hearing and no opportunity to demonstrate that he is not a flight risk or danger.
- 37. Continued detention under these circumstances is unconstitutional.

## **VII. PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus.
- B. Order Respondent to provide Petitioner with a bond hearing before an Immigration Judge within seven (7) days;
- C. Require that the Government bear the burden of justifying continued detention;
- D. In the alternative, order Petitioner's immediate release;
- E. Grant any further relief the Court deems just and proper.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all Respondents and counsel for Respondents by U.S. Mail and/or electronic service on this day of March 23, 2026

Respectfully submitted,

*David Magilligan*

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