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

YAMIL VASALLO GONZALEZ NORONA

Petitioner,

v.

Case No. 2:26-CV-837-SPC-NPM

Warden, South Florida Detention Facility,

in his official capacity;

Field Office Director, U.S. Immigration and Customs

Enforcement, Miami Field Office, in his official capacity,

Respondent.

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

INTRODUCTION

Petitioner, Yamil Vasallo Gonzalez Noroña, challenges his unconstitutional and prolonged post- order detention under 28 U.S.C. § 2241.

Petitioner is detained pursuant to 8 U.S.C. § 1231(a) following a final order of removal dated December 21st, 2017.

He has been detained since July 23rd, 2025 (more than six months) despite having completed the statutory removal period years ago and despite the Government's failure to demonstrate that removal is significantly likely in the reasonably foreseeable future.

His continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231, and the Due Process Clause of the Fifth Amendment to the United States Constitution.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody within the Middle District of Florida.

PETITIONER INFORMATION

Name: Yamil Vasallo Gonzalez Noroña

Date of Birth: 

Country of Birth: Cuba

A-Number: 

Current Custody: ICE detention at South Florida Detention Facility

Arrest Date: July 23rd, 2025 (More than 6 Months in ICE Custody)

FACTUAL BACKGROUND

- Petitioner has a final order of removal dated December 21st, 2017.
- ICE detained him in 2017-2018 but released him under an Order of Supervision in March 2018 after removal efforts failed.
- From 2018 until July 23, 2025, Petitioner complied fully with supervision requirements and had no arrests.
- On July 23rd, 2025, ICE re-detained him & has now been detained for over six months beyond the presumptively reasonable period recognized in *Zadvydas*.
- ICE has not demonstrated that removal to Cuba is significantly likely in the reasonably foreseeable future.
- Petitioner has a 16-year-old United States citizen child and deep ties to the United States.
- While detained, Petitioner has been subjected to physical force, coercive threats to sign deportation paperwork, humiliating treatment, and denial of timely medical care.

Grounds for Relief (Ground One - Governing Law)

The Immigration and Nationality Act, 8 U.S.C. § 1231(a), governs detention following a final order of removal.

While the statute permits detention during the 90-day removal period, detention beyond that period is limited by the Constitution.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-order detention is limited to a period reasonably necessary to effectuate removal, presumptively six months. After six months, if removal is not significantly likely in the reasonably foreseeable future, continued detention violates the Due Process Clause of the Fifth Amendment.

Once the six-month period has passed, the burden shifts to the Government to demonstrate that removal is significantly likely.

I. Ground Two - Argument
(The Removal Period Was Completed Years Ago)

Petitioner completed the 90-day removal period in 2018. ICE acknowledged its inability to remove him and released him under supervision.

Re-detention in 2025 does not restart the statutory removal period absent changed circumstances demonstrating removal is newly feasible. No such showing has been made.

II. Ground Three
ICE Has Failed to Demonstrate Foreseeable Removal

Petitioner lacks travel documents. ICE previously failed to effect removal. No evidence has been provided that Cuba has agreed to accept him.

Detention is therefore indefinite and violates 8 U.S.C. § 1231 as interpreted by *Zadvydas*.

III. Ground Four
ICE Has Failed to Provide a Constitutionally Adequate Custody Review

Due process requires meaningful, periodic custody review for individuals subject to prolonged post-order detention.

Petitioner has not received a constitutionally adequate custody determination demonstrating that:

1. Removal is significantly likely in the reasonably foreseeable future;
2. Petitioner poses a flight risk; or
3. Petitioner poses a danger to the community.

No individualized findings have been provided. Continued detention without such findings violates the Fifth Amendment.

IV. Ground Five
Detention Has Become Punitive

Immigration detention must remain civil and non-punitive.

The combination of prolonged detention, lack of meaningful custody review, coercive treatment, and denial of medical care demonstrates that Petitioner's confinement no longer serves a legitimate regulatory purpose and has become punitive in violation of due process.

Relief Requested

WHEREFORE, Petitioner respectfully requests that this Court grant this Petition for Writ of Habeas Corpus, order Petitioner's immediate release under appropriate supervision, and grant such other relief as the Court deems just and proper.

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 material fact may serve as the basis for prosecution for perjury.

Name: Yamil Vasallo Gonzalez Noron

Date: 3-13-2026

A-Number: 



(Signature of Petitioner)

(Signature of Attorney or other authorized person, if any)