

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

MAURO VARGAS BRIONES,

Civil Case No. 2:26-cv-1120

Petitioner,

v.

MARCOS CHARLES, Immigration and Customs
Enforcement (ICE) Enforcement and Removal
Operations (ERO) Acting Executive Associate
Director.

JUAN AGUDELO, Interim Miami Field Office Director.

CHARLES WALL, Principal Legal Advisor for ICE's
Office of the Principal Legal Advisor.

TODD BLANCHE, U.S. Attorney General,

MARKWAYNE MULLIN, U.S. Secretary of the Department
of Homeland Security,

TODD M. LYONS, Senior Official Performing the
Duties of the Director of US Immigration and
Customs Enforcement;

DAVID HARDIN, in his official capacity as
Sheriff of Glades County and custodian of Petitioner; and

JOHN DOE, Custodian.

Respondents.

_____/

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

INTRODUCTION

1. Petitioner Mauro Vargas Briones (“Petitioner” or “Mr. Vargas Briones”) brings this Petition for a Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241 to challenge his ongoing unlawful detention and to seek enforcement of his rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).
2. Petitioner is currently in the physical custody of Respondents at the Glades County Detention Center.
3. Mr. Vargas Briones now faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) continue to detain him under a statutory interpretation that federal courts have rejected and have failed to comply with binding federal court orders issued in *Maldonado Bautista*. In that case, the United States District Court for the Central District of California certified a nationwide Bond Eligible Class, granted partial summary judgment, issued declaratory relief holding that detention under 8 U.S.C. § 1225(b)(2) was unlawful for class members, entered Final Judgment, and subsequently granted a Motion to Enforce Judgment expressly vacating *Matter of Yajure Hurtado* as contrary to law under the Administrative Procedure Act. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025; Dec. 18, 2025; Feb. 18, 2026). See **Exhibit 1** (copies of all relevant court orders).
4. Despite these binding rulings, Petitioner has remained detained without being provided an individualized bond hearing. Respondents continue to rely on detention standards that federal courts including courts within this District have already determined are inconsistent with the governing statutory framework. See, e.g., *Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609, at *3, 8 (S.D. Fla. Oct. 15, 2025); *Gil v. Paulino v. Sec’y of the U.S. Dep’t of Homeland Sec.*, No.

25-24292-CIV-WILLIAMS (S.D. Fla. Oct. 2025); *Hernandez Alvarez v. Acting Warden Roger Morris*, Case No. 25-24806-CIV-WILLIAMS (S.D. Fla. Oct. 27, 2025).

5. *Habeas corpus* is fundamentally “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). A writ may issue where a petitioner is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3). Federal courts have jurisdiction to review immigration-related detention challenges. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
6. Accordingly, this Court should grant Mr. Vargas Briones’s Petition for a Writ of *Habeas Corpus* and order Respondents to release him from their custody immediately.
7. Petitioner has not received a bond hearing or any individualized custody determination since his arrest. Despite being detained for several months, no neutral decisionmaker has evaluated whether his continued detention is justified. Under governing law, including *Maldonado Bautista v. Santacruz*, Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a). Respondents’ failure to provide such a hearing renders his continued detention unlawful. The complete absence of any bond hearing renders Petitioner’s detention constitutionally deficient.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. He is detained at the Glades County Detention Center in Moore Haven, Florida, where he has remained continuously confined since **October 2025, so for six (6) months now**.
9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (*habeas corpus*), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
11. Jurisdiction is proper under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the lawfulness of his detention. Congress

has preserved judicial review of challenges to civil immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018).

12. Petitioner's continued confinement constitutes prolonged civil detention and raises serious constitutional and humanitarian concerns. Judicial review is therefore necessary to safeguard Petitioner's fundamental rights under the Due Process Clause.

VENUE

13. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 because Petitioner is physically detained at the Glades County Detention Center in Moore Haven, Florida. Petitioner has remained in continuous immigration custody since **October 7, 2025**.
14. 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 Petitioner currently is detained.
15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court should grant the petition for writ of *habeas corpus* "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista*.
17. *Habeas corpus* is "perhaps the most important writ known to the constitutional law ... 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). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

18. Petitioner's detention has already been adjudicated as unlawful for class members under *Maldonado Bautista*, and further delay exacerbates ongoing constitutional and irreparable harm.

PARTIES

19. Respondents are detaining Mr. Vargas Briones at Glades County Detention Center, in Moore Haven, Florida, pending removal proceedings. While in Respondents' custody, Mr. Vargas Briones is subject to the authority, control, and detention policies implemented and enforced by Respondents.
20. Respondent **Markwayne Mullin** is the Secretary of DHS, responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). He is a legal custodian of Petitioner and is named in her official capacity.
21. Respondent **Todd M. Lyons** is the ICE Director, responsible for the overall administration of all ICE detention facilities.
22. Respondent **Juan Agudelo** is the Interim Field Office Director for the Miami ICE Field Office and has administrative jurisdiction over Petitioner's case.
23. Respondent **Todd Blanche** is the Attorney General of the United States and the senior official in the DOJ. She delegates authority over removal cases to the Executive Office for Immigration Review (hereinafter, "EOIR"), which administers the Immigration Courts and the Board of Immigration Appeals (hereinafter, "BIA"). She is named in her official capacity.
24. Respondent **Marcos Charles** is the Acting Executive Associate Director of ICE ERO. In this capacity, he leads the division responsible for the identification, arrest, detention, and removal of noncitizens. He has direct authority over the ERO policies that govern Petitioner's detention and is a legal custodian of the Petitioner;
25. Respondent **Charles Wall** is the Principal Legal Advisor for ICE. In this capacity, he leads the Office of the Principal Legal Advisor (hereinafter, "OPLA"), which serves as the exclusive representative of DHS in immigration court proceedings. He has final authority over the legal positions taken by ICE attorneys regarding Petitioner's custody

and removal. He is a legal custodian of the Petitioner and is named in his official capacity.

26. Respondent **David Hardin** is the Sheriff of Glades County and the immediate physical custodian of Petitioner. He is named in his official capacity.
27. Respondent **John Doe** is the warden or facility administrator of the Glades County Detention Center and is named in his official capacity as Petitioner's immediate custodian.

FACTUAL AND PROCEDURAL HISTORY

28. Petitioner, Mr. Vargas Briones, is a native and citizen of Mexico, born on **May 12, 1981**. *See Exhibit 2.* He entered the United States in 1997 without inspection and has resided continuously in this country for almost thirty (30) years.
29. During that time, Petitioner established deep and enduring roots in Polk and Highlands Counties, Florida, where he worked as a mechanic and raised a family. He is the father of several United States citizen children: Landon Vargas Avellaneda, who has autism. *See Exhibit 3.* Jessenia Alejandra Vargas; Isaias Vargas; and Emanuel Vargas.
30. Petitioner maintains a close and loving relationship with each of his children. Since approximately 2016, he has been an active member of  in Lake Wales, Florida, where he volunteered in the Welcome Ministry for approximately four (4) years.
31. On **October 7, 2025**, Petitioner was stopped by the Polk County Sheriff's Office in Lake Wales, Florida, for driving with an expired license. During that stop, ICE was notified and an immigration detainer was lodged. Petitioner was transported to the Polk County Jail and, within forty-eight (48) hours, transferred to a facility in Tampa, Florida, located at 5524 West Cypress Street, where he arrived at approximately 9:00 a.m. That same evening, he was transferred to the Pinellas County facility. Two (2) days later, he was returned to Tampa, and the following day transferred to the Monroe County Detention Center colloquially known as "Alcatraz" where he remained for less than one (1) month before being transferred to the Glades County Detention Center, where he remains to date.
32. On **October 24, 2025**, at arraignment, Petitioner entered a plea of no contest to the charge of driving with an expired license (more than six (6) months), in violation of Fla.

Stat. § 322.03(6). The court sentenced Petitioner to time served, withheld adjudication, and imposed fines of \$407.50. No term of incarceration was imposed beyond time served. *See Exhibit 4*. Petitioner's entire criminal history consists of minor traffic infractions. He has no violent offenses, no drug offenses, and no crimes involving moral turpitude.

33. Since his arrest on **October 7, 2025**, Petitioner has been held in ICE custody pursuant to 8 U.S.C. § 1226(a). He has never received a bond hearing before an Immigration Judge (IJ), nor has he been afforded any individualized determination of whether his continued detention is justified by flight risk or danger to the community.
34. Petitioner does have other minor arrests, all for driving offenses.
35. At a master calendar hearing, counsel for Petitioner indicated his intent to proceed on an application for Cancellation of Removal based on VAWA as a victim of domestic violence.
36. Petitioner now petitions this Court for a writ of *habeas corpus*. He does not seek adjudication of the merits of his underlying removal proceedings. Rather, he challenges only the lawfulness of his continued detention and Respondents' failure to provide any individualized custody determination as required by INA § 236(a) and the Due Process Clause of the Fifth Amendment. As of the filing of this Petition, Petitioner has been detained for approximately six (6) months without a bond hearing, without a neutral adjudicator weighing his individual circumstances, and without the government bearing any burden to justify his continued confinement. His detention is therefore arbitrary, excessive, and punitive in nature, in violation of the Constitution.
37. Petitioner respectfully requests that this Court grant the Petition and order Respondents to provide an immediate, individualized bond hearing pursuant to INA § 236(a), 8 U.S.C. § 1226(a), or, in the alternative, order Petitioner's immediate release from DHS custody. *See Exhibit 5*

LEGAL ARGUMENTS: RESPONDENT IS BEING UNLAWFULLY DETAINED

A. Legal Standard

A federal district court has jurisdiction to review habeas corpus petitions challenging the lawfulness of immigration detention pursuant to 28 U.S.C. § 2241. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). These protections apply fully to non-citizens in civil immigration proceedings. *Zadvydas*, 533 U.S. at 693.

B. Petitioner Is Detained Under 8 U.S.C. § 1226(a), Which Entitles Him to a Bond Hearing Before a Neutral Immigration Judge

Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes the government to arrest and detain a noncitizen pending a decision on removal. Unlike the mandatory detention provision of § 1226(c), which applies to noncitizens with certain criminal convictions, § 1226(a) is discretionary in nature and explicitly provides that the government "may release" the noncitizen on bond or conditional supervision. 8 U.S.C. § 1226(a)(2).

Petitioner has no disqualifying criminal history. His record consists only of minor traffic infractions. He does not fall within any category subject to mandatory detention under § 1226(c). Accordingly, he is entitled, as a matter of statute, to an individualized bond hearing before an IJ

To date, Petitioner has received no such hearing. Since his arrest on **October 7, 2025**, more than six (6) months ago, he has been held continuously without any neutral adjudicator weighing his individual circumstances, and without the government bearing any burden to justify his continued confinement. This failure is a direct violation of § 1226(a) and established precedent, including *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011).

Additionally, the government's reliance on § 1225(b)(2) for detention is legally improper, as Petitioner was apprehended in the interior of the U.S. and is not an "arriving alien." Courts consistently reject using § 1225(b)(2) to detain long-term residents. See *Maldonado Bautista v. Santacruz, Pizarro Reyes v. 2025 WL 2609425, Gil-Paulino v. Sec'y DHS*, 25-cv-24292. Detention under § 1225(b)(2) is mandatory and inapplicable, whereas § 1226(a) provides for discretionary bond.

C. Petitioner's Prolonged Detention Without a Bond Hearing Violates the Fifth Amendment

Even where detention is initially authorized by statute, the Constitution imposes limits on its duration. *Zadvydas*, 533 U.S. at 690. Civil detention must serve a legitimate regulatory purpose, ensuring appearance at removal proceedings or protecting the community and the means of confinement must bear a reasonable relationship to those purposes (*Foucha v. Louisiana*, 504 U.S. 71, 79 (1992)).

Where detention is prolonged and no individualized determination has been made, courts hold that due process requires a bond hearing at which the government bears the burden of justifying continued confinement. *Diop v. ICE*, 656 F.3d 221, 232 (3d Cir. 2011); *Lora v. Shanahan*, 804 F.3d 601, 616 (2d Cir. 2015); *Rodriguez v. Robbins*, 715 F.3d 1127, 1134 (9th Cir. 2013).

Petitioner has been detained for over six (6) months. During that time: He has never appeared before a bond hearing; No Immigration Judge has evaluated whether he poses a flight risk or danger to the community; The government has never been required to produce evidence justifying his continued confinement; he has been transferred among multiple facilities, Polk, Tampa, Pinellas, Monroe (“Alcatraz”), Glades, compounding his inability to communicate with counsel or gather evidence.

Under the *Mathews* balancing test, the private interest Petitioner’s physical liberty is among the most fundamental. *Mathews*, 424 U.S. at 335. The risk of erroneous deprivation is substantial: Petitioner is a long-term resident and father of U.S. citizen children, including a child with autism. The government’s countervailing interest in foregoing a bond hearing is minimal.

D. The Government Cannot Justify Petitioner's Continued Detention

The burden falls on the government to demonstrate, by clear and convincing evidence, that the detainee poses a flight risk or danger to the community. *Singh*, 638 F.3d at 1203. Petitioner has strong community ties, including twenty-nine (29) years of residence, family, work as a mechanic, and active church participation. He has no history of violent crime. His detention cannot be justified.

E. Rapid Transfers Violate Due Process

Right to counsel access is constitutionally protected (*Dent v. Holder*, 627 F.3d 365, 371; *Zadvydas*, 533 U.S. 678). Petitioner was transferred five (5) times in two (2) weeks, without notice to counsel or justification, impairing his ability to prepare his VAWA claim. Transfers evidence punitive intent in violation of *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

F. Severe Harm to Petitioner's Children

The Due Process Clause protects the parent-child relationship: *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir. 2011). Petitioner is father to four (4) U.S. citizen children, including Landon, who has autism. The prolonged absence is irreparable harm, compounding the constitutional deficiency of his detention.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF – Violation of Fifth Amendment Procedural Due Process

38. Petitioner Mr. Vargas Briones has been subjected to prolonged civil immigration detention without ever receiving a bond hearing, in violation of the Due Process Clause of the Fifth Amendment. Petitioner has not been afforded any individualized determination of whether his continued detention is justified under INA § 236(a). The absence of a meaningful custody determination renders Petitioner's detention unconstitutional.

39. This unlawful detention has caused ongoing and irreparable harm to Petitioner's United States citizen children, including a child with autism, by depriving them of their father's care, guidance, and support. Under the *Mathews v. Eldridge*, 424 U.S. 319 (1976)

balancing framework, the private interest at stake, petitioner's physical liberty and parental relationship is weighty and demands immediate procedural protections.

SECOND CLAIM FOR RELIEF – Violation of Fifth Amendment Substantive Due Process

40. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

41. Petitioner's continued detention is excessive, arbitrary, and punitive in effect, and bears no reasonable relationship to any legitimate governmental purpose. Immigration detention is civil in nature, yet Respondents have imposed prolonged confinement without individualized justification, in violation of Petitioner's substantive due process rights under the Fifth Amendment.

THIRD CLAIM FOR RELIEF – Unlawful Detention Beyond Statutory Authority

42. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

43. Respondents lack statutory authority to detain Petitioner under INA §§ 1225(b)(1), 1226(c), and 1231. Petitioner's detention is governed, if at all, by INA § 236(a), which requires an individualized custody determination and eligibility for release on bond. By continuing to detain Petitioner without providing such a determination, Respondents are acting beyond their statutory authority and in violation of federal law.

FOURTH CLAIM FOR RELIEF – Arbitrary and Unreasonable Detention

44. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

45. Petitioner's continued detention is arbitrary and unreasonable, lacking any individualized finding of flight risk or danger to the community. Such detention violates fundamental principles of due process and exceeds the bounds of lawful civil confinement.

FIFTH CLAIM FOR RELIEF – Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*.

46. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
47. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release under 8 U.S.C. § 1226(a).
48. In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), the United States District Court for the Central District of California granted partial summary judgment in favor of the named plaintiffs on November 20, 2025, holding that Respondents violated the INA by applying the mandatory detention provision of 8 U.S.C. § 1225(b)(2) to class members. See 2025 WL 3289861, at *11. On November 25, 2025, the Court certified a nationwide Bond Eligible Class and extended declaratory relief to the certified class. *Id.* at *9. On December 18, 2025, the Court entered Final Judgment granting classwide declaratory relief consistent with its prior orders.
49. Thereafter, on February 18, 2026, the Court granted a Motion to Enforce Judgment and expressly vacated *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as contrary to law under the Administrative Procedure Act, further confirming that members of the Bond Eligible Class are detained under 8 U.S.C. § 1226(a) and are entitled to bond consideration.
50. Respondents are parties to *Maldonado Bautista* and are bound by the Court's judgment and subsequent enforcement order.
51. Following his apprehension, Mr. Vargas Briones was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. By asserting that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), Respondents have violated Petitioner's statutory rights under the INA and the binding judgment issued in *Maldonado Bautista*.
52. Despite the Court's declaratory relief, Final Judgment, and subsequent vacatur of *Matter of Yajure Hurtado*, Petitioner has not received the bond consideration to which he is entitled as a member of the Bond Eligible Class and remains detained without an individualized custody determination as required by 8 U.S.C. § 1226(a).

SIXTH CLAIM FOR RELIEF – Attorney's Fees Under the Equal Access to Justice Act

53. If Petitioner prevails in this action, he respectfully requests an award of reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, as amended, as Petitioner is the prevailing party and the Government's position would not be substantially justified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Vargas Briones respectfully requests that this Honorable Court:

1. Order Respondents to provide Petitioner with an immediate bond hearing before an IJ within seven (7) days, at which the Government bears the burden of justifying continued detention; or, in the alternative,
2. Order Petitioner's immediate release from custody;

EXHIBITS

Exhibit 1 – Final Judgment and Order Granting Motion to Enforce Judgment in *Maldonado Bautista v. Santacruz*;

Exhibit 2 – Copy of Petitioner's Passport;

Exhibit 3 – Medical record of Petitioner's son, Landon Vargas Avellaneda, showing medical condition;

Exhibit 4 – Court record of October 24, 2025, arraignment and judgment in Florida, showing Petitioner's plea of no contest, sentence of time served, and fines imposed for violation of Fla. Stat. § 322.03(6);

Exhibit 5 – Copy of Petitioner's Form EOIR-42B, Application for Cancellation of Removal for Non-Lawful Permanent Resident, filed pursuant to the Violence Against Women Act (VAWA).

Dated: April 9, 2026

Respectfully submitted,

By: /s/ Matthew P. Meyers, Esq.

FL Bar No.: 76250

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Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of *Habeas Corpus* are true and correct to the best of my knowledge, information, and belief.

/s/ Mauro Vargas Briones
Mauro Vargas Briones

Dated: April 9, 2026

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the CM/ECF portal on this 9th day of April, 2026.

Respectfully submitted,

/s/ Matthew P. Meyers, Esq.

FL Bar No.: 76250

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