UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUAN JOSE VEGA SANCHEZ, Petitioner, v. **KEVIN GUTHRIE**, *in his official capacity* as Executive Director of the Florida Division of Emergency Management; **GARRETT J. RIPA**, *in his official capacity* as Field Office Director of the ICE Miami Field Office of Enforcement and Removal Operations, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security; **TODD M. LYONS**, *in his official capacity* as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; **MARKWAYNE MULLIN**, *in his official capacity* as Secretary, U.S. Department of Homeland Security; and **TODD BLANCHE**, *in his official capacity* as Attorney General of the United States; Respondents.	)	Case No. 2:26-cv-1284 PETITION FOR WRIT OF HABEAS CORPUS **A #** [redacted]

INTRODUCTION

1. Petitioner, Juan Jose Vega Sanchez (hereinafter "Petitioner"), is a citizen of Mexico who entered the United States on or about January 18, 2003, and has been residing in the United States continuously since that date. *See* Mexican Passport ID Page, Exhibit 1.

2. Petitioner was not apprehended nor detained by the U.S. Immigration and Customs Enforcement ("ICE") at or near a port of entry when he entered the United States, and therefore, entered without inspection or parole.

3. On June 10, 2024, Petitioner filed a VAWA Self-Petition on Form I-360 based on battery and/or extreme cruelty by his U.S. Citizen former spouse, Lidia Elena Tovar ("Ms. Tovar"), along with an Application for Adjustment of Status on Form I-485. Both the VAWA Self-Petition and the Adjustment of Status remain pending before U.S. Citizenship and Immigration Services ("USCIS"). *See* I-360 Receipt Notice (Receipt Number: [redacted]), Exhibit 2, and *See* I-485 Receipt Notice (Receipt Number: [redacted]), Exhibit 3, and *See* Prima Facie Determination as Exhibit 4.

4. Prior to this filing, Ms. Tovar filed a Family Petition, Form I-130 for Petitioner as beneficiary that was approved on May 17, 2018. Petitioner also had an I-601A Provisional Unlawful Presence Waiver approved on October 30, 2019.

5. Although Petitioner and Ms. Tovar were married and built a life together, Petitioner was subjected to abuse during their relationship. As a result of the abuse, Petitioner sought immigration protection as a VAWA Self-Petitioner.

6. On or about March 1, 2026, Petitioner was stopped and detained by local law enforcement despite not receiving any traffic citation or being charged with any criminal violation. Petitioner was stopped and detained in a manner that was arbitrary and capricious. Later, transferred to Immigration and Customs Enforcement ("ICE").

7. Since March 2, 2026, Petitioner has been in ICE custody. He is now detained at South Florida Detention Facility, Collier County, Florida. *See* Notice to Appear, Exhibit 5.

8. Petitioner is scheduled to appear before an Immigration Judge for a Master Calendar Hearing at Immigration Court in Miami, Florida via Webex on May 1, 2026 at 1:00PM. *See* Automated EOIR Case Information Results, Exhibit 6.

9. Petitioner is prima facie eligible for classification under the self-petitioning provisions of the Violence Against Women Act, as outlined in INA § 204(a)(1)(A). Petitioner was previously married to a United States citizen, and the marriage was terminated as a result of the abuse he endured. Petitioner has continuously resided in the United States for over twenty-three (23) years, demonstrating substantial equities and long-standing ties to this country. Additionally, Petitioner has no disqualifying criminal convictions, which supports a finding of good moral character.

10. Petitioner is prima facie eligible for VAWA special rule cancellation of removal pursuant to INA § 240A(b)(2). He was previously married to a United States citizen, and the marriage was terminated as a result of the abuse he endured. Petitioner has continuously resided in the United States for more than twenty-three (23) years, has substantial equities and longstanding ties to this country, and has no criminal convictions, supporting a finding of good moral character.

11. On September 5, 2025, the Board of Immigration Appeals ("BIA") issued a precedential decision that unlawfully reinterpreted the Immigration and Nationality Act ("INA"). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Prior to this decision, noncitizens like Petitioner who had lived in the U.S. for many years and were apprehended by ICE in the interior of the country were detained pursuant to 8 U.S.C. § 1226(a) and eligible to seek bond hearings before Immigration Judges ("IJs"). Instead, in conflict with nearly thirty years of legal precedent, Respondents now consider Petitioner subject to mandatory

detention under 8 U.S.C. § 1225(b)(2)(A) without any opportunity for release on bond while his removal proceedings are pending.

12. Petitioner's detention pursuant to § 1225(b)(2)(A) violates the plain language of the INA and its implementing regulations. Petitioner, who has resided in the U.S. for more than twenty-three years and who was apprehended in the interior of the U.S., should not be considered an "applicant for admission" who is "seeking admission." Rather, he should be detained pursuant 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond.

13. This petition for a writ of habeas corpus challenges the legal basis for Respondents continuing to hold Petitioner without affording him an individualized custody determination on the theory that he is subject to mandatory detention under 8 U.S.C. § 1225(b).

14. Petitioner seeks declaratory relief that his detention is governed by 8 U.S.C. § 1226(a) and its implementing regulations, and requests that this Court order Respondents either to release Petitioner from custody or to provide him with an individualized bond hearing.

CUSTODY

15. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at South Florida Detention Facility, Collier County, Florida. *See* Exhibit 3. He is therefore in "'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION AND VENUE

16. This court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution

(Suspension Clause), and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et. seq.*

17. 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.*, the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

18. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

19. Venue is proper in the South District of Florida pursuant to 28 U.S.C. § 2241 because Petitioner is detained at the South Florida Detention Facility, Collier County, Florida under the jurisdiction of the ICE Miami Field Office.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless 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.*

21. Petitioner is "in custody" for the purpose of § 2241 because Petitioner was arrested and detained by Respondents.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Administrative exhaustion, which is a prudential doctrine in habeas cases, does not apply in this case due to futility. *See Puga*, No. 25-24535-CIV-ALTONAGA, 2025 WL 2938369, at *2 ("Since the result of Petitioner's custody redetermination and any

subsequent bond appeal to the BIA is nearly a foregone conclusion under Matter of Yajure Hurtado, any prudential exhaustion requirements are excused for futility.").

23. It would be futile for Petitioner to seek a custody redetermination hearing before an IJ because of the BIA's recent decision holding that anyone who has entered the U.S. without inspection is now considered an "applicant for admission" who is "seeking admission" and therefore subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025) (noting that BIA's decision in *Yajure Hurtado* renders exhaustion futile).

PARTIES

24. Petitioner is a citizen and national of Mexico and has resided in the U.S. since early 2003. He is currently detained at South Florida Detention Facility, Collier County, Florida.

25. Respondent Kevin Guthrie is sued in his official capacity as warden of the South Florida Detention Facility. In his official capacity, Respondent Guthrie is Petitioner's immediate custodian.

26. Respondent Garrett J. Ripa is sued in his official capacity as Field Office Director of the Miami Field Office, Enforcement and Removal Operations, ICE. In his official capacity, Respondent Ripa is the legal custodian of Petitioner.

27. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

28. Respondent Markwayne Mullin is sued in her official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Mullin is Petitioner's ultimate legal custodian.

29. Respondent Todd Blanche is sued in her official capacity as the Attorney General of the United States. As Acting Attorney General, she has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

LEGAL BACKGROUND AND ARGUMENT

30. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

31. First, individuals detained pursuant to 8 U.S.C. § 1226(a) are generally entitled to a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention. *See* 8 U.S.C. §§ 1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§ 1003.19(a) (immigration judges may review custody determinations made by DHS), 1236.1(d) (same).

32. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals deemed to be "seeking admission" under § 1225(b)(2).

33. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

34. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

35. Following the enactment of the IIRIRA, the U.S. Department of Justice's Executive Office of Immigration Review ("EOIR") drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

36. Thus, in the decades that followed, most people who entered without inspection and were thereafter detained and placed in standard removal proceedings were considered for release on bond and received bond hearings before an Immigration Judge ("IJ"), unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. In contrast, those who were stopped at the border were only entitled to release on parole. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 220 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

37. For decades, long-term residents of the U.S. who entered without inspection and were subsequently apprehended by ICE in the interior of the country have been detained pursuant to § 1226 and entitled to bond hearings before an IJ, unless barred from doing so due to their criminal history.

38. In July 2025, however, ICE began asserting that all individuals who entered without inspection should be considered "seeking admission" and therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

39. On September 5, 2025, the BIA issued a precedential decision adopting this interpretation, departing from the INA's text, federal precedent, and existing regulations. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

40. Defendants' new legal interpretation is plainly contrary to the statutory framework and its implementing regulations. Indeed, for decades, Defendants had applied § 1226(a) to people like the Petitioner. Defendants' new policies are thus not only contrary to law but are also arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). They were also adopted without complying with the procedural requirements of the APA.

41. Numerous federal courts have rejected this interpretation and instead have consistently found that § 1226, not § 1225(b)(2), authorizes detention of noncitizens who entered without inspection and were later apprehended in the interior of the country. *See e.g.*, *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's analysis in *Yajure Hurtado*); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256, at *3 n.4 (E.D. Cal. Sept. 9, 2025); *see also Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC) (E.D. Cal. Sept. 23, 2025), *Lopez v. Hardin*, No. 2:25-cv-830-KCD-NPM (M.D. Fla. Sept. 25, 2025), and *Chafla v. Scott*, No. 2:25-cv-00437-SDN (D. Maine Sept. 21, 2025),.

42. Under the Supreme Court's recent decision in *Loper Bright v. Raimondo*, this Court should independently interpret the statute and give the BIA's expansive interpretation of § 1225(b)(2) no weight, as it conflicts with the statute, regulations, and precedent. 603 U.S. 369 (2024).

43. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Following IIRIRA, the Executive Office for Immigration Review ("EOIR") issued regulations clarifying that individuals who entered the country without inspection were not considered detained under § 1225, but rather under § 1226(a). *See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

44. The statutory context and structure also make clear that § 1226 applies to individuals who have not been admitted and entered without inspection. In 2025, Congress added new mandatory detention grounds to § 1226(c) that apply only to noncitizens who have not been admitted. *See* The Laken Riley Act, Pub. L. No. 119-1, § 2, 139 Stat. 3, 3 (2025) (8 U.S.C. § 1226(c)(1)(E)).

45. By specifically referencing inadmissibility for entry without inspection under 8 U.S.C. § 1182(6)(A), Congress made clear that such individuals are otherwise covered by § 1226(a).

Thus, § 1226 plainly applies to noncitizens charged as inadmissible, including those present without admission or parole.

46. The Supreme Court has explained that § 1225(b) is concerned "primarily [with those] seeking entry," and is generally imposed "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 297, 2987 (2018). In contrast, Section 1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings." *Id.* at 289 (emphases added).

47. Furthermore, § 1225(b)(2) specifically applies only to those "seeking admission," and the implementing regulations at 8 C.F.R. § 1.2 addresses noncitizens who are "coming or attempting to come into the United States." The use of the present progressive tense would exclude noncitizens like Petitioner who are apprehended in the interior years after they entered, as they are no longer "seeking admission" or "coming [...] into the United States." *See Martinez v. Hyde*, 2025 WL 2084238 at *6 (D. Mass. July 24, 2025) (citing the use of present and present progressive tense to support conclusion that INA § 1225(b)(2) does not apply to individuals apprehended in the interior); *see also Al Otro Lado v. McAleenan*, 394 F. Supp. 3d 1168, 1200 (S.D. Cal. 2019) (construing "is arriving" in INA § 235(b)(1)(A)(i) and observing that "[t]he use of the present progressive, like use of the present participle, denotes an ongoing process").

48. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner, who had entered the U.S. more than twenty years ago.

STATEMENT OF FACTS

49. Petitioner is a national and citizen of Mexico. See Exhibit 1. *See* Mexican Passport

ID Page, Exhibit 1.

50. Upon information and belief, Petitioner has resided in the United States since January 18, 2003.

51. Petitioner was not apprehended or detained by U.S. Immigration and Customs Enforcement ("ICE") at or near a port of entry when he entered the United States and therefore entered without inspection or parole.

52. Petitioner is currently detained at South Florida Detention Facility, Collier County, Florida. *See* Notice to Appear, Exhibit 5.

53. Petitioner has a Master Calendar Hearing in Miami, Florida scheduled for May 1, 2026. *See* Petitioner's Notice of Hearing as Exhibit 6.

54. Petitioner is prima facie eligible for classification under the self-petitioning provisions of the Violence Against Women Act as outlined in INA § 204(a)(1)(A). *See* Prima Facie Determination, Exhibit 4.

55. Upon information and belief, Petitioner has no disqualifying criminal convictions. Petitioner has incurred only minor civil traffic violations and one prior arrest arising from a domestic incident related to his VAWA claim.

56. Petitioner's prior arrest arose from a domestic incident in which, upon information and belief, Petitioner himself was the victim of abuse. No criminal conduct has been established that would render Petitioner ineligible for immigration relief. Significantly, United States Citizenship and Immigration Services has determined that Petitioner is prima facie eligible for relief under the self-petitioning provisions of the Violence Against Women Act, thereby recognizing the credibility and sufficiency of his abuse-based claim. *See* Prima Facie Determination, Exhibit 4.

57. Petitioner was previously placed in removal proceedings. On July 30, 2025, undersigned counsel filed a Motion to Terminate Proceedings in light of Petitioner's pending VAWA-based relief before USCIS. On July 31, 2025, Immigration Judge Yon K. Alberdi granted the motion and terminated proceedings to allow Petitioner to pursue adjustment of status before USCIS. *See* Order Terminating Proceedings, Exhibit 7.

58. Petitioner's case is properly within the jurisdiction of United States Citizenship and Immigration Services, the agency charged with adjudicating VAWA self-petitions and related adjustment applications. Continued detention and removal proceedings undermine the efficient use of judicial and administrative resources, particularly where Petitioner has already been found prima facie eligible for relief and was previously granted termination of proceedings for this very purpose.

59. Without relief from this Court, Petitioner faces continued detention without a bond hearing.

COUNT I
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

60. Petitioner restates and realleges all paragraphs as if fully set forth here.

61. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

62. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

63. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

64. Petitioner's continuing detention is therefore unlawful.

COUNT II

Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19 Unlawful Denial of Release on Bond

65. Petitioner restates and realleges paragraphs 1 to 59 as if fully set forth here.

66. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service ("INS") issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

67. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III
Violation of 8 U.S.C. § 1252(b)(2)
Unlawful Detention Under This Provision

68. Petitioner restates and realleges paragraphs 1 to 59 as if fully set forth here.

69. Title 8 U.S.C. § 1225(b) is concerned primarily with those seeking entry to the United States and is generally imposed at the Nation's borders and ports of entry, where the Government must determine whether a noncitizen seeking to enter the country is admissible.

70. Upon information and belief, Petitioner has resided in the U.S. since 2005. He is therefore neither an arriving alien nor an alien who is now seeking admission to the United States.

71. Because 8 U.S.C. § 1252(b) does not apply to Petitioner, Respondents' detention of him under this provision is unlawful.

COUNT IV
Violation of Fifth Amendment Right to Due Process

72. Petitioner restates and realleges paragraphs 1 to 59 as if fully set forth here.

73. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V.

74. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

75. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), the balance of interests strongly favors Petitioner's release.

76. Petitioner's private interest in freedom from detention is profound. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment, from government custody, detention, or other forms of physical restraint, lies at the heart of the liberty that [the Due Process] Clause protects.").

77. The risk of erroneous deprivation is exceptionally high. Petitioner has never been arrested and has deep ties to his community.

78. The government's interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the

community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.

79. Furthermore, the "fiscal and administrative burdens" of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

80. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody or provide him with a bond hearing within seven (7) days.

COUNT V
Unlawful and Punitive Conditions of Civil Detention, Denial of Access to Medical Care and Basic Human Needs

81. Petitioner restates and realleges paragraphs 1 to 59 as if fully set forth here.

82. Petitioner is a civil immigration detainee presently confined at the South Florida Detention Facility ("Alligator Alcatraz"), located in Collier County, Florida.

83. Because Petitioner is being held in civil, not criminal detention, Respondents may not subject Petitioner to punitive, degrading, or inhumane conditions of confinement. Civil detention must bear a reasonable relationship to a legitimate governmental purpose and may not amount to punishment.

84. Respondents are unlawfully restraining Petitioner in violation of the United States Constitution, the Florida Constitution, and by confining Petitioner under conditions that deprive Petitioner of basic human necessities, including but not limited to:

    a. Meaningful access to a licensed medical doctor for evaluation, diagnosis and treatment;

    b. Adequate and consistent access to potable drinking water;

    c. Access to sanitation, hygiene, and other basic needs necessary to preserve

health and human dignity; and

d. Minimally safe conditions consistent with lawful civil detention.

85. Petitioner has experienced and is presently suffering from the denial of necessary medical attention. Despite requests for care, Petitioner has not been afforded timely access to a physician or adequate medical evaluation and treatment.

86. Habeas relief is proper because petitioner is being detained without lawful authority insofar as the present conditions of confinement are unconstitutional, inhumane, and incompatible with lawful civil detention.

87. Petitioner has no plain, speedy, and adequate remedy at law sufficient to protect against the ongoing deprivation of liberty, denial of medical care, denial of water, and threat of irreparable injury.

88. Immediate judicial intervention is necessary to prevent further physical harm and to preserve Petitioner's life, health, and safety.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

(1) Assume jurisdiction over this matter;

(2) Order that he not be transferred outside of this District;

(3) Prompt examination by a licensed physician and provision of all medically necessary treatment;

(4) Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;

(5) Declare that his detention is unlawful;

(6) Issue a Writ of Habeas Corpus ordering Respondents to release him from custody or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) or the Due Process Clause within seven days;

(7) Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(8) Grant him any further relief this Court deems just and proper.

Dated: April 21, 2026

Respectfully Submitted,

/s/Alice Carmen Burgos
Alice Carmen Burgos, Esq.
Florida Bar No. 302882
Burgos Law
815 N. Magnolia Avenue
Orlando, FL 32803
407-378-4660 (telephone)
alice@myburgoslaw.com
Attorney for Petitioner

/s/Ilia Garrity Lopez
ILIA GARRITY LOPEZ, Esq.
Florida Bar No. 121580
Law Office of Ilia Garrity Lopez
123 Zelma Avenue, Suite B
Orlando, FL 32803
407-777-7106 (telephone)
ilia@igllaw.com
Attorney for Petitioner

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

I represent the Petitioner, Juan Jose Vega 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 and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 21st day of April, 2026.

/s/Alice Carmen Burgos
Alice Carmen Burgos