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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Jose Isaac Caballero Sanguino

Petitioner,

v.

Warden, Florida Baker Correctional Institution;

Garrett J. Ripa, Field Office Director for Miami

Immigration and Customs Enforcement;

Todd Lyons, Director of Immigration and Customs
Enforcement;

Markwayne Mullin, Secretary of the U.S. Department
of Homeland Security; and

Todd Blanche, Acting Attorney General of the United
States,

Respondents.

Case No.: 6:36-cv-00900

**PETITION FOR WRIT OF
HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

IMMIGRATION HABEAS CASE

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

PRELIMINARY STATEMENT

COMES NOW Petitioner Jose Isaac Caballero Sanguino, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued civil immigration detention by the United States Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

Petitioner is currently detained at Florida Baker Correctional Institution in Sanderson, Florida, within the territorial jurisdiction of this Court, where he has remained confined without being

afforded constitutionally adequate process to determine whether his continued detention is justified.

Critically, Petitioner entered the United States through the lawful, government-sanctioned CBP One application process, receiving express humanitarian parole authorization from the U.S. Customs and Border Protection on August 28, 2023, at the Paso Del Norte Port of Entry in El Paso, Texas, pursuant to Section 212(d)(5) of the Immigration and Nationality Act. His entry was not clandestine or unauthorized—it was affirmatively invited and approved by the federal government itself.

Petitioner is presently in active removal proceedings before the Executive Office for Immigration Review, specifically before the Orlando Immigration Court, where his case remains pending and no final order of removal has been entered. He has a pending asylum application, a valid Employment Authorization Document, and a scheduled immigration court hearing. His proceedings are ongoing, and he is actively pursuing relief from removal.

Despite the pendency of those proceedings, the absence of any final removal order, and his cooperative, law-abiding conduct since entry, Respondents continue to detain Petitioner without providing a constitutionally sufficient individualized determination before a neutral decisionmaker as to whether his continued detention is necessary to mitigate flight risk or danger to the community.

Petitioner was taken into custody following a routine traffic stop in Alachua County, Florida, by a Florida Highway Patrol trooper for the minor infraction of driving while wearing earphones—a non-criminal, non-violent traffic infraction. He has no criminal history whatsoever. His detention by ICE following this de minimis contact with law enforcement, combined with the prolonged pendency of his proceedings and the absence of any individualized bond hearing, renders his continued confinement constitutionally untenable.

The Fifth Amendment does not permit the Government to impose prolonged civil detention of a person who lawfully entered the United States at the Government's own invitation, has complied with all conditions of his parole and immigration proceedings, and presents no danger or meaningful flight risk, without affording meaningful procedural protections commensurate with the profound deprivation of physical liberty at stake.

Accordingly, Petitioner respectfully requests that this Court grant the petition for writ of habeas corpus and order Respondents to either: (1) immediately release Petitioner under reasonable conditions of supervision; or (2) provide Petitioner with a prompt and constitutionally adequate individualized bond hearing before a neutral adjudicator.

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2241, which authorizes federal district courts to grant writs of habeas corpus to persons held in custody under or by color of the authority of the United States in violation of the Constitution or laws of the United States.

2. This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States. Petitioner alleges that his continued detention without constitutionally adequate process violates the Due Process Clause of the Fifth Amendment.

3. Federal district courts retain jurisdiction under 28 U.S.C. § 2241 to review the statutory and constitutional basis for executive detention, including detention imposed pursuant to the immigration laws of the United States.

4. Venue is proper in this District pursuant to 28 U.S.C. § 2241(a) because Petitioner is detained within the territorial jurisdiction of this Court. Petitioner is currently confined at Florida Baker Correctional Institution in Sanderson, Florida, which is located within the Middle District of Florida, Jacksonville Division.

5. Venue is further proper because Petitioner's immediate custodian, the Warden of Florida Baker Correctional Institution, is located within this District, and Respondent Garrett J. Ripa, Field Office Director for ICE Miami, exercises legal custody and control over Petitioner's detention within this District.

II. PARTIES

6. Petitioner Jose Isaac Caballero Sanguino is a citizen of Venezuela, born [REDACTED] bearing Alien Registration Number [REDACTED]. He is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at Florida Baker Correctional Institution in Sanderson,

Florida, and is being subjected to ongoing civil immigration detention in violation of the Constitution and laws of the United States.

7. Respondent Warden, Florida Baker Correctional Institution, is the official responsible for Petitioner's immediate physical custody and day-to-day detention at the facility where Petitioner is confined. The Warden is sued in his or her official capacity.

8. Respondent Garrett J. Ripa, Field Office Director for ICE's Miami Field Office, is responsible for overseeing immigration enforcement and detention operations within this region, including the facility where Petitioner is detained. He is sued in his official capacity.

9. Respondent Todd Lyons, Director of U.S. Immigration and Customs Enforcement, is responsible for the administration and enforcement of immigration detention policies nationwide. He is sued in his official capacity.

10. Respondent Markwayne Mullin, Secretary of the U.S. Department of Homeland Security, is responsible for the overall administration and enforcement of the immigration laws of the United States, including the detention of noncitizens. He is sued in his official capacity.

11. Respondent Todd Blanche, Acting Attorney General of the United States, is responsible for the administration of the immigration court system through the Executive Office for Immigration Review. He is sued in his official capacity.

III. FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner's Lawful Entry Through CBP One

12. Petitioner Jose Isaac Caballero Sanguino is a citizen and national of Venezuela, born on  in San Cristóbal, Venezuela.

13. On or about August 28, 2023, Petitioner applied for and received prior authorization to present himself at the Paso Del Norte Port of Entry in El Paso, Texas, through the CBP One mobile application—a digital platform operated by U.S. Customs and Border Protection ("CBP") that allows noncitizens to request and schedule a lawful port-of-entry appointment for the purpose of seeking admission to the United States.

14. CBP One is a government-sanctioned mechanism designed to facilitate orderly, lawful entry through official ports of entry. By using CBP One, Petitioner affirmatively sought and obtained

the federal government's express permission to approach the port of entry and request admission. This was not a clandestine or unauthorized crossing—it was an authorized, scheduled appearance at the direct invitation and facilitation of U.S. government authorities.

15. On August 28, 2023, Petitioner appeared at the Paso Del Norte Port of Entry in El Paso, Texas, presented himself to CBP officials, and was paroled into the United States pursuant to Section 212(d)(5) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(d)(5), on humanitarian grounds. This parole grant was subsequently documented in a Notice to Appear ("NTA") issued that same date.

16. Petitioner's humanitarian parole was expressly authorized by federal law and granted by an authorized CBP officer, Douglas J. Araya Ocasio, CBP Officer, at El Paso, Texas.

17. Petitioner entered in good faith reliance on the government's own invitation and authorization. He complied with all conditions and requirements of his parole.

B. Immigration Proceedings

18. Upon entry, Petitioner was issued a Notice to Appear (NTA) on August 28, 2023, initiating removal proceedings under Section 240 of the INA. The NTA was filed in connection with the Orlando Immigration Court, located at 3535 Lawton Rd, Suite 200, Orlando, Florida.

19. Petitioner's Alien Registration Number is  and his DHS File Number is



20. Petitioner has a pending application for asylum and related relief from removal, currently pending before the Orlando Immigration Court.

21. Petitioner's immigration court hearing was scheduled for May 6, 2026, at 8:30 AM, before an Immigration Judge at the Orlando Immigration Court. No final order of removal has been entered. Petitioner is actively pursuing relief from removal and is cooperating fully with his proceedings.

22. Petitioner obtained a U.S. Employment Authorization Document ("EAD"), Category C11, issued by USCIS, bearing Card Number  valid from November 17, 2023 through August 26, 2025. This document authorized Petitioner to lawfully work in the United States and reflects the government's recognition of his parolee status.

23. Petitioner was also issued a Florida Temporary Driver License (License No.  on February 5, 2024, reflecting his established ties and lawful presence within the State of Florida.

24. Petitioner has filed and paid his federal income taxes, demonstrating his commitment to civic responsibility and integration into the community.

C. Circumstances of Detention

25. Petitioner was detained following a traffic stop initiated by a Florida Highway Patrol trooper in Alachua County, Florida, for the minor, non-criminal infraction of operating a motor vehicle while wearing earphones—a civil traffic infraction under Florida law carrying no criminal penalties.

26. Petitioner has no criminal history whatsoever. He has never been arrested, charged, or convicted of any crime. The traffic stop giving rise to his detention was not predicated on any criminal conduct or danger to the public.

27. Petitioner is currently detained at Florida Baker Correctional Institution in Sanderson, Florida, as confirmed by the ICE Detainee Locator system.

28. Petitioner has no children and no prior removal orders. He has strong ties to the Jacksonville, Florida community, where he has resided since his arrival. He had been employed in home renovation work and had been supporting himself lawfully.

29. Petitioner has a partner with whom he has maintained a relationship, further demonstrating his stable community ties and lack of intent to abscond.

30. Petitioner presents no danger to the community and no meaningful risk of flight. He came to the United States lawfully, has cooperated with all immigration proceedings, and has every incentive to remain and pursue his pending asylum case.

**IV. STATUTORY AND CONSTITUTIONAL FRAMEWORK GOVERNING
DETENTION**

31. The Immigration and Nationality Act ("INA") authorizes the detention of noncitizens during the pendency of removal proceedings under limited statutory provisions, including 8 U.S.C. § 1226.

32. Under 8 U.S.C. § 1226(a), the Government may detain a noncitizen pending a decision on removal and may release the individual on bond or conditional parole. This provision contemplates an individualized determination regarding whether detention is necessary to mitigate flight risk or danger to the community.

33. The Supreme Court has recognized that civil immigration detention is constitutionally permissible only insofar as it bears a reasonable relation to its regulatory purposes and is not excessive in relation to those purposes. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

34. Because immigration detention is civil rather than punitive, the Due Process Clause of the Fifth Amendment prohibits the Government from subjecting noncitizens to prolonged or indefinite detention without adequate procedural safeguards. *Id.* at 690–91.

35. In *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018), the Supreme Court held that the immigration detention statutes do not themselves impose time limits or periodic bond hearings, but reaffirmed that noncitizens may challenge the constitutionality of prolonged detention through habeas corpus.

36. The Eleventh Circuit has recognized that immigration detention must remain reasonably related to its lawful purpose and is subject to judicial review through habeas corpus. See *Alvarez v. U.S. Immigration and Customs Enforcement*, 818 F.3d 1194, 1208 (11th Cir. 2016).

37. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law, and this protection extends to all persons within the United States, including noncitizens in removal proceedings.

38. Where a noncitizen entered the United States through a government-authorized process and has no criminal history, the Government's interest in continued detention is substantially diminished, and due process demands a meaningful, individualized determination of continued necessity.

**COUNT I: PROLONGED IMMIGRATION DETENTION IN VIOLATION OF THE DUE
PROCESS CLAUSE OF THE FIFTH AMENDMENT WITHOUT A
CONSTITUTIONALLY ADEQUATE BOND HEARING**

39. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

40. Petitioner is currently subjected to ongoing civil immigration detention by Respondents. This detention is authorized, if at all, pursuant to 8 U.S.C. § 1226.

41. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law, and this protection extends to all persons within the United States, including noncitizens. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

42. Civil immigration detention is constitutionally permissible only insofar as it bears a reasonable relation to its regulatory purposes and is not excessive in relation to those purposes. *Id.* at 690.

43. Due process requires a meaningful, individualized determination by a neutral adjudicator as to whether continued detention is justified. Such a determination must include an assessment of whether Petitioner poses a risk of flight or a danger to the community.

44. Petitioner has not been provided with a constitutionally adequate, individualized bond hearing during his current period of detention. Respondents continue to detain Petitioner without providing a meaningful and contemporaneous opportunity to challenge the necessity of his continued detention before a neutral decisionmaker.

45. Petitioner's detention following a de minimis traffic infraction, in the absence of any criminal history, in the context of pending asylum proceedings, and after lawful government-authorized entry, cannot be squared with the constitutional command that civil detention bear a reasonable relation to its regulatory purposes.

46. Petitioner is suffering ongoing and irreparable harm as a result of his unlawful detention, including the deprivation of his physical liberty, separation from his community, and the disruption of his ability to prepare and present his pending asylum case.

47. Accordingly, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order Respondents to either: (a) immediately release Petitioner under reasonable conditions of supervision; or (b) provide Petitioner with a prompt and constitutionally adequate individualized bond hearing before a neutral adjudicator at which the Government bears the burden of justifying continued detention by clear and convincing evidence.

COUNT II: UNLAWFUL DETENTION IN EXCESS OF STATUTORY AUTHORITY
UNDER 8 U.S.C. § 1226

48. Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

49. Section 1226 authorizes the detention of noncitizens during the pendency of removal proceedings for the limited regulatory purposes of ensuring appearance at proceedings and protecting the community.

50. The Supreme Court has made clear that immigration detention is a civil, non-punitive measure and must be reasonably related to its regulatory purposes. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

51. Detention that is not reasonably related to those purposes exceeds the scope of statutory authorization. *Id.*

52. Respondents have continued to detain Petitioner without making a current, individualized determination that his detention is necessary to ensure his appearance at proceedings or to protect the community.

53. Petitioner presents no danger to the community: he has no criminal history, entered the United States with government authorization through the CBP One application, has complied with all conditions of his parole, appeared at his immigration proceedings, obtained lawful employment authorization, filed taxes, and maintained stable community ties throughout his time in the United States.

54. Petitioner presents no meaningful risk of flight: he has a pending asylum case, a scheduled court date, community ties, a stable residence, and came to the United States precisely because

the federal government authorized and invited him to do so through the CBP One process. He has every incentive to remain and pursue his pending immigration proceedings.

55.The Supreme Court has cautioned that civil detention may not become a tool for punishment or indefinite restraint beyond its lawful purpose. See *Zadvydas v. Davis*, 533 U.S. at 690–91.

56.Respondents' continued detention of Petitioner is not reasonably related to the purposes of § 1226 and therefore exceeds the authority granted by the statute.

57.Accordingly, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order Respondents to immediately release Petitioner or, in the alternative, provide a lawful and timely custody determination consistent with the requirements of § 1226.

COUNT III: UNLAWFUL DETENTION OF A PAROLEE WHO ENTERED THROUGH GOVERNMENT-AUTHORIZED CBP ONE PROCESS

58.Petitioner re-alleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

59.Petitioner entered the United States pursuant to the express authorization of the U.S. government through the CBP One mobile application and was granted humanitarian parole pursuant to INA § 212(d)(5), 8 U.S.C. § 1182(d)(5), by a CBP officer at the Paso Del Norte Port of Entry on August 28, 2023.

60.The CBP One program was a federal government program that actively encouraged and facilitated the lawful, orderly presentation of noncitizens at official ports of entry. Petitioner, by using CBP One, did exactly what the government asked him to do: he applied for permission, received authorization, and presented himself lawfully at an official port of entry. His entry was not unlawful in any respect.

61.As a parolee admitted under INA § 212(d)(5), Petitioner was afforded lawful status for the duration of his parole, and has had pending immigration proceedings throughout his time in the United States. The government's own actions in issuing him a parole grant, a Notice to Appear, an Employment Authorization Document, and scheduling him for immigration court proceedings reflect the government's recognition of his presence and the ongoing nature of his legal proceedings.

62.The government cannot now detain Petitioner without individualized justification, having itself invited and authorized his entry, issued him work authorization, and placed him in proceedings before an immigration court. To do so would be fundamentally inconsistent with the government's own representations and the procedural structure it established, and would deprive Petitioner of the process to which he is entitled.

63.Petitioner's good-faith compliance with the government's own invitation to enter lawfully through CBP One is powerful evidence that he is not a flight risk and represents a strong equitable and legal basis for his release pending the resolution of his immigration proceedings.

64.Accordingly, Petitioner's continued detention under these circumstances is unlawful and violates the Due Process Clause of the Fifth Amendment and the statutory framework governing his parole and detention.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

65.Petitioner has satisfied any applicable exhaustion requirements, or, in the alternative, exhaustion should be excused.

66.There is no statutory exhaustion requirement for habeas petitions brought pursuant to 28 U.S.C. § 2241 challenging the legality of immigration detention.

67.To the extent exhaustion is required, it is a judicially created, prudential doctrine rather than a jurisdictional prerequisite and may be excused where administrative remedies are inadequate or futile. See *Sundar v. INS*, 328 F.3d 1320, 1323 (11th Cir. 2003).

68.Federal courts have long recognized that exhaustion is not required where it would not provide a meaningful opportunity for relief or where irreparable injury would result from requiring exhaustion. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992).

69.Petitioner challenges the legality of his ongoing detention on constitutional and statutory grounds that cannot be fully remedied through the administrative process. Immigration Judges lack authority to grant the full relief sought in this Petition, including release based on unconstitutional prolonged detention or detention in excess of statutory authority.

70.Requiring Petitioner to pursue additional administrative remedies would be futile and would result in continued irreparable harm in the form of unlawful deprivation of liberty.

71. Accordingly, exhaustion is either satisfied or should be excused, and this Court may properly exercise jurisdiction over this Petition.

REQUESTED RELIEF

WHEREFORE, Petitioner Jose Isaac Caballero Sanguino respectfully requests that this Court grant the following relief:

- a. Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 declaring that Petitioner's continued detention violates the Constitution and laws of the United States;
- b. Order Petitioner's immediate release from custody under reasonable conditions of supervision;
- c. In the alternative, order Respondents to provide Petitioner with a prompt bond hearing before a neutral adjudicator that comports with the requirements of due process, including an individualized determination of whether continued detention is necessary;
- d. Order that any such bond hearing be conducted within seven (7) days of this Court's order;
- e. Order that, at any such bond hearing, the Government bears the burden of justifying continued detention by clear and convincing evidence;
- f. Order that the Immigration Judge consider less restrictive alternatives to detention;
- g. Pending final resolution of this Petition, enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court; and
- h. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

April 22, 2026

/s/ Anny Leon

Anny Leon

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904-293-7626

Attorney for Petitioner

VERIFICATION

I, Anny Leon, am counsel for Petitioner Jose Isaac Caballero Sanguino in this habeas corpus proceeding. Petitioner is currently detained in immigration custody at Florida Baker Correctional Institution, Sanderson, Florida, and is therefore unable to personally verify this Petition.

Pursuant to 28 U.S.C. § 2242, I verify on behalf of Petitioner that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief, based upon my communications with Petitioner and my review of the records, documents, and information available to me, including but not limited to Petitioner's Notice to Appear, his Employment Authorization Document, his Florida Temporary Driver License, his Venezuelan passport, the ICE Detainee Locator records, and his immigration court records.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 22nd day of April, 2026, at Jacksonville, Florida.

/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner

Florida Bar No.: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was filed with the Clerk of the Court via the Court's electronic filing system.

I further certify that a true and correct copy of the foregoing Petition is being served upon Respondents in accordance with Rule 4(i) of the Federal Rules of Civil Procedure, including service upon the Office of the United States Attorney for the Middle District of Florida, which represents Respondents in this action, as well as the United States Attorney General.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 22, 2026

/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner

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