

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

ANGELLA CHARLES,

Petitioner,

v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. 3:26-cv-1002

SCOTTY RHODEN, Warden, Baker
County Detention Center, in his official
capacity as Warden, Baker County
Detention Center;

KELEI WALKER, in his official
capacity as Field Office Director, Miami
Field Office, U.S. Immigration and
Customs Enforcement;

TODD LYONS, in his official capacity
as Acting Director, U.S. Immigration
and Customs Enforcement;

MARKWAYNE MULLIN; in his official
capacity as Secretary of the U.S.
Department of Homeland Security,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner, **ANGELLA CHARLES** ("Petitioner"), through undersigned counsel, respectfully petitions this Court for a writ of habeas

corpus pursuant to 28 U.S.C. § 2241 to remedy her unlawful detention by Respondents. In support of this Petition, Petitioner alleges as follows:

I. INTRODUCTION

2. Petitioner is a citizen of Haiti who has lawfully resided in the United States under Temporary Protected Status (“TPS”) since approximately May 8, 2023. Congress created TPS as a humanitarian protection for nationals of designated countries who cannot safely return home due to ongoing armed conflict, environmental disaster, or other extraordinary conditions. 8 U.S.C. § 1254a.

3. Congress has prohibited the detention of TPS holders based on their immigration status. “An alien provided temporary protected status . . . shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4). The Eleventh Circuit has likewise confirmed that a TPS holder “cannot be removed from the United States nor placed into immigration detention during the period in which his TPS remains current.” *Mejia Rodriguez v. U.S. Dep’t of Homeland Sec.*, 562 F.3d 1137, 1140 (11th Cir. 2009).

4. Despite holding valid TPS, complying with all registration and reporting requirements, and having no lawful basis for her detention, Petitioner

was arrested by ICE on or about March 16, 2026 and has been detained at the Baker County Detention Facility in the Middle District of Florida ever since. Respondents have provided no lawful basis for her detention.

5. Because 8 U.S.C. § 1254a(d)(4) categorically prohibits Petitioner's detention on the basis of her immigration status, this Court should issue a writ of habeas corpus ordering Petitioner's immediate release.

II. JURISDICTION AND VENUE

6. This Court has subject-matter 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 Fifth Amendment to the United States Constitution.

7. Venue is proper in this District under 28 U.S.C. § 1391(b) and (e) and because Petitioner is detained within the Middle District of Florida at the Baker County Detention Facility. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (habeas venue lies in the district of physical confinement).

8. Petitioner has exhausted all administrative remedies reasonably available to her. Petitioner filed a Motion for a Bond Redetermination with the Immigration Court, which was denied based on lack of jurisdiction under 8 U.S.C. §1225(b)(2). *Exhibit A - Immigration Order Denying Bond Motion*. Any

further exhaustion would be futile because Respondents' detention policies provide no meaningful administrative avenue for challenging detention on the grounds raised here.

III. PARTIES

9. Petitioner, ANGELLA CHARLES, is a native and citizen of Haiti. She is a TPS holder and has lawfully resided in the United States since her entry and parole in 2023. She is currently detained at the Baker County Detention Facility in Baker County, Florida.

10. Respondent, SCOTTY RHODEN, is the Warden of the Baker County Detention Facility and is Petitioner's immediate physical custodian. He is sued in his official capacity.

11. Respondent, KELEI WALKER, is the Director of the ICE Miami Field Office, which exercises supervisory authority over the Baker County Detention Facility. She is sued in her official capacity.

12. Respondent, TODD LYONS, is the Director of ICE. He is sued in his official capacity. ICE is the subagency of DHS responsible for enforcement and detention of noncitizens.

13. Respondent, MARKWAYNE MULLIN, is the Secretary of the U.S. Department of Homeland Security ("DHS"). He is sued in his official capacity.

DHS is the federal department responsible for administering and enforcing the immigration laws, including operation of ICE.

IV. STATEMENT OF FACTS

14. Petitioner was born in Cap-Haitien, Haiti in 2003. She entered the United States on or about May 8, 2023 at an airport port of entry and was paroled into the United States under the Haitian Humanitarian Parole program. Petitioner's parole was granted from May 8, 2023 until May 8, 2025.

15. Haiti has been continuously designated for Temporary Protected Status since 2010 based on extraordinary and temporary conditions that prevent Haitian nationals from returning safely. That designation has been extended numerous times and remains in effect, pursuant to court order, as of the filing of this Petition.

16. Petitioner timely registered for TPS under 8 U.S.C. § 1254a(c). USCIS approved her application on August 10, 2024, which extended TPS benefits to Petitioner from August 9, 2024 through February 3, 2026. *Exhibit B - TPS Approval Notice.*

17. On November 28, 2025, DHS Secretary Noem issued a decision published in the Federal Register to terminate Haiti's TPS designation as of February 3, 2026. *90 Fed. Reg. 54733 (November 28, 2025)*

18. On February 2, 2026, the district court in the District of Columbia issued a stay of Secretary Noem's termination of TPS for Haiti. *Miot v. Trump*, 2026 U.S. Dist. LEXIS 21504 (D.C. February 2, 2026).

19. On or about February 15, 2026, Petitioner was arrested for Robbery and Battery based on an altercation with her boyfriend. On March 16, 2026, both charges were dropped and Petitioner was released from criminal custody. *Exhibit C - Criminal Drop Notice*. On or about March 19, 2026, Petitioner was taken into immigration custody.

20. Petitioner was transported to the Baker County Detention Facility and has remained in Respondents' continuous detention since March 19, 2026, a period of approximately 35 days as of the date of this filing.

21. After her detention, Petitioner filed a Motion for Bond Redetermination which was denied by the Immigration Judge on April 6, 2026. *Exhibit A - Bond Denial Order*. The Immigration Judge found that it had "no authority over the custody and detention of arriving aliens and is therefore without authority to consider the bond request..." *Id.*

22. At no point have Respondents articulated a lawful statutory basis for detaining Petitioner despite her TPS status. Assuming ICE officers detained Petitioner because Petitioner's TPS has "lapsed" or because the Haiti TPS

designation has been “terminated” as of February 3, 2026, that position is foreclosed by the stay issued by the district court in *Miot*, which authority is established under 5 U.S.C. §705. Furthermore, the District of Columbia Circuit Court has denied the government’s request for a stay of the district court’s order pending appeal. *Miot v. Trump*, 2026 U.S. App. LEXIS 6778 (D.C. Cir. March 6, 2026). Although the Supreme Court has granted certiorari, the district court’s stay remains in effect. *Trump v. Miot*, 2026 U.S. LEXIS 1270; 224 L.Ed. 2d 184 (March 16, 2026).

23. USCIS (United States Citizenship and Immigration Services) has automatically extended TPS work authorization per the *Miot* court order. *Exhibit D - USCIS Haiti TPS Webpage*¹.

24. Pursuant to her TPS grant which has been extended pursuant to court order, Petitioner is authorized to be present in the United States and is authorized to work in the United States. 8 U.S.C. § 1254a(a)(1); 8 C.F.R. § 244.12. Under federal law, for purposes of adjustment or change of status, a TPS holder “shall be considered as being in, and maintaining, lawful status as a nonimmigrant.” 8 U.S.C. § 1254a(f)(4).

V. LEGAL FRAMEWORK

¹<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>

25. TPS is a statutory protection Congress created in the Immigration Act of 1990 and codified at 8 U.S.C. § 1254a. The Secretary of Homeland Security may designate a foreign country for TPS when conditions in that country — armed conflict, environmental disaster, or other extraordinary and temporary conditions — prevent nationals of that country from returning safely. 8 U.S.C. § 1254a(b)(1).

26. While a TPS designation is in effect, the Secretary “shall not remove the alien from the United States during the period in which such status is in effect,” 8 U.S.C. § 1254a(a)(1)(A), and “shall authorize the alien to engage in employment in the United States,” § 1254a(a)(1)(B).

27. Most significantly here, Congress expressly prohibited the detention of TPS holders based on immigration status: “An alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.” 8 U.S.C. § 1254a(d)(4) (*emphasis added*).

28. The Eleventh Circuit has definitively construed § 1254a to confirm that “[a]n alien who has been granted TPS is eligible to remain legally in the United States during the designated period and cannot be removed from the United States nor placed into immigration detention during the period in which

his TPS remains current.” *Mejia Rodriguez v. U.S. Dep’t of Homeland Sec.*, 562 F.3d 1137, 1140 (11th Cir. 2009); *see also* 8 U.S.C. § 1254a(a)(1)(A).

29. The Supreme Court has likewise confirmed that TPS confers “nonimmigrant status” and the attendant lawful presence. *Sanchez v. Mayorkas*, 593 U.S. 409, 412 (2021). The Supreme Court also confirmed that TPS protects TPS holders from removal. *Id.*

30. District Courts have repeatedly ordered release and/or injunctive relief where ICE has detained TPS holders in violation of §1254a(d)(4). In *Mejia v. Noem*, the district court granted an emergency TRO within hours of filing, holding that “there is no legal justification for detaining a noncitizen who is not subject to removal,” and ordering the respondents to “facilitate the release of” the petitioner within 16 hours. *Mejia v. Noem*, 2025 U.S. Dist. LEXIS 217352 (M.D. Fla. Nov. 4, 2025).

31. In *Perez v. Noem*, the district court granted emergency injunctive relief to a Venezuelan TPS holder detained during a routine check-in, holding that “his detention is unlawful” and ordering release within 12 hours. *Perez v. Noem*, 2026 U.S. Dist. LEXIS 14717 (M.D. Fla. Jan. 27, 2026). The Court held that the “law is clear” and that TPS holders “shall not be detained” on the basis of immigration status. *Id.* at *3 (quoting 8 U.S.C. § 1254a(d)(4)).

32. In *J.G.M.F. v. Wofford*, 2026 U.S. Dist. LEXIS 5711 (E.D.Cal. January 12, 2026), the district court granted a temporary restraining order/preliminary injunction and granted immediate release finding that the petitioner had a likelihood of success because the petitioner had TPS and therefore could not be detained.

33. Respondents have unlawfully detained Petitioner in violation of 8 U.S.C. §1254a, as she is in lawful TPS status which has been extended by the district court in *Miot*.

VI. CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. § 1254a(d)(4) **(Statutory Bar on Detention of TPS Holders)**

34. Petitioner re-alleges and incorporates by reference each preceding paragraph as though set forth fully herein.

35. Section 1254a(d)(4) of Title 8 provides, in unequivocal terms, that “[a]n alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien’s immigration status in the United States.”

36. Petitioner is a TPS holder. Her TPS is current and in effect, pursuant to the *Miot* order. Respondents' detention of Petitioner on the basis of her immigration status is therefore expressly prohibited by statute.

COUNT TWO
Violation of Fifth Amendment Substantive Due Process

37. Petitioner re-alleges and incorporates by reference each preceding paragraph as though set forth fully herein.

38. The Due Process Clause forbids the Government from depriving any person of liberty without due process of law. U.S. Const. Amend. V.

39. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Fifth Amendment's Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. Civil immigration detention must bear a reasonable relationship to a legitimate government purpose. *Id.* Where, as here, removal is legally barred and the detainee poses no danger or flight risk that cannot be mitigated through conditions of release, continued detention serves no legitimate purpose and is therefore punitive in effect. *See Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

41. Petitioner's detention is arbitrary: it is not authorized by statute, is not necessary to effectuate removal, and is not justified by any individualized finding of danger or flight risk. Such detention violates substantive due process.

COUNT THREE
Violation of Fifth Amendment Procedural Due Process

42. Petitioner re-alleges and incorporates by reference each preceding paragraph as though set forth fully herein.

43. Procedural due process requires, at minimum, notice and a meaningful opportunity to be heard before a neutral decisionmaker before the Government deprives a person of a protected liberty interest. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

44. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

45. The first factor, the private interest at issue, favors Petitioner. "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 [of the Fifth Amendment] protects.” *Zadvyda*, 533 U.S. at 690 (2001).

46. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, statutory provisions and regulations specify the circumstances when a noncitizen shall be detained and when a noncitizen is eligible for release and what procedures the noncitizen is afforded in seeking release. Respondents violated those statutes and regulations here by detaining Petitioner with no notice and no withdrawal of her individual TPS, leaving the risk of erroneous deprivation of liberty not just high, but certain.

47. The third factor, the government’s interest, also favors Petitioner. When the government misinterprets or misapplies the law, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. The government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law.

48. For these reasons, Respondents have detained Petitioner in violation of the law and with no notice and therefore have failed to provide Petitioner with the procedural due process she is entitled to under the law.

COUNT FOUR
Violation of the Administrative Procedure Act

49. Petitioner re-alleges and incorporates by reference each preceding paragraph as though set forth fully herein.

50. The Administrative Procedure Act requires courts to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or that is “in excess of statutory jurisdiction [or] authority.” 5 U.S.C. § 706(2)(A), (C).

51. APA claims are cognizable in habeas claims. 5 U.S.C. § 703.

52. Respondents’ decision to detain and continue detaining Petitioner – notwithstanding her valid TPS, her lawful presence, the statutory bar on such detention, and Eleventh Circuit and Supreme Court authority – is arbitrary, capricious, and contrary to law.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

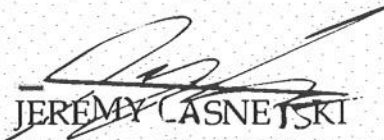
- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause why a writ of habeas corpus should not issue, and set an expedited briefing schedule requiring the Respondents to file a response within 10 business days;

- c. Issue a writ of habeas corpus directing Respondents to release Petitioner from custody immediately;
- d. Enjoin Respondents from transferring Petitioner outside the Middle District of Florida, and from removing Petitioner from the United States, during the pendency of this Petition;
- e. Declare that Respondents' detention of Petitioner violates 8 U.S.C. § 1254a(d)(4), the Immigration and Nationality Act, the Administrative Procedure Act, and the Fifth Amendment to the United States Constitution;
- f. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable provision; and
- g. Grant such other and further relief as this Court deems just and proper.

DATED: April 24, 2026

Respectfully submitted,

By:


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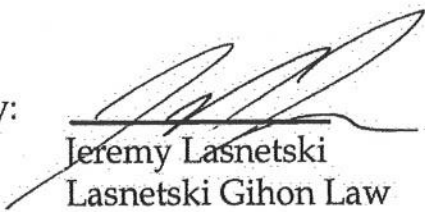
28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney and Petitioner lacks adequate access to the courts. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge. This verification is not made by Petitioner because Petitioner is in custody in a different county than undersigned counsel and the need to file this petition is urgent. Petitioner has limited access to legal materials at the Baker County Detention Facility and would be unable to draft and file a petition on her own in an urgent manner.

Undersigned counsel is unable to obtain Petitioner's signature and written verification within a reasonable time due to Petitioner's distance from undersigned counsel, detention facility limitations related to attorney visits, undersigned counsel's ability to get to the detention facility in a timely manner, and the urgent nature of the filing. Respondents can transfer Petitioner out of this Court's jurisdiction at any moment, which would then further delay Petitioner's right to challenge her unlawful detention and would vest jurisdiction in a court away from Petitioner's home, family and undersigned counsel which would further impede her access to the courts.

DATED: April 24, 2026

By:


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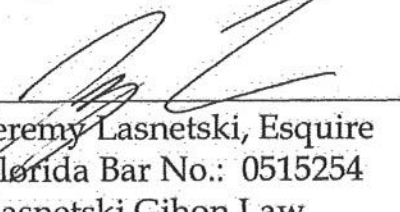
NOTICE OF LEAD COUNSEL DESIGNATION

Pursuant to Local Rule 2.02(a), undersigned counsel, Jeremy Lasnetski, is designated as lead counsel for Petitioner in this matter.

DATED: April 24, 2026

Respectfully submitted,

By:


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