UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MAYKEL CABALLERO LEEN

Petitioner,

Civil Case No.: 4:26-cv-00685

v.

MARKWAYNE MULLIN as Secretary for the Department of Homeland Security (DHS);

KRISTEN SULLIVAN as Acting Director Atlanta Field Office, Enforcement and Removal Operations (ERO), Department of Homeland Security;

TODD BLANCHE in his official capacity as United States Attorney General,

WARDEN OF STEWART DETENTION CENTER; and

CORECIVIC, INC.,

Respondents.

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VERIFIED
PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

COMES NOW Petitioner, **MAYKEL CABALLERO LEEN**, by and through undersigned counsel, and hereby brings this Verified Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. **IN SUPPORT OF THIS PETITION**, Petitioner alleges the following:

INTRODUCTION

1. Petitioner **MAYKEL CABALLERO LEEN** is a native and citizen of Cuba who lives in the United States.
2. Petitioner has a final Order of Removal to Cuba from October 6, 2020, but for years, the Department of Homeland Security ("DHS") has been unable to remove him to his native country of birth because the Cuban government refuses to accept his return.
3. Consistent with this reality, DHS released Petitioner under an Order of Supervision (Form I-220B) and required him to report to ICE on a yearly basis. Petitioner complied fully with all supervision and check-in conditions.
4. Nevertheless, at his most recent ICE check-in on February 24, 2026, ICE officers abruptly detained him acknowledging the agency would not be able to deport him to Cuba, but would instead attempt removal to Mexico which is not his country of birth or nationality, nor the country he was ordered removed to.
5. Petitioner remains detained today at Stewart Detention Center in Lumpkin, Georgia months after his latest detention began, with no significant prospect of lawful removal to Cuba—his country of birth and designated country of removal—and no lawful authority to remove him to Mexico or any other third country.
6. Since his removal order became final on October 6, 2020, DHS has had nearly six years to attempt removal to Cuba, including prior post-order

detention and repeated efforts to obtain travel documents, all of which have failed.

7. Under 8 U.S.C. § 1231 and the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), immigration detention after a final order of removal is constitutionally and statutorily limited to a period reasonably necessary to accomplish removal, presumptively six months.

8. Here, Cuba has long refused his return since 2020 and continues to do so. DHS's effort to circumvent that reality by forcing him across the border into Mexico—without Mexico's prior acceptance and over Petitioner's objections—is an unlawful attempt at removal and does not create a "significant likelihood" of removal in the reasonably foreseeable future.

9. Petitioner therefore seeks a writ of habeas corpus under 28 U.S.C. § 2241 ordering his immediate release under reasonable conditions of supervision, as well as declaratory and injunctive relief protecting him from further unlawful detention and coerced "self-removal" to third countries. He also seeks an order requiring DHS to restore him to the prior conditions of his supervised release under Form I-220B or substantially equivalent terms.

JURISDICTION

10. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question). Petitioner challenges the legality and constitutionality of his ongoing civil immigration detention under 8 U.S.C. § 1231.

11. The REAL ID Act's jurisdiction-stripping provisions do not preclude habeas review of post-order detention claims under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny. Petitioner is not challenging the validity of his removal order itself, but rather his continued detention in violation of federal statute and the Due Process Clause. He does not seek to enjoin or stay the execution of the removal order itself, but only to end unlawful post-order detention where removal is not reasonably foreseeable.

12. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–2202 and the general equitable powers of the Court.

VENUE

13. Venue is proper in the Middle District of Georgia under 28 U.S.C. § 1391(b), 28 U.S.C. § 1391(e)(l) (United States defendant resides in this district), 28 U.S.C. § 1391(e)(2) (cause of action arose in this district), and 28 U.S.C. § 1391(e)(4) (Petitioner resides in this district and no real property is at issue).

CUSTODY

14. The Petitioner is in the Defendants/Respondents' physical custody within this district at Stewart Detention Center, an immigration detention center under the direct control of the Defendants/Respondents and their agents.

IMMEDIATE CUSTODIAN

15. The Warden of Stewart Detention Center, located within the Middle District of Georgia, is Petitioner's immediate physical custodian, and is a proper Respondent in this habeas action.

PARTIES

16. Petitioner MAYKEL **CABALLERO LEEN** is a citizen and national of Cuba in the Respondents' physical custody. The Respondents have assigned him File No. A[redacted]

17. The Petitioner brings a suit against **MARKWAYNE MULLIN** in his official capacity as Secretary for the Department of Homeland Security (DHS). In this official capacity, he is a legal custodian of the Petitioner.

18. The Petitioner brings a suit against **KRISTEN SULLIVAN** in her official capacity as Acting Director Atlanta Field Office, Enforcement and Removal Operations (ERO), Department of Homeland Security. In this official capacity, she is a legal custodian of the Petitioner.

19. The Petitioner brings a suit against **TODD BLANCHE** in his official capacity as United States Attorney General. In this official capacity, he is a legal custodian of the Petitioner.

20. The Petitioner brings a suit against **WARDEN OF STEWART DETENTION CENTER**, where Petitioner is currently detained. In this official capacity, he is the Petitioner's immediate physical custodian and is responsible for the day-to-day implementation of Petitioner's detention.

21. The Petitioner brings a suit against **CORECIVIC, INC.** which operates Stewart Detention Center under contract with ICE and is responsible, through its employees and agents, for the conditions of confinement and provision of medical care to Petitioner. **CORECIVIC, INC.** is named solely

for purposes of declaratory and injunctive relief concerning the conditions of Petitioner's confinement and his access to constitutionally adequate medical care.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Exhaustion of administrative remedies is not required for this habeas petition because Petitioner challenges the legality of his ongoing detention under the Constitution and federal statute, and there is no adequate or effective administrative remedy for these claims as to post-order detention under § 1231.

23. In particular, because Petitioner is detained under 8 U.S.C. § 1231 as a person with a final order of removal, he is not eligible to seek an individualized bond hearing or custody redetermination before an Immigration Judge. See 8 C.F.R. §§ 1003.19(h)(2)(i)(D), 241.1 ("Immigration judges have no jurisdiction to review custody status or bond conditions imposed by the Service pursuant to section 241 of the Act."). Thus, unlike noncitizens detained under 8 U.S.C. § 1226, Petitioner has no recourse to the Immigration Court system for a bond determination or release order.

24. To the extent any exhaustion requirement arguably applies despite the absence of bond jurisdiction in the Immigration Court, exhaustion should be excused as futile and inadequate. Petitioner has already been subject to post-order custody reviews and has been repeatedly told, explicitly or

effectively, that he will not be released despite the lack of a significant likelihood of removal in the reasonably foreseeable future. The limited ICE post-order review process cannot provide the relief he seeks—judicially enforceable release under *Zadvydas* and constitutional protections against coercive removal and abuse.

FACTUAL ALLEGATIONS

A. Petitioner's Immigration History and Final Order of Removal

25. Petitioner is a native and citizen of Cuba, born on [redacted]. *See* **Exhibit 1**, Cuban Birth Certificate with English Translation, and Cuban Passport.
26. On July 16, 2020 Petitioner entered the United States via a boat. He was detained by Border Patrol. *See* **Exhibit 2,** I-213, Record of Deportable/Inadmissible Alien dated 07/16/2020. Note this document is heavily redacted and is provided as obtained from USCIS FOIA Records Requests. The government Respondents are custodians of this original document and can produce the entire document for the Court.
27. Upon inspection, DHS through the Marathon Florida Border Patrol Station assigned Petitioner file number A[redacted]
28. On or about July 17, 2020, DHS through the Marathon Florida Border Patrol Station detained and processed Petitioner under INA 235(b)(1) Expedited Removal. *See* **Exhibit 3**, Forms I-867A and I-867B, Record and Jurat of Sworn Statement in Proceedings under Section 235(b)(1) of the Act.

29. On July 16, 2020, DHS through a Border Patrol Agent in Marathon, Florida issued Petitioner an administrative removal order through a Notice of Removal pursuant to INA 235(b)(1). *See* **Exhibit 4,** DHS Form I-296, Notice to Alien Ordered Removed.

30. On July 16, 2020, Petitioner was issued a document with information regarding the Credible Fear Interview explaining what the credible fear process is, what happens at an interview, and his rights in the process. *See* **Exhibit 5**, Form M-444 dated 07/16/2020. Petitioner refused to sign an acknowledgement of receipt of this document.

31. On July 17, 2020, DHS transferred Petitioner to Broward Transition Center (BTC) in Deerfield Beach, FL. *See* **Exhibit 6,** ICE Transfer Notification.

32. On August 14, 2020, Petitioner was again issued Information regarding the Credible Fear Interview explaining what the credible fear process is, what happens at an interview, and his rights in the process. *See* **Exhibit 7**, Form M-444 dated 08/14/2020. Petitioner signed an acknowledgement of receipt.

33. On August 14, 2020, the Miami Asylum Office conducted a Credible Fear Interview with Petitioner at the Krome Detention Center. *See* **Exhibit 8**, CFI Interview Notes and DHS/USCIS Form I-870 Record of Determination/Credible Fear Worksheet.

34. On August 17, 2020, DHS issued Petitioner a Notice to Appear commencing removal proceedings under INA 240 and charging him with inadmissibility under INA Section 212(a)(7)(A(i)(I) (immigrant not in possession of a valid

visa or entry document) and 212(a)(6)(A)(i) (alien present in the United States without being admitted or paroled, or having entered at a time or place other than as designated by the Attorney General). *See* **Exhibit 9**, NTA. The NTA notes that it "is being issued after an asylum officer has found that the [Petitioner] has demonstrated a credible fear of persecution or torture." *Id.*

35. On October 6, 2020, Immigration Judge Stuart A. Siegel ordered Petitioner removed to Cuba as he had made no applications for relief before the Court. *See* **Exhibit 10,** Order of Removal. Petitioner did not reserve appeal of the decision of the Immigration Judge, and his Order of Removal became final upon issuance. *Id.*

36. Following the issuance of the Final Order of Removal, DHS/ICE attempted to remove Petitioner to Cuba. However, the Cuban government refused to issue travel documents or otherwise accept his return. DHS has never succeeded in removing Petitioner to Cuba, and Cuba has consistently failed and refused to accept him.

37. On October 29, 2020, DHS issued a Notice of Custody Determination, releasing Petitioner from immigration detention pursuant to the requirements in *Fairhat v. ICE*, —F. Supp. 3d —, 2020 (WL 1932570) (C.D. Cal. Apr. 20, 2020). *See* **Exhibit 11**, DHS Form I-286.

38. On October 30, 2020, DHS/ICE issued a Petitioner an Order of Supervision detailing check-in requirements and released him from immigration detention. *See* **Exhibit 12,** I-220B.

39. The statutory 90-day removal period under 8 U.S.C. § 1231(a)(1)(B) began on October 6, 2020, when the Immigration Judge ordered Petitioner removed to Cuba and his order became final. DHS detained Petitioner continuously through at least October 30, 2020, and attempted to obtain travel documents from Cuba during that time. Cuba refused to issue travel documents or accept his return, and DHS was forced to release Petitioner on an Order of Supervision once that initial removal period expired and further detention proved ineffective. Thus, the mandatory 90-day removal period has long since elapsed, and Petitioner has already spent months in post-order detention tied to this same final order of removal.

B. Petitioner's Long-Term Release on Order of Supervision (I-220B)

40. Because Cuba would not accept Petitioner, and consistent with longstanding practice for similarly situated Cuban nationals, DHS continued to supervise Petitioner under an Order of Supervision with periodic check-ins. *See* **Exhibit 13,** I-220B showing consistent reporting since his release from immigration detention in 2020.

41. During this entire period, DHS remained unable to secure his removal to Cuba. There have been no material changes in Cuba's willingness to accept him; the impediment to his removal has persisted for years.

42. On August 26, 2024, DHS issued Petitioner an Employment Authorization Document. *See* **Exhibit 14,** EAD C18.

43. On August 10, 2025, Petitioner was arrested by Perry Georgia State Patrol and charged with misdemeanor DUI. He was released on bond and the case remains pending before the Peach County DA Office. Petitioner has not been convicted of this offense; it remains a pending misdemeanor charge, and there is no criminal judgment against him arising out of this arrest.

C. Abrupt Detention

44. On or about February 24, 2026, Petitioner appeared with undersigned counsel for a scheduled yearly check-in at the ICE/ERO Atlanta field office. *See* **Exhibit 15,** ICE Check In Notification.

45. During the ICE Check-In of February 24, 2026, ICE officers detained Petitioner and placed him in immigration custody.

46. During the ICE Check-In of February 24, 2026, Petitioner through counsel filed an I-246, Stay of Removal with ICE explaining that he had recently filed an Application for Adjustment of Status under Cuban Adjustment Act along with a corresponding Application for Employment Authorization with US Citizenship and Immigration Services ("USCIS") although receipts for those applications were still pending. *See* **Exhibit 16**, I-246 Package.

47. During the arrest at the ICE Check-In of February 24, 2026, a female ICE officer (who was training the ICE officer processing Petitioner's arrest and I-

213), verbally acknowledged that ICE would be unable to remove him to Cuba and that he was being detained so the agency could attempt removal to Mexico.

48. On the evening of February 24, 2026, Petitioner was transferred to Stewart Detention Center, an immigration detention facility in Lumpkin, Georgia.

49. On February 26, 2026, USCIS issued Petitioner receipts for his Application for Adjustment of Status under Cuban Adjustment Act along with a corresponding Application for Employment Authorization with USCIS . *See* **Exhibit 17,** I-485 and I-765 C09 Receipts.

50. On or about February 27, 2026, Petitioner was given a written notification in detention that ICE/ERO was denying the I-246, Stay of Removal that was filed on February 24, 2026. Counsel has not been able to obtain a copy of this denial. Respondents are the custodians of this original record and can produce it to the Court.

51. On March 7, 2026, USCIS issued a biometrics appointment for March 27, 2026. *See* **Exhibit 18,** Biometrics Notices. Note that due to recent changes in agency policy, as of December 5, 2025, USCIS will not accommodate biometric appointments of detained individuals. *See* **Exhibit 19**, USCIS Updated Policy on Biometrics for Detainees. It is unclear if USCIS will reuse existing biometric information as it has done in the past to continue the adjudication process of Petitioner's existing applications. To date, a decision

or update of the underlying applications for relief has not been issued by the agency, and the petitions remain pending with USCIS.

52. On March 16, 2026, after obtaining receipt notices for the underlying relief applications with USCIS, Petitioner through counsel filed via mail an updated I-246 Stay of Removal Packet to ICE/ERO in Atlanta, Georgia. *See* **Exhibit 20,** Updated I-246. This application remains pending with the agency.

E. Lack of Significant Likelihood of Removal to Cuba

53. Petitioner's final Order of Removal was issued on October 6, 2020. The 90-day "removal period" under 8 U.S.C. § 1231(a)(1) therefore expired in early January 2021. During and after that period, DHS attempted to remove Petitioner to Cuba but was unsuccessful because the Cuban government refused to issue travel documents or otherwise accept his return. DHS eventually released Petitioner under an Order of Supervision on October 30, 2020, precisely because it could not carry out the removal order to Cuba.

54. Petitioner has now been in his current period of post-order immigration detention since February 24, 2026. This is not his first post-order detention. It is simply the latest episode in a pattern that has persisted for almost six years in which DHS has been unable to execute the same final removal order. Throughout that entire time, Cuba has not changed its prior refusal to accept his return. DHS has provided no evidence to Petitioner or his counsel that Cuba is now willing to issue travel documents or admit him, and has

instead admitted that it is seeking to remove him to a third country, Mexico, without any indication that Mexico has agreed to accept him.

55. Petitioner's documented history of release under supervision, Cuba's consistent refusal to accept him, and ICE officers' own statements that they cannot remove him to Cuba all demonstrate that there is no significant likelihood of lawful removal to Cuba in the reasonably foreseeable future. Petitioner remains in ICE custody at Stewart Detention Center solely by virtue of a final order of removal that the government has been unable to execute for nearly six years and has no realistic prospect of executing in the foreseeable future.

LEGAL FRAMEWORK

56. Under 8 U.S.C. § 1231(a)(2), the government must detain a noncitizen during the initial 90-day "removal period" following a final order of removal.

57. After the 90-day removal period, detention is governed by 8 U.S.C. § 1231(a)(6), which provides that certain categories of noncitizens "may be detained beyond the removal period" if they are inadmissible, removable on certain criminal grounds, or determined to be a risk to the community or unlikely to comply with the order of removal.

58. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court construed § 1231(a)(6) to avoid serious constitutional problems by reading it to authorize detention only for a period reasonably necessary to bring about the noncitizen's removal. The Court held that once removal is no longer

reasonably foreseeable, continued detention is no longer authorized. "Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." *Id.* at 690.

59. Zadvydas established a six-month presumptively reasonable period of post-order detention. After six months, if the noncitizen provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to rebut that showing with evidence.

60. Here, although Petitioner's current period of detention beginning on February 24, 2026, is less than six months as of the filing of this Petition, his detention is not occurring in a vacuum. DHS has been trying and failing to remove him under the same October 6, 2020 removal order for nearly six years. Petitioner has already been subjected to prior periods of post-order detention tied to this order, followed by years of supervised release explicitly predicated on Cuba's refusal to accept him. Under *Zadvydas*, it is the practical foreseeability of removal, not the mechanical passage of a fresh six months, that controls. The long-standing, well-documented impediment to Petitioner's removal, combined with DHS's own admission that it cannot remove him to Cuba and is instead attempting to send him to a third country–Mexico–more than satisfies Petitioner's burden to provide "good reason to believe" that his removal is not significantly likely in the reasonably foreseeable future.

61. The Supreme Court further held in *Clark v. Martinez*, 543 U.S. 371 (2005), that the *Zadvydas* construction of § 1231(a)(6) applies equally to inadmissible noncitizens, making clear that the statute does not permit indefinite or potentially permanent detention for any class of noncitizens.

62. Further, immigration detention must "bear a reasonable relation to the purpose for which the individual was committed." *See Demore v. Kim,* 538 U.S. 510, 527 (2003).

63. The Due Process Clause of the Fifth Amendment independently prohibits arbitrary, indefinite civil detention and requires that immigration detention be reasonably related to its purpose: securing the person's presence for actual, feasible removal.

64. Moreover, under the Fifth Amendment of the United States Constitution, DHS and the EOIR may not deprive a noncitizen of notice and an opportunity to be heard. *See Mathews v. Elridge*, 424 U.S. 319 (1976).

65. DHS regulations recognize that noncitizens with final orders must generally be released under supervision where there is no significant likelihood of removal. See, e.g., 8 C.F.R. § 241.4, § 241.13 (post-order custody reviews; special review procedures for aliens who may not be removed).

66. In addition, Petitioner has filed an Application for Adjustment of Status under the Cuban Adjustment Act, together with a related Application for Employment Authorization, which USCIS has accepted and is presently adjudicating. Continuing to detain Petitioner indefinitely under 8 U.S.C. §

1231(a)(6) while he pursues a statutorily authorized path to lawful permanent residence, without any realistic prospect of removal to Cuba in the interim, further underscores the arbitrariness and disproportionality of his confinement.

67. Immigration Judges lack jurisdiction to order release or conduct bond hearings for individuals detained under 8 U.S.C. § 1231, further underscoring that Petitioner has no administrative avenue to obtain the relief he seeks and must resort to habeas corpus in federal district court.

CAUSES OF ACTION

COUNT I
Unlawful Indefinite Detention Under 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis*

68. Petitioner re-alleges and incorporates by reference paragraphs 1–67 as though fully set forth herein.

69. Petitioner has been subject to a final order of removal since October 6, 2020. The 90-day statutory removal period ended in early January 2021. DHS has had years to attempt to remove him to Cuba, yet it has never been able to secure travel documents or effectuate his removal. During that time, Petitioner has endured multiple periods of post-order detention and years of supervision under an Order of Supervision that explicitly recognized DHS's inability to remove him.

70. Taken together, these circumstances far exceed the "presumptively reasonable" six-month period contemplated in *Zadvydas* for purposes of

assessing the likelihood of removal. Under *Zadvydas*, these facts provide "good reason to believe" that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future, which shifts the burden to Respondents to rebut that showing with evidence.

71. DHS has not produced, and cannot produce, concrete evidence that Cuba—or any other country—is likely to accept Petitioner within a reasonably foreseeable time frame.

72. For significant periods of time, Petitioner was already released under an Order of Supervision precisely because DHS could not remove him. Nothing material has changed to justify his re-detention; to the contrary, the passage of time and unsuccessful removal efforts further demonstrate the absence of a realistic prospect of removal.

73. Respondents cannot rely on Petitioner's single pending misdemeanor DUI charge, for which there is no conviction and no evidence of dangerousness, to transform an otherwise unlawful, indefinite post-order detention into a permissible exercise of authority under § 1231(a)(6).

74. Under *Zadvydas*, continued detention under these circumstances exceeds the authority conferred by 8 U.S.C. § 1231(a)(6) and is unlawful.

75. Petitioner is therefore entitled to a writ of habeas corpus directing his immediate release under reasonable supervision conditions, such as those previously imposed via Form I-220B.

COUNT II
Violation of the Fifth Amendment: Substantive and Procedural Due Process

76. Petitioner re-alleges and incorporates by reference paragraphs 1–75 as though fully set forth herein.

77. The Due Process Clause of the Fifth Amendment protects noncitizens from arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental objective.

78. The government's interest in immigration detention is limited to ensuring appearance for removal and protecting the community from demonstrable danger. Once removal is no longer reasonably foreseeable, detention ceases to serve that purpose and violates due process.

79. Petitioner's continued detention, where there is no significant likelihood of removal in the reasonably foreseeable future, is arbitrary, excessive, and not narrowly tailored to any legitimate governmental interest, in violation of substantive due process. Less restrictive alternatives—such as restoring him to the Order of Supervision conditions under which he successfully lived and reported for years—are readily available and would fully serve any legitimate governmental objectives.

80. Additionally, Petitioner has been re-detained after years of compliant supervision without any meaningful notice, hearing, or opportunity to contest the necessity of detention. He has not been provided a neutral

decisionmaker's assessment of his risk of flight or danger to the community or the likelihood of removal, violating procedural due process.

81. For these reasons, Petitioner's continued detention violates the Fifth Amendment, and he is entitled to immediate release and injunctive relief preventing continued arbitrary detention and coercive removal efforts.

82. Moreover, by detaining Petitioner in a manner that prevents him from appearing in his own pending state criminal case and resolving charges that remain unproven and non-final, Respondents are interfering with his access to the courts and compounding the arbitrariness of his civil detention in violation of the Due Process Clause.

COUNT III
Unlawful Attempted Removal to a Third Country Without Lawful Authority

83. Petitioner re-alleges and incorporates by reference paragraphs 1–82 as though fully set forth herein.

84. Under 8 U.S.C. § 1231(b)(2), DHS must designate a country of removal and, where the designated country will not accept the noncitizen, must follow a specific statutory hierarchy for alternate countries of removal.

85. Petitioner's order of removal is to Cuba. Cuba has consistently refused to accept him. DHS has not lawfully redesignated Mexico as a country of removal, nor has Mexico formally agreed to accept him as a deportee.

86. DHS officers' attempt to force Petitioner's removal to Mexico is not authorized by § 1231(b)(2). It is an unlawful attempt to evade the statutory scheme governing country designation and acceptance.

87. The coercive method employed—detaining Petitioner in an effort to compel his removal to a third country without judicial order—further demonstrates that DHS's actions were beyond its lawful authority and in violation of federal law and constitutional constraints.

88. DHS's attempt to effectuate removal without compliance with § 1231(b)(2)'s procedures, and without the receiving country's explicit acceptance, underscores the absence of any genuine, lawful, and foreseeable prospect of removal to a third country.

89. Accordingly, Petitioner's ongoing detention cannot be justified on the basis of any lawful plan to remove him to Mexico or any other third country, reinforcing that his detention is unauthorized under 8 U.S.C. § 1231 and the Constitution and must end.

IRREPARABLE HARM AND BALANCE OF EQUITIES

90. Petitioner suffers irreparable harm every day he remains unlawfully detained.

91. Petitioner also faces irreparable harm in his pending misdemeanor DUI case in Byron Municipal Court. Because DHS/ICE has refused or failed to transport him to his scheduled criminal court hearings, his local criminal proceedings have been continued and effectively paused. Petitioner is

therefore unable to appear in person to defend himself, resolve the charges, or seek dismissal. This delay prejudices his ability to litigate his criminal case, creates ongoing uncertainty, and risks collateral immigration consequences based on an unresolved, non-final charge that cannot lawfully serve as a basis for prolonged immigration detention.

92. Petitioner is deprived of his liberty, separated from family and community, and subjected to the risk of further physical abuse and retaliation in ICE custody.

93. Petitioner has also recently suffered harm due to delayed and inadequate medical care while detained at Stewart. When ICE took him into custody in February 2026, he was wearing a cast for a fractured wrist. Despite his repeated complaints of severe itching, rash, and discomfort under the cast, it took detention staff more than three weeks to arrange for him to be seen by a specialist and to evaluate removal of the cast. During that period, his cast was not removed or properly examined, causing unnecessary pain, skin irritation, and risk of complications. The delay in providing timely medical attention underscores that Petitioner's continued detention exposes him to ongoing, irreparable physical harm and inadequate medical care that cannot be remedied by money damages after the fact. This pattern of indifference to Petitioner's serious medical needs rises above mere negligence and reflects deliberate indifference—i.e., criminal recklessness in the face of a known risk of serious harm—of the sort the Eleventh Circuit has held

unconstitutional. See *Wade v. McDade*, 67 F.4th 1363, 1370–72 (11th Cir. 2023).

94. The balance of equities strongly favors Petitioner. He lived for years under supervision while fully complying with ICE reporting requirements, and aside from a single pending misdemeanor DUI charge for which he was released on bond and never convicted, he poses no demonstrated danger or flight risk. The government's interest in continued detention is minimal where removal is not reasonably foreseeable.

95. The public interest is served by ensuring government compliance with statutory and constitutional limits on immigration detention and preventing abusive, coercive removal practices.

REQUEST FOR EXPEDITED ORDER TO SHOW CAUSE (RESPONSE WITHIN TEN DAYS)

96. Petitioner respectfully requests that the Court issue an expedited Order to Show Cause directing Respondents to file a return to the Petition within ten (10) days of service, and to address specifically, with evidentiary support, the likelihood of Petitioner's removal to Cuba in the reasonably foreseeable future.

97. This is a habeas corpus action brought pursuant to 28 U.S.C. § 2241. By statute and longstanding practice, habeas proceedings are intended to provide a swift and effective remedy where unlawful restraint of liberty is alleged. See, e.g., 28 U.S.C. § 2243 (directing that the court "shall forthwith

award the writ or issue an order directing the respondent to show cause why the writ should not be granted," and that the writ "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed").

98. Since Petitioner's final removal order became administratively final on October 6, 2020, DHS has had nearly six years to remove him, including prior post-order detention and years of supervision, far exceeding the six-month presumptively reasonable period recognized by *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), for assessing whether removal is reasonably foreseeable. As set forth in detail elsewhere in this Petition, there has been no significant likelihood of removal to Cuba in the reasonably foreseeable future at any point since 2020, and that remains true today. Each additional day of confinement, on top of the years DHS has already had to attempt and fail to remove him, inflicts ongoing constitutional injury.

99. The combination of (a) prolonged and effectively indefinite civil detention not reasonably related to any legitimate removal purpose, and (b) ongoing deliberate indifference—amounting to criminal recklessness—to Petitioner's serious medical needs, creates an urgent and continuing risk of irreparable harm. See *Goebert v. Lee County*, 510 F.3d 1312, 1326–27 (11th Cir. 2007) (deliberate indifference to serious medical needs violates constitutional rights); *McElligott v. Foley*, 182 F.3d 1248, 1255–59 (11th Cir. 1999)

(prolonged failure to provide necessary care and referrals to a prisoner in serious pain constitutes deliberate indifference).

100. Courts within this Circuit have recognized that where a habeas petitioner faces ongoing unlawful confinement and serious health consequences, expedited consideration is appropriate to vindicate the core function of the writ and prevent irreparable harm. See, e.g., *Hamm v. DeKalb County*, 774 F.2d 1567, 1573–75 (11th Cir. 1985) (pretrial/civil detainees are entitled to at least the same level of protection as convicted prisoners with respect to conditions of confinement and medical care); *Mann v. Taser Int'l, Inc.*, 588 F.3d 1291, 1306–07 (11th Cir. 2009) (reaffirming that deliberate indifference to serious medical needs violates due process).

101. An expedited order to show cause with a ten-day return deadline is fully consistent with the text and purpose of 28 U.S.C. § 2243. Although the statute sets a three-day return as the baseline, it expressly authorizes the Court to allow additional time "not exceeding twenty days" for good cause. Here, given the governmental respondents and the need to assemble records, a ten-day deadline balances the government's logistical interests with the statutory command that habeas review proceed "forthwith" and that any extension beyond three days be narrowly tailored.

102. The issues the Court must resolve at the outset are discrete and largely documentary: whether there is any concrete likelihood of Petitioner's

removal to Cuba in the reasonably foreseeable future, supported by sworn declarations or records of communications with Cuban authorities.

103. The balance of harms strongly favors expedited treatment. Petitioner faces ongoing unconstitutional detention and progressive physical harm with each passing day, while Respondents face only the modest administrative burden of responding within a shortened but statutorily contemplated timeframe. The public interest is served by prompt judicial review of potentially unlawful detention and alleged constitutional violations, especially where the petitioner has significant, documented health vulnerabilities.

104. Prompt issuance of an expedited Order to Show Cause will not prejudge the merits, but will ensure that the Court can consider the Petition on a complete and current factual record while there is still time to prevent further irreparable injury to Petitioner's health and liberty interests.

For all of these reasons, Petitioner respectfully requests that the Court:

A. Issue an Order to Show Cause forthwith, directing Respondents to file a return to the Petition and to show cause why the writ should not be granted within ten (10) days of service of the Order; and

B. Require that Respondents' return specifically address the current status of efforts to remove Petitioner to Cuba and any basis for asserting a significant likelihood of removal in the reasonably foreseeable future; and,

C. Grant such other and further expedited relief as the Court deems just and proper.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

D. Assume jurisdiction over this matter;

E. Issue an Order to Show Cause directing Respondents to file, within ten (10) days of service, a return explaining the legal and factual basis for Petitioner's continued detention and addressing whether there exists a significant likelihood of his removal to Cuba in the reasonably foreseeable future;

F. Issue a writ of habeas corpus under 28 U.S.C. § 2241 ordering Petitioner's immediate release from immigration detention under reasonable conditions of supervision, including, but not limited to, restoration of his prior Order of Supervision (Form I-220B) or equivalent conditions;

G. Declare that Petitioner's continued detention beyond the presumptively reasonable six-month period is unlawful under 8 U.S.C. § 1231(a)(6) as construed by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and violates the Due Process Clause of the Fifth Amendment;

H. Enjoin Respondents from re-detaining Petitioner under § 1231(a)(6) absent a material change in circumstances demonstrating a significant likelihood of removal in the reasonably foreseeable future and from attempting to coerce Petitioner into "self-removing" to Mexico or any other third country without lawful authority and formal acceptance by that country;

I. Order Respondents to provide Petitioner's counsel with all records and information pertaining to efforts to remove Petitioner to Cuba or any other country, post-order custody reviews, and any communications with foreign governments concerning his repatriation; and,

J. Grant such other and further relief, including costs and reasonable attorneys' fees if available under the Equal Access to Justice Act or other authority, as this Court deems just and proper.

Respectfully submitted this 24th day of April, 2026.

/s/ James M. Slater
James M. Slater, Esq.
Georgia Bar No. 169869
Slater Legal PLLC
2296 Henderson Mill Rd #116
Atlanta, GA 30345
Tel.: +1 (404) 458-7283
Email: james@slater.legal

As Local Counsel for Petitioner

Vilerka Solange Bilbao, Esq.*
Florida Bar No. 1012139
Bilbao Law LLC
301 W. Bay Street, Suite 1449
Jacksonville, FL 32202
Tel.: +1 (904) 300-0825
Email: vilerka@bilbaolaw.com

*As Lead Counsel for Petitioner**

* Pro Hac Vice forthcoming

VERIFICATION

Pursuant to 28 U.S.C. § 2242 and 28 U.S.C. § 1746, the undersigned counsel certify under penalty of perjury that we represent the Petitioner and make this verification on his behalf; that we have discussed the facts and allegations within this Petition with the Petitioner; and that based upon these discussions and a review of the underlying records, the facts set forth in the foregoing Petition are true and accurate to the best of our knowledge, information, and belief, and the attachments thereto are true and correct copies of the originals.

Respectfully submitted this 24th day of April, 2026.

/s/ James M. Slater
James M. Slater, Esq.
Georgia Bar No. 169869
Slater Legal PLLC
2296 Henderson Mill Rd #116
Atlanta, GA 30345
Tel.: +1 (404) 458-7283
Email: james@slater.legal

As Local Counsel for Petitioner

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