

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

Hayler Borges,

Petitioner,

3:26-cv-1005-MMH-MCR

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

WARDEN, BAKER COUNTY DETENTION CENTER;

ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

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

I. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody within this District.
2. Petitioner challenges only the legality of his continued detention, which violates the Constitution and governing statutes, and does not challenge the validity of the underlying removal order.

II. FACTUAL BACKGROUND

3. Petitioner entered the United States in 1998 through the visa lottery program and became a lawful permanent resident.
4. Petitioner was ordered removed on July 27, 2004, following a criminal conviction.
5. After that order, Petitioner was detained for approximately 90 days and then released under an Order of Supervision.
6. That release reflected a formal determination by the Government that Petitioner was neither a flight risk nor a danger to the community.
7. For more than twenty years, Petitioner complied fully with all conditions of supervision imposed by ICE.
8. Petitioner consistently reported as required, never absconded, maintained a known address, and committed no violations.

9. On January 21, 2026, Petitioner reported to ICE in Jacksonville for his routine annual check-in, as he had done for years.

10. Despite this history of full compliance, ICE abruptly detained Petitioner without warning or explanation.

11. ICE officers informed Petitioner that his Order of Supervision was no longer valid but failed to provide any written revocation notice.

12. Petitioner was not given any documentation, any explanation of alleged changed circumstances, or any opportunity to respond.

13. Petitioner was immediately taken into custody and transferred to Baker County Detention Center.

14. ICE's actions constituted a complete departure from its own regulatory procedures governing revocation of supervision.

15. In or about March 2026, ICE officers acknowledged to Petitioner that Cuba would not accept his return.

16. ICE attempted to secure Petitioner's consent for removal to Mexico, despite having no documentation that Mexico would accept him.

17. Petitioner lawfully refused to consent to speculative third-country removal.

18. ICE has not provided any travel document, itinerary, or confirmed country of removal.

19. As a result, Petitioner's detention has no defined endpoint and is effectively indefinite.

III. LEGAL ARGUMENT

A. Indefinite Post-Removal Detention Violates Due Process

20. Immigration detention is civil in nature and may not be used as punishment.

21. Detention must bear a reasonable relation to its purpose of effectuating removal.

22. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that detention becomes unconstitutional where removal is not reasonably foreseeable.

23. Once detention exceeds a reasonable period, the Government must demonstrate a significant likelihood of removal in the reasonably foreseeable future.

24. Here, Respondents cannot meet that burden.

B. Removal Is Not Reasonably Foreseeable

25. Cuba has refused repatriation of Petitioner.

26. ICE has acknowledged the absence of travel documents.

27. No third country has agreed to accept Petitioner.

28. ICE's attempt to remove Petitioner to Mexico is speculative and unsupported by any evidence.

29. These facts establish that removal is not reasonably foreseeable under *Zadvydas*.

C. Unlawful Re-Detention Without Changed Circumstances

Although Petitioner is currently detained under 8 U.S.C. § 1231(a)(6), constitutional due process governing arbitrary re-detention without changed circumstances apply with equal force, particularly where ICE has previously determined the Petitioner was neither a flight risk nor a danger to the community.

30. Petitioner was previously released after a determination that he was not a flight risk or danger.

31. Petitioner complied with that supervision for over twenty years without incident.

32. ICE's re-detention occurred without any new facts, violations, or changed circumstances.

33. Re-detention under these circumstances is arbitrary and unlawful.

34. Courts in this District, including *Padron Fuentes v. Ripa* and *Beltran v. Ripa*, have rejected attempts by the Government to justify re-detention absent new circumstances.

35. The Government may not reset the detention clock simply by re-arresting a compliant individual.

36. Allowing such conduct would eviscerate the constitutional limitations recognized in *Zadvydas*.

D. Revocation of Supervision Violated Due Process

37. ICE revoked Petitioner's release without providing notice, reasons, or a hearing.

38. This violates 8 C.F.R. § 241.4 and fundamental due process protections.

39. The governing regulations require meaningful notice of alleged changed circumstances.

40. ICE provided only conclusory assertions, without identifying any specific facts.

41. In *Padron Fuentes v. Ripa*, No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026), this Court held that revocation of supervision without meaningful notice or opportunity to respond violates due process.

42. The same constitutional violation is present here. The regulations specifically require that ICE conduct a prompt informal interview following revocation, which was never provided here. This is precisely the type of procedural failure that warrants immediate release.

E. Petitioner Is Not a Flight Risk or Danger

43. Petitioner's decades of compliance demonstrate he is neither a flight risk nor a danger.

44. ICE previously reached this same conclusion when it released him.

45. No evidence exists to justify a different determination now.

F. Continued Detention Serves No Legitimate Purpose

46. Supervision has already proven effective for over twenty years.

47. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), post-removal-order detention is constitutionally limited to a period reasonably necessary to effectuate removal. Once removal is no longer reasonably foreseeable, continued detention is no longer authorized and becomes unconstitutional.

48. Instead, detention has become excessive, punitive, and unconstitutional.

IV. PRAYER FOR RELIEF

49. WHEREFORE, Petitioner respectfully requests that this Court:

50. Grant the Petition for Writ of Habeas Corpus;

51. Order Petitioner's immediate release under reasonable conditions of supervision;

52. Alternatively, order Respondents to show cause why Petitioner should not be released;

53. Grant any additional relief the Court deems just and proper.

Date: 04-13-26

Signature: 

Hayler Borges, Pro Se

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Baker County Detention Center

20706 US-90 W

Sanderson, FL 32087

CERTIFICATE OF SERVICE

I certify that this Petition was placed in the institutional mail system at Baker County Detention Center, properly addressed to the Clerk of Court, United States District Court, Middle District of Florida, Jacksonville Division, for filing.

Date: 04-13-26

Signature: 

Hayler Borges, Pro Se