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UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF FLORIDA
(JACKSONVILLE DIVISION)

JONATTAN RAFAEL SILVA NASPE
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Florida Baker Correctional Institution;
_____, Field Office Director, ICE Jacksonville Field
Office; TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement; ALEJANDRO
MAYORKAS, Secretary of Homeland Security; MERRICK
GARLAND, United States Attorney General,
Respondents.

Civil Action No.: 3:26-cv-1069-WWB-SJ
PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS
(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner JONATTAN RAFAEL SILVA NASPE respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful, unconstitutional, and fundamentally unjust civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

This case presents a profound injustice. Petitioner is the father of an eight-month-old United States citizen daughter and the sole financial provider for his entire family. He is a legal worker, possessing a government-issued Employment Authorization Document (EAD), a Social Security

number, and a Florida driver's license. He has absolutely no criminal record.

On April 9, 2026, while riding as a passenger on his way to his construction job, the vehicle he was in was stopped. He was handcuffed and arrested by ICE. The justification provided was a supposed "appointment with ICE" that he had missed—an appointment he was never notified of and which his family attests is false. This pretextual arrest has torn a law-abiding worker from his job and a loving father from his infant child.

Petitioner is not a danger to the community—he has a spotless record and a letter from his employer attesting to his excellent character. He is not a flight risk—he is the only person supporting his partner and their baby daughter. His family depends entirely on him. His immigration case is active, and he had been fully compliant with the laws of this country.

Detaining a man under these circumstances is arbitrary and cruel. It serves no legitimate government interest and violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment. Freedom from arbitrary physical restraint is a cornerstone of American liberty.

Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ and order his immediate release, or, in the alternative, order an immediate individualized bond hearing before a neutral decision-maker where the Government bears the burden of justifying his continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Florida Baker Correctional Institution, located at 20706 US Highway 90 West, Sanderson, FL 32087. He is under the direct control of:

1. Warden, Florida Baker Correctional Institution;

2. Field Office Director, ICE Jacksonville Field Office;
3. Acting Director, United States Immigration and Customs Enforcement;
4. Secretary, Department of Homeland Security;
5. Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction over this petition under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus). The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) and § 2241(d) because the Petitioner is currently detained at the Florida Baker Correctional Institution, which is located within the Middle District of Florida, Jacksonville Division.

PARTIES

Party	Description
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	I, Jonattan Rafael Silva Naspe, A-Number  a citizen of
Petitioner	Venezuela, presently detained at the Florida Baker Correctional Institution.
Respondent	Warden, Florida Baker Correctional Institution, named in his official
1	capacity.

Party	Description
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Respondent	Field Office Director, ICE Jacksonville Field Office, named in his official
2	capacity.

Respondent	Acting Director, United States Immigration and Customs Enforcement,
3	named in his official capacity.

Respondent	
4	Secretary, Department of Homeland Security, named in his official capacity.

Respondent	
5	Attorney General, United States, named in his official capacity.

STATEMENT OF FACTS

1. Petitioner JONATTAN RAFAEL SILVA NASPE is a native and citizen of Venezuela, born on 
2. He entered the United States in August 2022 to seek asylum and safety. He has a pending asylum case.
3. Prior to his detention, Petitioner was fully compliant with U.S. law. He had a valid Employment Authorization Document (EAD, Category C08), a Social Security number, and a Florida driver's license. He worked as a construction laborer for  in Ocala, Florida, working 50-55 hours per week.
4. His employer has provided a letter confirming he is a "good worker," "responsible," "re-hirable," and poses no risk to the community.

5. On April 9, 2026, Petitioner was on his way to work as a passenger in a vehicle in Ocala, Florida. The vehicle was stopped by law enforcement.
6. Petitioner and the other occupants were ordered out of the car, handcuffed, and arrested by ICE. The stated reason for the arrest was that Petitioner had a "cita con ICE" (an appointment with ICE) that he had supposedly missed. This is false. Petitioner was never notified of any such appointment.
7. Petitioner has absolutely no criminal record in the United States or any other country.
8. Immediately after his arrest, he was taken to the Marion County Jail and was subsequently transferred to the Florida Baker Correctional Institution, where he remains.
9. Petitioner is the loving father of A [REDACTED], who was born in the United States and is an eight-month-old U.S. citizen.
10. Petitioner is the sole financial and emotional provider for his infant daughter and his partner, Yaniuska Silva. His partner cannot work as she must care for their baby full-time.
11. He also provides for his two older children, Yosnaily (18) and Y [REDACTED] (14), who live in Chicago.
12. The Government has not afforded Petitioner an individualized bond hearing before a neutral arbiter to determine if his detention is necessary.
13. During his detention, Petitioner's pre-existing health conditions, including chronic back pain and gastritis, have been aggravated, causing him significant pain and discomfort, as he is unable to follow his required diet.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Petitioner's detention is governed by 8 U.S.C. § 1226.

Because he has no criminal convictions, he is not subject to mandatory detention under § 1226(c). His custody is therefore governed by the discretionary standard of § 1226(a), which requires an individualized custody determination to assess whether he is a flight risk or a danger. Respondents' failure to provide such a hearing is a violation of the statute.

2. **Due Process Clause.** The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to all individuals within the United States, regardless of immigration status. The prolonged detention of a father to a U.S. citizen infant, who is not a flight risk or danger, and who was arrested under questionable pretenses, is fundamentally unfair and violates due process.

3. ***Mathews v. Eldridge* Balancing.** Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention violates due process. First, Petitioner has a fundamental private interest in his liberty and in the care and custody of his infant child. Second, the risk of erroneous deprivation is extremely high, as he is being held without a hearing based on a pretextual arrest. Third, the governmental burden of providing a bond hearing is minimal compared to the severe and irreparable harm of his continued confinement and family separation.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is being detained under an incorrect legal standard. As he has no criminal record, his detention is governed by the discretionary provisions of 8 U.S.C. § 1226(a).
3. Section 1226(a) and its implementing regulations require that Petitioner be afforded a prompt and individualized bond hearing where his eligibility for release can be assessed.
4. Respondents have detained Petitioner since April 9, 2026, without such a hearing, in direct violation of the INA.
5. Accordingly, Petitioner is entitled to an order requiring Respondents to provide him with an immediate bond hearing consistent with the statutory framework.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures, including a hearing before a neutral decision-maker. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner based on a pretextual claim of a "missed appointment" is an arbitrary, punitive action that serves no legitimate government purpose. It is fundamentally unfair to detain the father of a U.S. citizen infant without an individualized finding that his custody is necessary.
4. Petitioner has therefore suffered an unconstitutional deprivation of his liberty and is

entitled to relief.

COUNT THREE – VIOLATION OF FUNDAMENTAL RIGHT TO FAMILY UNITY

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The continued detention of Petitioner effectuates a forced and harmful separation from his eight-month-old U.S. citizen daughter, A 
3. This separation inflicts irreparable emotional and developmental harm on his child and denies her the support and care of her father during a critical phase of her life.
4. The detention serves no compelling government interest that outweighs the profound harm to Petitioner's constitutionally protected interest in the care and custody of his child. This action is therefore an unconstitutional infringement on his family rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention without an individualized bond hearing violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner

from the Florida Baker Correctional Institution.

6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary to ensure his future appearance or to protect the community.
7. Award reasonable costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Jonattan Rafael Silva Naspe, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: April 26, 2026

/s/ Jonattan Silva
Jonattan Rafael Silva Naspe
Pro Se

DECLARATION OF JONATTAN RAFAEL SILVA NASPE

A# 

I, Jonattan Rafael Silva Naspe, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

I am a native and citizen of Venezuela. I was born on 

 I entered the United States in or around August 2022. Since my arrival, I have been living and working in the United States and trying to build a stable life for my family.

Before my detention, I was working as a construction worker for

 I had been working there for approximately four months, working long hours each week and earning a steady income to support my family. My employer considered me a reliable and hardworking employee.

On April 9, 2026, I was detained in Ocala, Florida. On that day, I was on my way to work as a passenger in a vehicle with two other individuals. A police officer stopped the vehicle and asked the driver for his license. The officer then asked me and the other passenger for identification. After that, we were ordered to get out of the vehicle and were placed in handcuffs. When I asked why we were being arrested, the officer told us that we had an appointment with ICE. This was not true. I have never received any

notice of an ICE appointment, and my immigration case is being handled through the court system.

After my arrest, I was taken to Marion County Jail, and later transferred to Baker Correctional Institution, where I am currently detained.

I do not have any criminal record in the United States or in any other country. I have always tried to follow the law and work honestly. I have never been a danger to the community.

I have strong family ties in the United States. I live with my partner, Yaniuska Silva, and our infant daughter, A 

 who was born in the United States on August 20, 2025, and is a U.S. citizen. I also have two children who live in Chicago, an 18-year-old daughter and a 14-year-old son. All of them depend on me financially and emotionally.

I am the primary provider for my household. My partner is unable to work because she must care for our baby, and there is no one else to help with childcare. My detention has left my family in a very difficult situation, without financial support and with significant emotional hardship.

I also suffer from ongoing health issues, including frequent back pain and gastritis. These conditions affect my daily life, and my health has worsened while in detention.

I respectfully state that I should not be detained. I am not a danger to the community, and I am not a flight risk. I have strong family ties, stable employment history, and a clear intention to continue complying with all legal processes. My continued detention is causing severe harm to me and my family, especially my infant daughter.

I respectfully request that this Honorable Court grant my release so that I may return to my family and continue supporting them while my immigration case proceeds.

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

Executed on April 24, 2026.

/s/ Jonattan Silva

Jonattan Rafael Silva Naspe
Pro Se



Report

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Facility Page

Detention Information For:

JONATTAN RAFAEL SILVA-NASPE

Country of Birth: Venezuela

A-Number: 

Current Detention Facility:

Florida Baker Correctional Institute

20706 US 90 W

SANDERSON, FL 32087

Visitor Information: (386) 719-4500

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

KROME, MIAMI, FL, DOCKET CONTROL OFFICE

Phone Number: (305) 207-2101

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EOIR Automated Case Information

Court Closures Today April 22, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **SILVA-NASPE, JONATTAN RAFAEL**



Automated Case Information

Name: SILVA-NASPE, JONATTAN RAFAEL | A-Number:



| Docket Date: 1/19/2023



Next Hearing Information

Your upcoming **MASTER** hearing is **INTERNET-BASED** on **May 8, 2026 at 8:30 AM.**

JUDGE

Espinal, Pedro J.

WEBEX ADDRESS

<https://eoir.webex.com/meet/IJ.Espinal>



Court Decision and Motion Information



This case is pending.



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

500 N. ORANGE AVENUE STE.1100
ORLANDO, FL 32801

PHONE NUMBER

(407) 244-8900

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**DEPARTMENT OF HOMELAND SECURITY
CALL-IN LETTER**

To (Name, Address, City, State, Zip Code)

SILVA, WARE, TOWNE

File Number

Date Aug 28, 2022

Please come to the office listed below at the time and place indicated in connection with an official matter.

Office Location	6431 South Country Club Road, Tucson, AZ 85713: 520-620-7270
Time and Hour	OCTOBER 28, 2022, 0900 AM
Ask For	An ICE Deportation Officer for your ATD enrollment
Reason for Appointment	You have been paroled into the United States and are required to attend your immigration court hearings and ICE appointments to ensure that your immigration case moves forward. Failure to report may lead to being taken into custody or placed on additional forms of supervision.
Bring With You	Identification documents (birth certificate, government-issued identity documents such as driver's license or ID) and all immigration documents.

It is important that you keep this appointment and bring this letter with you.
If you are unable to do so, state your reason, sign below, and return this letter to this office at once.

David Beck, Deportation Officer

Name and Title of Authorizing Official

Signature of Authorizing Official

I am unable to keep the appointment because:

Signature

Date

DHS Form G-56 (1/09)