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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

3:26-CV-1031-WWB-PDB

EDDY EDUARDO RIVERO EXPOSITO

A#: 

Petitioner

v.

FIELD OFFICE DIRECTOR, ICE

WARDEN, NORTH FLORIDA DETENTION FACILITY

Respondents

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

Prepared Pro Se

Eddy Eduardo Rivero Exposito

Date: _____

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PETITION FOR WRIT OF HABEAS CORPUS

AND REQUEST FOR IMMEDIATE RELEASE

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner, Eddy Eduardo Rivero Exposito ("Petitioner"), respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the constitutionality and legality of his ongoing detention by Immigration and Customs Enforcement ("ICE").

Petitioner is currently detained without a final order of removal, despite having a pending application for lawful permanent residency and having previously obtained dismissal of his removal proceedings by the Department of Homeland Security ("DHS"). His continued detention violates the Due Process Clause of the Fifth Amendment and exceeds the statutory authority granted to immigration officials.

Absent immediate judicial intervention, Petitioner will continue to suffer unlawful deprivation of liberty and irreparable harm.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this judicial district and challenges the legality of that detention.

Venue is proper in the Middle District of Florida because Petitioner is detained within this district.

III. PARTIES

Petitioner:

Eddy Eduardo Rivero Exposito

A#: 

Respondents:

Field Office Director, ICE

Warden, North Florida Detention Facility

IV. STATEMENT OF FACTS

1. Petitioner is a native and citizen of Cuba.
2. Petitioner entered the United States in or about November 2020.
3. Petitioner was placed in removal proceedings but was later released.
4. Petitioner complied with all immigration requirements and maintained lawful presence under parole.
5. Petitioner filed an application for asylum and subsequently applied for adjustment of status under the Cuban Adjustment Act.
6. Petitioner's Form I-485 remains pending with U.S. Citizenship and Immigration Services (USCIS).
7. Petitioner was granted an Employment Authorization Document valid through July 31, 2029.
8. DHS filed a Motion to Dismiss removal proceedings, which was granted by the Immigration Court.
9. Petitioner does not have a final order of removal.
10. On March 31, 2026, Petitioner was arrested and subsequently transferred to ICE custody.
11. Petitioner is currently detained at the North Florida Detention Facility.
12. Petitioner suffers from chronic medical conditions, including asthma, diabetes, and hypertension.
13. Petitioner has resided in Jacksonville, Florida, where he has maintained a stable home and long-term relationship.

V. LEGAL ARGUMENT

A. PETITIONER'S DETENTION IS NOT AUTHORIZED BY STATUTE

Petitioner is not subject to a final order of removal and is actively pursuing lawful permanent residency. His continued detention lacks a clear statutory basis and exceeds the authority granted under immigration law.

Detention in this context is arbitrary and inconsistent with the framework established by Congress.

B. PETITIONER'S DETENTION VIOLATES THE FIFTH AMENDMENT

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

Petitioner's continued detention without a meaningful individualized determination of necessity constitutes a violation of substantive and procedural due process.

Federal courts have consistently held that immigration detention must bear a reasonable relation to its purpose. Here, detention serves no legitimate purpose where:

- There is no final order of removal
- Removal is not imminent
- Petitioner is pursuing lawful status

C. DETENTION IS UNREASONABLE AND EXCESSIVE

Even if initially permissible, continued detention becomes unconstitutional when it is prolonged and lacks justification.

Petitioner has:

- A pending I-485 application
- Valid employment authorization
- Strong community ties
- No demonstrated flight risk

Under these circumstances, continued detention is excessive and punitive in nature.

D. PETITIONER IS ELIGIBLE FOR RELIEF UNDER THE CUBAN ADJUSTMENT ACT

Petitioner meets the criteria for adjustment of status as a Cuban national who has been physically present in the United States for more than one year.

His pending application demonstrates that he is on a lawful path to permanent residency. Detention interferes with and undermines this legal process.

E. HUMANITARIAN AND MEDICAL FACTORS REQUIRE RELEASE

Petitioner suffers from serious medical conditions, including:

- Chronic asthma
- Diabetes
- Hypertension

These conditions require consistent medical monitoring and treatment. Detention conditions place Petitioner at increased risk of harm and deterioration of his health.

Courts have recognized that medical vulnerability is a critical factor supporting release from immigration detention.

F. PETITIONER IS NOT A FLIGHT RISK OR DANGER

Petitioner has established strong ties in the United States, including:

- Long-term residence in Jacksonville, Florida
- A committed relationship of approximately nine years with his partner
- A father who is a lawful permanent resident

Petitioner is willing to comply with any conditions imposed by the Court, including supervision or electronic monitoring.

VI. IRREPARABLE HARM

Petitioner's continued detention constitutes ongoing and irreparable harm, including:

- Loss of liberty
- Emotional and psychological distress
- Risk to his health due to medical conditions

No adequate remedy at law exists to compensate for these harms.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody; OR
3. In the alternative, order an individualized bond hearing before an Immigration Judge;
4. Grant any other relief the Court deems just and proper.

Respectfully submitted,



Date: 04/25/2026

Eddy Eduardo Rivero Exposito

A#:

