

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

Miguel Alejandro Morales Rodriguez,

Petitioner,

v.

Warden of Baker Detention Center;  
Todd Lyons, Director of U.S. Immigration  
and Customs Enforcement;  
Markwayne Mullin, Secretary of the U.S.  
Department of Homeland Security;  
Todd ) Blanche, Attorney General of the  
United States; and the Miami Field Office  
Director of ICE Removal and  
Enforcement Operations in their  
official capacities,

Respondents.

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Case No.: 3:26-cv-1081

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1. Petitioner, **Miguel Alejandro Morales Rodriguez**, is a twenty-six (26) year old native and citizen of Venezuela. He entered the United States (U.S.) on August 3, 2022, and was paroled under 8 U.S.C. § 1182(d)(5)(a). **See Parole attached hereto as Exhibit 1.**

2. On or about January 24, 2026, after years living in the U.S. and filing for asylum, Petitioner was arrested by the Polk County Sheriff's Office while walking alongside the roadway after the vehicle in which he was riding broke down. He was subsequently charged with resisting a lawful order without violence, a first-degree misdemeanor under Florida law. **See Arrest Report and Information attached hereto as Composite Exhibit 2.**

3. At the time of his arrest, Petitioner was attempting to find assistance and safe refuge. He was not engaged in any violent conduct, and the charge itself cannot remotely suggest that he poses a danger to the community.

4. On April 16, 2026, after being detained for almost ninety (90) days in the Polk County Jail, Petitioner pled guilty to said charge. He was sentenced to forty-five (45) days, credited for the time served, and payment of court costs and fees. **See Judgment and Sentencing Report attached hereto as Exhibit 3.**

5. Upon release, Petitioner was transferred into the custody of Immigration and Customs Enforcement ("ICE") and is currently detained at Baker Detention Center.

6. The Department of Homeland Security ("DHS") has now detained Petitioner under 8 U.S.C. § 1225(b)(2), even though he was paroled under 8 U.S.C. § 1182(d)(5)(a).

7. Petitioner has lived in the U.S. since his entry, has no criminal history other than the misdemeanor described above, and had no prior encounters with law-enforcement prior to his arrest.

8. Petitioner is not subject to mandatory detention under either 8 U.S.C. § 1225(b)(2) or §1226(c) and is therefore eligible for release under 8 U.S.C. § 1226(a).

9. Petitioner respectfully asks this Honorable Court to order his immediate release or, in the alternative, to find that he is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and order a bond hearing affording him the constitutional safeguards required under the Fifth Amendment.

10. Accordingly, to vindicate Petitioner's rights, this Court should grant this Petition for a Writ of Habeas Corpus.

## JURISDICTION

11. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution.

13. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

## VENUE

14. Venue is proper because Petitioner is detained at the Baker County Detention Center, within the jurisdiction of this District.

15. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States and Respondent, Warden of Baker County Detention Center, resides in this District.

## REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause

is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

17. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been described as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” Fay v. Noia, 372 U.S. 391, 400 (1963).

### PARTIES

18. Petitioner is a native and citizen of Venezuela. He is currently detained at Baker County Detention Center and in custody under the authority, direction, and control of Respondents and their agents.

19. Respondent **Warden of Baker County Detention Center** has immediate physical custody of Petitioner pursuant to the facility’s arrangement with U.S. Immigration and Customs Enforcement to detain noncitizens and is therefore a proper Respondent.

20. Respondent **Todd Lyons** is sued in his official capacity as the Director of U.S. Immigration and Customs Enforcement (“ICE”). Respondent Lyons

is a legal custodian of Petitioner and has authority over his detention and release.

21. Respondent **Markwayne Mullin** is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In that capacity, he is responsible for the administration and enforcement of the INA and oversees the agencies responsible for Petitioner's detention and custody.

22. Respondent **Todd Blanche** is sued in his official capacity as the Attorney General of the United States. In that capacity, he oversees the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA").

23. Respondent **Miami Field Office Director** of ICE, Enforcement and Removal Operations ("ERO"), is sued in his official capacity as the Field Office Director for the Miami Field Office, which covers Flagler County. Respondent Miami Field Office Director is a legal custodian of Petitioner and has authority to release him.

#### **STATEMENT OF THE FACTS**

24. Petitioner is a citizen of Venezuela. He has no criminal history in the United States or elsewhere other than the aforesaid misdemeanor.

25. After being released from Flagler County Jail, Petitioner was issued a Notice to Appear and placed in removal proceedings under 8 U.S.C. § 1229a.

26. On June 3, 2023, within the one-year statutory deadline, Petitioner filed a Form I-589, Application for Asylum and for Withholding of Removal, with the United States Citizenship and Immigration Services ("USCIS"). Petitioner's asylum application remains pending, and he has completed biometrics. **See I-797 Notice of Receipt and Biometrics Notice attached hereto as Exhibit 4.**

27. Petitioner has valid Employment Authorization and Social Security cards. **See Employment Authorization Card and Social Security Card attached hereto as Composite Exhibit 5.**

### CONSTITUTIONAL FRAMEWORK

28. District courts have the power to grant writs of habeas corpus. 28 U.S.C. § 2241(a). The Constitution guarantees that the writ of habeas corpus is available to every person detained within the United States. See Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004); Preiser v. Rodriguez, 411 U.S. 475, 484 (1973).

29. The Constitution also guarantees every person within the United States the protection of the Fifth Amendment, including noncitizens. See,

e.g., Yamataya v. Fisher, 189 U.S. 86, 100–01 (1903); Zadvydas v. Davis, 533 U.S. 678, 693–95 (2001).

30. Petitioner was paroled under 8 U.S.C. § 1182(d)(5)(a) and thereafter allowed to live freely in the U.S. on his own recognizance. He therefore obtained a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding re-detention. See Young v. Harper, 520 U.S. 143, 146–47 (1997); Gagnon v. Scarpelli, 411 U.S. 778, 781–82 (1973); Morrissey v. Brewer, 408 U.S. 471, 482–83 (1972).

31. In Morrissey, the Supreme Court examined the “nature of the interest” that a parolee has in “his continued liberty.” *Id.* at 481–82. The Court noted that, subject to conditions, such a person can be gainfully employed, remain with family and friends, and form the enduring attachments of normal life.

32. The Court further explained that such liberty, though conditional, includes many of the core values of unqualified liberty and that its termination inflicts a grievous loss on the individual and often others. “By whatever name, that liberty is valuable and must be seen within the protection of the [Fifth] Amendment”. Morrissey, 408 U.S. at 482.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**  
**WOULD BE FUTILE**

33. For Habeas Corpus claims, exhaustion is prudential, rather than jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017).

"[A] court may waive the prudential exhaustion requirement if administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (citation and quotation marks omitted).

34. Exhaustion of remedies is unnecessary if "the administrative body is shown to be biased or has otherwise predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148, 112 S. Ct. 1081, 117 L. Ed. 2d 291 (1992); see also *Shalala v. Ill. Counsel on Long Term Care, Inc.*, 529 U.S. 1, 13, 120 S. Ct. 1084, 146 L. Ed. 2d 1 (2000).

35. Indeed, this District Court has found that because the BIA's decision in *Matter of Yajure Hurtado* categorically bars immigration judges from conducting bond hearings for individuals who entered without inspection, waiver of the exhaustion requirement is appropriate under these set of circumstances. ("Petitioner need not exhaust

administrative remedies if the administrative body is shown to be biased or has otherwise predetermined the issue before it. Requiring [Petitioner] to make an administrative request for a bond hearing would be futile because the result is predetermined by Yajure Hurtado.) See *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895, at \*3 (M.D. Fla. Oct. 31, 2025) (citation and quotation marks omitted).

36. Given the foregoing reasons, seeking a bond from the Executive Office of Immigration Review (“EOIR”) without a previous order from this Court will be futile.

**FRAMEWORK UNDER SECTIONS 1225(b)(2) AND 1226(a)**

37. At the heart of this case is the intersection between 8 U.S.C. §§ 1225(b)(2) and 1226(a) in the context of a noncitizen who, like Petitioner, was detained while already present in the United States years after entry, after having previously been released under 8 U.S.C. § 1182(d)(5) parole, and is now subject to mandatory detention under § 1225(b)(2).

38. Sections §1225 and §1226 serve distinct functions within the INA. Section 1225 governs applicants for admission—individuals who are at or near the border and are actively seeking entry into the United States. Section 1226 governs noncitizens who, like Petitioner, are already present in the

United States and were placed in INA 240 removal proceedings under 8 U.S.C. § 1229a.

39. §1226(a) governs the detention of noncitizens in standard non-expedited removal proceedings. See 8 U.S.C. §1226(a); 8 U.S.C. §1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

40. Critically, Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c), as the offense to which he pled guilty is neither a crime involving moral turpitude requiring mandatory detention, nor an aggravated felony, nor any other offense triggering mandatory detention under that statute.

41. On July 8, 2025, DHS issued interim guidance instructing that persons who entered without inspection are to be treated as subject to mandatory detention under § 1225(b)(2)(A), regardless of when they were apprehended or how long they have resided in the United States.

42. On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure-Hurtado*, holding that immigration judges lack authority to conduct

bond hearings for individuals who entered without admission because they are deemed “applicants for admission” subject to mandatory detention under § 1225(b)(2)(A). See Matter of Yajure-Hurtado, 29 I. & N. Dec. 216 (BIA 2025).

43. Notably, this District has already rejected the legal theory that every noncitizen who entered without inspection is automatically subject to mandatory detention under § 1225(b)(2). See Garcia v. Noem, No. 2:25-cv-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); Carcamo v. Noem, No. 2:25-cv-00922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025); Gomez Rodriguez v. Noem, No. 2:25-cv-01115-SPC-NPM, 2025 WL 3771268 (M.D. Fla. Dec. 31, 2025); Navarro Perera v. Bondi, No. 2:25-cv-01054-SPC-NPM, 2025 WL 3515616 (M.D. Fla. Dec. 8, 2025).<sup>1</sup>

44. In analyzing the 1225/1226 framework, this District Court has established a distinction between noncitizens actively seeking admission and those already present in the U.S.

45. In *Hinojosa-Garcia*, this Court ruled: “Section 1225(b)(2) mandates the detention of applicants for admission “if the examining immigration officer

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<sup>1</sup> This list is non-exhaustive as there are too many cases to possibly cite herein.

determines that an alien seeking admission is not clearly and beyond a doubt entitled to admission[.]” The INA defines “admission” and “admitted” as:

**“the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A). By using the term “seeking admission,” Section 1225(b)(2) limits its application to aliens actively attempting to lawfully enter the United States. That interpretation is supported by Section 1225’s repeated reference to “arriving aliens” and the existence of Section 1226 – a separate statute that allows for detention and removal of noncitizens already present in the country.”**

**PETITIONER FALLS UNDER THE 1226(a) FRAMEWORK**

46. First, Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c), as the offense to which he pled guilty does not trigger mandatory detention under that statute.

47. Second, U.S.C. § 1225(b)(2) likewise does not apply to Petitioner because he is not a recent arrival and was not actively seeking admission at the time he was taken into immigration custody.

48. Petitioner is instead subject to 8 U.S.C. § 1226(a), given that he previously entered the United States, was released, lived here for years, and was later re-detained while already present in the interior of the country.

49. No amount of logic can reasonably stretch the phrase “seeking admission” to encompass someone who entered the country years ago, established a life here, and was living in Florida until his arrest. At the time of his detention, Petitioner was not “seeking” anything-- he was simply present in the United States.

50. Petitioner’s continued detention under § 1225(b)(2) is therefore unlawful.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE: VIOLATION OF THE FIFTH AMENDMENT RIGHT TO DUE PROCESS**

51. Petitioner realleges and incorporates by reference the foregoing paragraphs as though fully set forth herein.

52. To determine whether civil detention violates a detainee's due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts consider (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative

burdens that the additional or substitute procedural requirement would entail. See *id.* at 335.

53. Here, all three factors favor Petitioner. He has a significant private interest at stake. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (freedom from physical detention is “the most elemental of liberty interests”); see also *Zadvydas*, 533 U.S. at 690 (“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 protects.”).

54. The risk of erroneous deprivation is likewise substantial because Respondents have imposed mandatory detention under the wrong statute and thereby denied Petitioner any meaningful bond hearing or individualized custody determination.

55. Because § 1225 does not lawfully apply here, Petitioner’s detention violates the Fifth Amendment. Petitioner is also being deprived of a fair bond hearing with the procedural safeguards required by due process.

56. Moreover, the fact that Petitioner was charged with resisting an officer without violence does not establish that he is now a danger to the community or a flight risk to justify revocation of his prior release. The

charge is nonviolent, has already been resolved, and therefore does not meaningfully support continued detention on either rationale.

**COUNT TWO: UNLAWFUL DETENTION IN  
VIOLATION OF THE INA AND IMPLEMENTING REGULATIONS**

57. Petitioner realleges and incorporates by reference the foregoing paragraphs as though fully set forth herein.

58. The INA authorizes immigration detention only where it serves a legitimate statutory purpose—namely, ensuring appearance at future proceedings or protecting public safety. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that does not advance those purposes, or that becomes arbitrary, exceeds the Government's statutory authority.

59. DHS already made an individualized determination when it released Petitioner, thereby determining that detention was unnecessary to serve those purposes.

60. DHS has now re-detained Petitioner under § 1225(b)(2), a statute that does not apply to him, and has thereby deprived him of the custody process available under § 1226(a).

61. The fact that Petitioner was charged with resisting an officer without violence does not establish that he is now a danger to the community or a

flight risk to justify revocation of his prior release. The charge is nonviolent, has already been resolved, and therefore does not meaningfully support continued detention on either rationale.

62. In the absence of any reliable evidence showing that Petitioner poses a danger or flight risk, his continued detention bears no reasonable relation to ensuring his appearance or protecting public safety. Nor is his detention tied to any imminent removal, especially given that Petitioner has a pending I-589.

63. DHS's re-detention of Petitioner under § 1225(b)(2), without a proper individualized reassessment grounded in actual facts, constitutes an arbitrary reversal of its prior custody determination and exceeds its statutory authority under the INA.

64. By imposing mandatory detention under an inapplicable statute and without a proper individualized reassessment consistent with the INA, Respondents have acted beyond the scope of their statutory authority.

65. In the alternative, should Respondents contend that detention here rests solely on Petitioner's manner of entry rather than his actual present-day circumstances, then such detention is untethered to the INA's legitimate

purposes and does not reasonably relate to ensuring appearance or protecting public safety.

66. For these reasons, Petitioner's detention is unlawful under the INA and implementing regulations.

**COUNT THREE: VIOLATION OF THE ADMINISTRATIVE  
PROCEDURE ACT, 5 U.S.C. § 706(2)(A)**

67. Petitioner realleges and incorporates by reference the foregoing paragraphs as though fully set forth herein.

68. Under the Administrative Procedure Act ("APA"), a court shall hold unlawful agency action that is arbitrary, capricious, not in accordance with law, contrary to constitutional right, or in excess of statutory jurisdiction, authority, or limitations.

69. Congress made clear that mandatory detention under 8 U.S.C. § 1225(b) applies to applicants for admission who are "seeking admission," whereas noncitizens already present in the U.S. and arrested on warrant are governed by § 1226(a), which permits release on bond.

70. Courts across the U.S. and this District, have interpreted § 1225 to apply to arriving noncitizens seeking admission and § 1226 to apply to noncitizens already present in the U.S.

71. DHS's application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law because it disregards that statutory distinction and treats Petitioner as an applicant for admission even though he has long been present within the U.S.

72. By categorically detaining Petitioner despite his prior release and absent any legally sufficient basis to conclude that he now presents a danger or flight risk, Respondents have abused their discretion and acted contrary to law.

73. For these reasons, Petitioner's detention violates the APA.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three (3) days why this Petition should not be granted pursuant to 28 U.S.C. § 2243;
- (3) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

- (4) Issue a Writ of Habeas Corpus ordering Respondents to either release Petitioner immediately or, in the alternative, schedule a bond hearing before an immigration judge and, at such hearing, afford Petitioner a meaningful opportunity to seek a fair bond with proper constitutional safeguards, including DHS bearing the burden to prove that Petitioner is a danger to the community or a flight risk.
- (5) Issue an Order prohibiting the Respondents from transferring Petitioner without the Court's approval.
- (6) Issue an Order stating that Petitioner shall not be subjected to conditions of release stricter than those previously in place, such as an ankle monitor or placement in Intense Supervision Appearance Program (ISAP)
- (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Sebastian Martinez  
**Sebastian Martinez, Esq.**  
**Law Office of Sebastian Martinez,**  
**P.A. 1100 St. Charles Pl., #701**

**Pembroke Pines, FL 33026**

*Counsel for Petitioner*

Dated: April 30, 2026

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, **MIGUEL ALEJANDRO MORALES RODRIGUEZ**, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 30<sup>th</sup> day of April, 2026.

/s/ Sebastian Martinez  
**Sebastian Martinez, Esq.**