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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Levi Sady Hernandez Cardona

Petitioner,

v.

Warden, Baker Correctional Institution;
Field Office Director, U.S. Immigration and
Customs Enforcement, Miami Field Office;
Todd Lyons, U.S. Immigration and Customs
Enforcement;
Marwayne Mullin, Secretary of the U.S. Department
of Homeland Security; and
Todd Blanche, Attorney General of the United
States;
Respondents.

Case No.: 3:26-cv-1083

**PETITION FOR WRIT OF HABEAS
CORPUS**

IMMIGRATION HABEAS CASE

PRELIMINARY STATEMENT

Petitioner Levi Sady Hernandez Cardona ("Petitioner"), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his ongoing civil immigration detention by the United States Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

Petitioner is currently detained at Baker Correctional Institution in Sanderson, Florida, within the territorial jurisdiction of this Court, where he has remained confined since on or about

January 8, 2026, following a minor traffic stop in which he was merely a passenger despite his possession of a valid Florida driver's license and his absence of any criminal conduct.

Petitioner is an asylum seeker with a pending application for asylum filed in 2023, which remains adjudicated. He is presently in active removal proceedings before the Executive Office for Immigration Review, and no final order of removal has been entered against him.

Although Petitioner was initially granted bond by an Immigration Judge, that bond order was subsequently vacated following a change in governing law, leaving Petitioner without any constitutionally adequate individualized determination as to whether his continued detention is necessary. The Immigration Judge's initial grant of bond itself reflected a finding that Petitioner presented no danger and no undue flight risk—a finding that has not been meaningfully revisited or overturned on the merits.

Petitioner has significant ties to the United States, including a minor son and a pregnant wife who is six months pregnant with their second child, who are entirely dependent upon him for financial and emotional support. His detention arises not from any criminal conduct, but from a routine traffic stop in which he was merely a passenger, underscoring the absence of any legitimate public safety justification for his continued confinement.

Civil immigration detention is constitutionally permissible only insofar as it reasonably relates to its regulatory purposes and is accompanied by adequate procedural safeguards. Where, as here, an initial bond grant has been overturned by operation of a generalized change in law rather than an individualized reassessment, due process demands a renewed, meaningful hearing at which the Government bears the burden of demonstrating that continued detention is necessary.

Accordingly, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order Respondents to either: (1) immediately release Petitioner under reasonable conditions of supervision; or (2) provide Petitioner with a prompt and constitutionally adequate individualized bond hearing before an Immigration Judge, at which the Government bears the burden of proof by clear and convincing evidence.

JURISDICTION AND VENUE

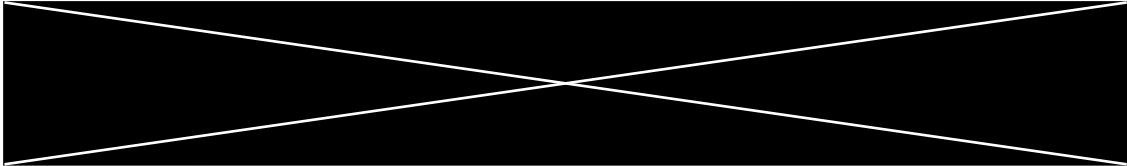
1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2241, which authorizes federal district courts to grant writs of habeas corpus to persons held in custody under or by color of the authority of the United States in violation of the Constitution or laws of the United States. Petitioner challenges the legality of his continued immigration detention by DHS and ICE, and therefore properly invokes this Court's habeas jurisdiction.
2. This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States. Petitioner alleges that his continued detention without constitutionally adequate process violates the Due Process Clause of the Fifth Amendment.
3. Federal district courts retain jurisdiction under 28 U.S.C. § 2241 to review the statutory and constitutional basis for executive detention, including detention imposed pursuant to the immigration laws of the United States.
4. Venue is proper in this District and Division pursuant to 28 U.S.C. § 2241(a) because Petitioner is detained at Baker Correctional Institution in Sanderson, Florida, which is located within the Middle District of Florida, Jacksonville Division.
5. Venue is further proper because Petitioner's immediate custodian, the Warden of Baker Correctional Institution, is located within this District, and the ICE Field Office Director for the Miami Field Office exercises legal custody and control over Petitioner's detention within this District.

PARTIES

6. Petitioner Levi Sady Hernandez Cardona is a native and citizen of Honduras, A-Number , presently detained by U.S. Immigration and Customs Enforcement ("ICE") at Baker Correctional Institution, 20706 FL-10, Sanderson, Florida 32087. Petitioner is in the custody of Respondents and is being subjected to ongoing civil immigration detention in violation of the Constitution and laws of the United States.
7. Respondent Warden, Baker Correctional Institution, is the official responsible for Petitioner's immediate physical custody and day-to-day detention at the facility where Petitioner is confined. The Warden is sued in his or her official capacity.

8. Respondent Field Office Director, ICE Miami Field Office, is responsible for overseeing immigration enforcement and detention operations within this region, including the facility where Petitioner is detained. Respondent is sued in his or her official capacity.
9. Respondent Todd Lyons, Director of U.S. Immigration and Customs Enforcement, is responsible for the administration and enforcement of immigration detention policies nationwide. Respondent is sued in his or her official capacity.
10. Respondent Markwayne Mullin, Secretary of the U.S. Department of Homeland Security, is responsible for the overall administration and enforcement of the immigration laws of the United States, including the detention of noncitizens. Respondent is sued in her official capacity.
11. Respondent Todd Blanche, Attorney General of the United States, is responsible for the administration of the immigration court system through the Executive Office for Immigration Review and for the legal framework governing removal proceedings. Respondent is sued in her official capacity.

FACTUAL AND PROCEDURAL BACKGROUND

12. Petitioner Levi Sady Hernandez Cardona is a native and citizen of Honduras, born on   in Ajuterique, Comayagua, Honduras.
13. Petitioner entered the United States at or near Brownsville, Texas on or about August 28, 2021, fleeing gang violence and extortion threats directed against him and his family in Honduras.
14. Prior to his departure from Honduras, Petitioner operated a fruits and vegetable business in the community of 

15. Following his entry into the United States, Petitioner relocated to Jacksonville, Florida, where he has since resided and maintained substantial ties to the community at 


16. On or about October 24, 2023, Petitioner filed a Form I-589, Application for Asylum and for Withholding of Removal, before the Executive Office for Immigration Review. That application remains pending and has not yet been adjudicated.
17. Petitioner is presently in removal proceedings before the Executive Office for Immigration Review. A Notice to Appear (NTA) was issued on January 9, 2026, charging Petitioner under INA §§ 212(a)(7)(A)(i)(I) and 212(a)(6)(A)(i). No final order of removal has been entered against him.
18. On or about January 8, 2026, Petitioner was a passenger in a vehicle traveling in the Jacksonville, Florida area. The vehicle was stopped by law enforcement because the registration sticker was reportedly not visible—a minor traffic-related infraction.
19. Petitioner was not the driver of the vehicle. He possessed a valid Florida driver's license and was not engaged in any criminal conduct at the time of the stop. He has no criminal record of any kind.
20. Following the traffic stop, Petitioner was detained by local law enforcement for several days at the St. Johns County facility, after which U.S. Immigration and Customs Enforcement took Petitioner into immigration custody.
21. Petitioner has been in immigration custody since on or about January 8, 2026, and is currently detained at Baker Correctional Institution in Sanderson, Florida.
22. Petitioner appeared before an Immigration Judge for his initial hearing on February 20, 2026, at Baker Correctional Institution. Subsequent hearings were held, including proceedings on or about April 17, 2026.
23. An Immigration Judge conducted a bond hearing and initially granted Petitioner bond, reflecting a finding that Petitioner did not pose a danger to the community and did not present an undue flight risk. That bond determination was subsequently vacated or overturned as a result of a change in governing law or policy rather than any individualized reassessment of Petitioner's particular circumstances.

24. Since the vacatur of his bond, Petitioner has remained detained without any constitutionally adequate individualized determination as to whether his continued confinement is necessary.

25. Petitioner has significant family ties in the United States. His wife, Jeimi Baquedano, is currently six months pregnant with their second child and depends on Petitioner for financial and emotional support. Petitioner's minor son, E [REDACTED], born [REDACTED], also resides in the United States and depends on Petitioner for care.

26. Petitioner has no criminal history in the United States or abroad. He has maintained compliance with all obligations in his removal proceedings and has demonstrated a consistent record of responsibility and cooperation with immigration authorities.

27. There is no credible indication that Petitioner poses a danger to the community or a flight risk, particularly in light of his pending asylum claim, his family ties, his clean record, and his prior compliance with all immigration requirements.

28. Despite these circumstances, Respondents continue to detain Petitioner without providing constitutionally adequate process to justify his continued confinement.

STATUTORY AND CONSTITUTIONAL FRAMEWORK GOVERNING DETENTION

29. The Immigration and Nationality Act ("INA") authorizes the detention of noncitizens in removal proceedings under limited statutory provisions, including 8 U.S.C. §§ 1226 and 1231. The scope and duration of such detention, however, are constrained by the Constitution.

30. Under 8 U.S.C. § 1226(a), the Government may detain a noncitizen pending a decision on removal, but such detention is discretionary and contemplates the availability of release on bond or conditional parole.

31. Civil immigration detention under § 1226(a) is regulatory, not punitive, and must bear a reasonable relation to its legitimate purposes, including ensuring appearance at proceedings and protecting the community. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. The Supreme Court has made clear that the Due Process Clause of the Fifth Amendment applies to all "persons" within the United States, including noncitizens, and prohibits arbitrary or indefinite detention. See *id.* at 693.
33. Although Congress has authorized immigration detention, that authority is not without constitutional limits. The Supreme Court has made clear that the relevant detention statutes do not themselves mandate procedural protections, leaving constitutional concerns to be addressed through habeas review. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 846–47 (2018).
34. Immigration detention is civil in nature and must bear a reasonable relation to its regulatory purposes; it may not become punitive or excessive in relation to those purposes. See *Zadvydas v. Davis*, 533 U.S. at 690.
35. The Supreme Court has further recognized that even where detention is statutorily authorized, courts retain authority to assess its constitutionality. See *Demore v. Kim*, 538 U.S. 510, 523 (2003).
36. Civil detention without adequate procedural safeguards raises serious constitutional concerns and may violate due process. See *Zadvydas v. Davis*, 533 U.S. at 701.
37. The Eleventh Circuit has recognized that habeas corpus provides an avenue to challenge unlawful immigration detention, including detention that exceeds constitutional limitations. See *Madu v. U.S. Attorney General*, 470 F.3d 1362, 1366–67 (11th Cir. 2006).
38. Courts have recognized that due process requires an individualized determination of whether continued detention is necessary to serve the Government's regulatory interests.
39. Such process requires a meaningful hearing before a neutral decisionmaker at which the Government must justify continued detention.
40. Where, as here, a noncitizen is detained without any constitutionally adequate individualized determination of necessity—particularly where a prior bond grant was

vacated by operation of law rather than individual merits—continued detention violates the Due Process Clause.

41. Such unlawful detention warrants relief under 28 U.S.C. § 2241.

**COUNT I: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE
—DETENTION WITHOUT A CONSTITUTIONALLY ADEQUATE
INDIVIDUALIZED BOND HEARING**

42. Petitioner re-alleges and incorporates by reference paragraphs 1 through 41 as if fully set forth herein.

43. The Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of liberty without due process of law.

44. This protection extends to noncitizens physically present in the United States, including those in removal proceedings. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

45. Civil immigration detention is constitutionally permissible only insofar as it is reasonably related to its regulatory purposes and is accompanied by adequate procedural safeguards. See *id.* at 690.

46. The Government's asserted interests in civil immigration detention are limited to ensuring a noncitizen's appearance at removal proceedings and protecting the community from danger.

47. Due process requires that the Government provide a meaningful, individualized determination of whether continued detention is necessary to serve those interests.

48. Such a determination must be made by a neutral decisionmaker and must be based on individualized evidence rather than categorical or automatic detention.

49. Petitioner was previously granted bond by an Immigration Judge—a determination that reflected a finding that he neither posed a danger to the community nor an undue flight risk. That determination was vacated not on the basis of any individualized reassessment of Petitioner's circumstances, but as a result of a generalized change in law or policy.

50. The vacatur of Petitioner's bond based on a change in law, without a fresh individualized inquiry into whether the regulatory objectives of detention are served by Petitioner's continued confinement, fails to satisfy due process.
51. Respondents have not established, through any individualized proceeding, that Petitioner poses a danger to the community or a risk of flight sufficient to justify continued detention.
52. To the contrary, Petitioner has demonstrated compliance with all immigration requirements, maintains strong family ties—including a pregnant wife and a minor son—has no criminal record, and is actively pursuing protection through his pending asylum claim.
53. Petitioner's detention arose from a minor traffic-related stop in which he was merely a passenger, was not engaged in any criminal conduct, and possessed a valid Florida driver's license.
54. Under these circumstances, continued detention without a meaningful individualized determination is arbitrary and not reasonably related to the Government's regulatory objectives.
55. Habeas corpus provides the appropriate mechanism to challenge such unlawful detention. See *Boumediene v. Bush*, 553 U.S. 723, 771 (2008).
56. The Eleventh Circuit has recognized that federal courts have jurisdiction to review the legality of immigration detention through habeas corpus where constitutional violations are alleged. See *Madu v. U.S. Attorney General*, 470 F.3d 1362, 1366–67 (11th Cir. 2006).
57. By detaining Petitioner without providing a constitutionally adequate individualized bond hearing after the vacatur of his prior bond, Respondents have deprived him of liberty without due process of law.
58. This deprivation is ongoing and causes irreparable harm, including separation of Petitioner from his pregnant wife and young son, who depend on him for financial and emotional support during a critical period.

59. Absent judicial intervention, Respondents will continue to detain Petitioner without affording the procedural protections required by the Constitution.

60. Accordingly, Petitioner is entitled to habeas relief, including immediate release or, at a minimum, a prompt and constitutionally adequate individualized bond hearing before a neutral adjudicator.

**COUNT II: UNLAWFUL DETENTION IN EXCESS OF STATUTORY
AUTHORITY UNDER 8 U.S.C. § 1226**

61. Petitioner re-alleges and incorporates by reference paragraphs 1 through 60 as if fully set forth herein.

62. The Immigration and Nationality Act authorizes the detention of noncitizens pending removal proceedings under 8 U.S.C. § 1226.

63. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c) and instead falls within the scope of 8 U.S.C. § 1226(a), which governs discretionary detention.

64. Section 1226(a) permits the Government to arrest and detain a noncitizen pending a decision on removal, but expressly provides that the noncitizen "may be released on bond" or conditional parole. 8 U.S.C. § 1226(a)(2).

65. The statutory scheme therefore requires the Government to exercise individualized discretion in determining whether continued detention is warranted.

66. Implementing regulations provide that a noncitizen detained under § 1226(a) is entitled to a custody determination, including the opportunity to seek release before an Immigration Judge. 8 C.F.R. § 1236.1(d)(1).

67. These provisions reflect Congress's intent that detention under § 1226(a) not be automatic, but instead subject to case-by-case evaluation.

68. The Supreme Court has confirmed that detention under § 1226(a) is discretionary and does not mandate continued confinement without consideration of release. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 847 (2018).

69. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review whether immigration detention exceeds statutory authority. See *Madu v. U.S. Attorney General*, 470 F.3d 1362, 1366–67 (11th Cir. 2006).

70. Respondents have failed to provide Petitioner with a meaningful custody determination consistent with § 1226(a) and its implementing regulations following the vacatur of his initial bond.

71. The vacatur of Petitioner's bond by operation of a generalized change in law or policy—without any individualized assessment of Petitioner's particular circumstances—effectively converted what had been a merits-based release order into mandatory detention without the requisite statutory basis.

72. Petitioner's circumstances—including his clean record, pending asylum application, pregnant wife, dependent minor son, strong community ties, and prior compliance with all immigration requirements—demonstrate that detention is not necessary to ensure his appearance at proceedings or to protect the community.

73. Respondents' failure to meaningfully consider these factors constitutes an abdication of their statutory obligations under § 1226(a).

74. As a result, Petitioner's continued detention exceeds the authority granted by 8 U.S.C. § 1226(a) and is unlawful.

75. Accordingly, Petitioner is entitled to habeas relief, including immediate release or, at a minimum, a prompt custody determination consistent with the requirements of 8 U.S.C. § 1226(a).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

76. Petitioner has satisfied any applicable exhaustion requirements, or, in the alternative, exhaustion should be excused.

77. There is no statutory exhaustion requirement for habeas petitions brought pursuant to 28 U.S.C. § 2241 challenging the legality of immigration detention.

78.To the extent exhaustion is required, it is a judicially created, prudential doctrine rather than a jurisdictional prerequisite and may be excused where administrative remedies are inadequate or futile. See *Sundar v. INS*, 328 F.3d 1320, 1323 (11th Cir. 2003).

79.Federal courts have long recognized that exhaustion is not required where it would not provide a meaningful opportunity for relief or where irreparable injury would result from requiring exhaustion. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992).

80.Petitioner challenges the legality of his ongoing detention on constitutional and statutory grounds that cannot be fully remedied through the administrative process.

81.Immigration Judges lack authority to grant the full relief sought in this Petition, including release based on unconstitutional detention or detention in excess of statutory authority where the prior bond has been vacated by operation of law.

82.Requiring Petitioner to pursue additional administrative remedies would be futile and would result in continued irreparable harm in the form of unlawful deprivation of liberty, compounded by the imminent birth of his second child.

83.Accordingly, exhaustion is either satisfied or should be excused, and this Court may properly exercise jurisdiction over this Petition.

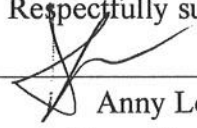
REQUESTED RELIEF

WHEREFORE, Petitioner Levi Sady Hernandez Cardona respectfully requests that this Court grant the following relief:

- a.Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 declaring that Petitioner's continued detention violates the Constitution and laws of the United States;
- b.Order Petitioner's immediate release from custody under reasonable conditions of supervision;
- c.In the alternative, order Respondents to provide Petitioner with a prompt bond hearing before a neutral adjudicator that comports with the requirements of due process, including an individualized determination of whether continued detention is necessary;

- d. Order that any such bond hearing be conducted within seven (7) days of this Court's order;
- e. Order that, at any such bond hearing, the Government bears the burden of justifying continued detention by clear and convincing evidence;
- f. Order that the Immigration Judge consider less restrictive alternatives to detention, including electronic monitoring, given Petitioner's strong family ties, clean record, and the imminent birth of his second child;
- g. Issue a temporary restraining order and/or preliminary injunction prohibiting Respondents from transferring Petitioner outside the territorial jurisdiction of this Court, absent prior authorization from this Court, to preserve this Court's jurisdiction over this matter;
- h. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,


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Attorney for Petitioner
Date: April 30, 2026

VERIFICATION

I, Anny Leon, am counsel for Petitioner Levi Sady Hernandez Cardona in this habeas corpus proceeding. Petitioner is currently detained in immigration custody at Baker Correctional Institution in Sanderson, Florida, and is therefore unable to personally verify this Petition.

Pursuant to 28 U.S.C. § 2242, I verify on behalf of Petitioner that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief, based upon my communications with Petitioner and Petitioner's family, and upon my review of records and information available to me.

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

Executed on this 30 day of April, 2026, at Jacksonville, Florida.



/s/ **Anny Leon**

Anny Leon, Esq.

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of April, 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was filed with the Clerk of the Court for the United States District Court for the Middle District of Florida, Jacksonville Division.

I further certify that a true and correct copy of the foregoing Petition is being served upon Respondents in accordance with Rule 4(i) of the Federal Rules of Civil Procedure, including service upon the Office of the United States Attorney for the Middle District of Florida, which represents Respondents in this action, as well as the Office of the Attorney General of the United States.

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

Date: April 30 2026



/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner