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

OSMAN DAEL NORALES-MARTINEZ,

Case No.: 3:26-cv-1106

Petitioner,

**PETITION FOR WRIT OF HABEAS
CORPUS**

v.

Warden, Baker County Detention Center; Field Office Director, U.S. Immigration and Customs Enforcement, Miami Field Office; Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary of the U.S. Department of Homeland Security; and Todd Blanche, Attorney General of the United States;

IMMIGRATION HABEAS CASE

Respondents.

PRELIMINARY STATEMENT

Petitioner Osman Dael Norales-Martinez ("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 a native and citizen of Honduras, born on [REDACTED] who is currently detained at Baker County Detention Center, located at 1 Sheriffs Office Drive, Macclenny, Florida 32063, within the territorial jurisdiction of this Court. He has been continuously confined in immigration custody since January 17, 2026 — more than three months — without ever having received a meaningful, individualized bond hearing before a neutral adjudicator.

Petitioner's detention arises from a January 16, 2026 arrest by the St. Johns County Sheriff's Office for operating a motor vehicle without a valid license — a civil traffic infraction. Petitioner has no prior criminal history in the United States or abroad. He is not subject to mandatory detention under 8 U.S.C. § 1226(c), and no final order of removal has been entered against him. His individual removal hearing before Immigration Judge Espinal is not scheduled until June 18, 2026.

Despite his eligibility for discretionary release under 8 U.S.C. § 1226(a), Petitioner has never been afforded an individualized bond hearing before an Immigration Judge. The custody determination that resulted in his continued confinement was made solely by DHS enforcement officers — not by a neutral adjudicator — without any meaningful assessment of whether detention is necessary to ensure his appearance at proceedings or to protect the community. Petitioner's continued confinement under these circumstances violates the Due Process Clause of the Fifth Amendment and exceeds the authority conferred by 8 U.S.C. § 1226(a).

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 that continued detention is necessary.

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 County Detention Center in Macclenny, 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 County Detention Center, 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 Osman Dael Norales-Martinez is a native and citizen of Honduras, A-Number [REDACTED] born [REDACTED] presently detained by U.S. Immigration and Customs Enforcement ("ICE") at Baker County Detention Center, 1 Sheriffs Office Drive, Macclenny, Florida 32063. 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 County Detention Center, 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, Acting Director, U.S. Immigration and Customs Enforcement, is responsible for the administration and enforcement of immigration detention policies nationwide. Respondent is sued in his 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 his 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 his official capacity.

FACTUAL AND PROCEDURAL BACKGROUND

12. Petitioner Osman Dael Norales-Martinez is a native and citizen of Honduras, born on [REDACTED] [REDACTED] He is currently 23 years old.

13. On January 16, 2026, the St. Johns County Sheriff's Office contacted ERO Miami, Jacksonville Civil Apprehension and Removal (CAP) Unit regarding the arrest of Petitioner for the traffic offense of Operating a Motor Vehicle without a Valid License. This traffic infraction constitutes Petitioner's sole criminal arrest in the United States.

14. Following the traffic stop and arrest, immigration records checks were conducted by ICE officers. Those checks revealed no legal entry or pending immigration applications on Petitioner's behalf. An I-247 ICE Detainer was created and lodged against Petitioner at the St. Johns County Jail on January 16, 2026.

15. On January 17, 2026, ICE Deportation Officer A. D04878 DeLeon apprehended Petitioner pursuant to 8 U.S.C. § 287. A Record of Deportable/Inadmissible Alien (Form I-213) was prepared, reflecting Petitioner's immigration history and the basis for his detention. *See Exhibit A.*

16. On January 17, 2026, DHS issued a Notice to Appear (Form I-862) charging Petitioner under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). The NTA was signed by S. Torres, SDDO, and served on Petitioner in person on January 17, 2026, with oral notice provided in the Spanish language. *See Exhibit B.*

17. On the same date, ICE offered Petitioner voluntary departure. Petitioner rejected the offer and affirmatively invoked his right to appear before an Immigration Judge to contest his removal. Notwithstanding this exercise of his legal rights, ICE officers — without referral to a neutral adjudicator — administratively determined that Petitioner would be detained pending removal proceedings.

18. Petitioner's immigration history reflects one prior encounter with immigration authorities: on January 16, 2022, Petitioner attempted to enter the United States and was expelled back to Mexico under Title 42 through the Eagle Pass, Texas South Station. Petitioner has no prior orders of removal and no other adverse immigration history.

19. Petitioner has no criminal record in the United States or abroad beyond the January 16, 2026 traffic arrest for operating a motor vehicle without a valid license. The I-213 reflects a negative immigration record and no gang affiliation. Petitioner has never served in the U.S. Armed Forces.

20. Petitioner has been continuously detained in ICE custody at Baker County Detention Center, 1 Sheriffs Office Drive, Macclenny, Florida 32063, since January 17, 2026. As of the date of this Petition, Petitioner has been detained for more than three months without a final order of removal.

21. Petitioner has never been provided with a meaningful, individualized bond hearing before an Immigration Judge. The sole custody determination was made by ICE enforcement officers at the time of his apprehension and was not the product of any neutral, individualized adjudicative process.

22. On April 24, 2026, the Orlando Immigration Court issued a Notice of Individual Hearing scheduling Petitioner's individual removal hearing for June 18, 2026, at 10:30 A.M. Eastern Time before Immigration Judge Espinal via internet-based hearing (Webex). *See* Exhibit C. As of the date of this Petition, no final order of removal has been entered against Petitioner.

23. Petitioner's continued detention — now exceeding three months — without any individualized bond determination by a neutral adjudicator is not reasonably related to the Government's legitimate regulatory interests of ensuring his appearance at proceedings or protecting the community. Petitioner has no significant criminal history, no history of failing to appear, and no final order of removal.

24. There is no credible indication that Petitioner poses a danger to the community or an undue flight risk. His only criminal contact in the United States consists of a single traffic arrest for a minor offense. He affirmatively chose to invoke his right to removal proceedings rather than accept voluntary departure, demonstrating his intent to participate in the legal process.

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

STATUTORY AND CONSTITUTIONAL FRAMEWORK GOVERNING DETENTION

26. 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 are constrained by the Constitution.

27. 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.

28. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c). He has not been convicted of any offense that would trigger mandatory detention under that provision. His sole criminal contact is a January 2026 arrest for a traffic infraction. Accordingly, Petitioner's detention is governed by the discretionary provisions of § 1226(a).

29. 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).

30. 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.

31. 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*, 533 U.S. at 690.
32. 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).
33. Courts have recognized that due process requires an individualized determination of whether continued detention is necessary to serve the Government's regulatory interests. Such process requires a meaningful hearing before a neutral decisionmaker at which the Government must justify continued detention.
34. An ICE officer's administrative custody determination — conducted without the procedural safeguards of a neutral adjudicator, adversarial process, or opportunity to present evidence — does not satisfy the Due Process Clause's requirement of meaningful process.
35. 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).
36. Prolonged detention without an individualized hearing violates due process where the detainee presents no demonstrated risk of flight or danger to the community. *See Zadvydas*, 533 U.S. at 701.
37. Where a noncitizen who is not subject to mandatory detention under § 1226(c) has been detained for months without any individualized bond hearing before a neutral adjudicator, continued detention violates both the Due Process Clause and exceeds the authority conferred by § 1226(a).
38. 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**

39. Petitioner re-alleges and incorporates by reference paragraphs 1 through 38 as if fully set forth herein.
40. The Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of liberty without due process of law.
41. 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).

42. 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.

43. 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.

44. Due process requires that the Government provide a meaningful, individualized determination of whether continued detention is necessary to serve those interests. Such a determination must be made by a neutral decisionmaker and must be based on individualized evidence.

45. Petitioner has been detained since January 17, 2026 — more than three months — without any individualized bond hearing before a neutral Immigration Judge or other adjudicator. The only custody determination made was an administrative decision by ICE enforcement officers at the time of arrest, without any neutral adjudication of whether continued confinement is warranted.

46. Petitioner presents no credible flight risk or danger to the community. He has no criminal convictions, no history of failure to appear, and no final order of removal. He affirmatively invoked his right to removal proceedings rather than accepting voluntary departure — conduct consistent with intent to remain engaged in the legal process.

47. Petitioner's detention arose from a minor traffic infraction — operating a motor vehicle without a valid license — underscoring the absence of any public safety justification for his prolonged confinement.

48. Under these circumstances, continued detention without a meaningful individualized determination is arbitrary and not reasonably related to the Government's regulatory objectives. It constitutes a deprivation of liberty without due process of law.

49. Habeas corpus provides the appropriate mechanism to challenge such unlawful detention. *See Boumediene v. Bush*, 553 U.S. 723, 771 (2008).

50. By detaining Petitioner for more than three months without providing a constitutionally adequate individualized bond hearing, Respondents have deprived him of liberty without due process of law in violation of the Fifth Amendment.

51. This deprivation is ongoing and causes irreparable harm, including loss of liberty, inability to participate meaningfully in the preparation of his defense, and the continued hardship of prolonged civil confinement without judicial review.

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

53. 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**

54. Petitioner re-alleges and incorporates by reference paragraphs 1 through 53 as if fully set forth herein.

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

56. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1226(c) because he has not been convicted of any qualifying offense. He accordingly falls within the scope of 8 U.S.C. § 1226(a), which governs discretionary detention.

57. 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).

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

59. 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).

60. 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).

61. 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).

62. Respondents have failed to provide Petitioner with a meaningful custody determination consistent with § 1226(a) and its implementing regulations. No Immigration Judge has evaluated Petitioner's case for release on bond.

63. Petitioner's circumstances — including his absence of any criminal conviction, no history of flight, his affirmative election to participate in removal proceedings, and the absence of any final order of removal — demonstrate that detention is not necessary to ensure his appearance at proceedings or to protect the community.

64. Respondents' failure to meaningfully consider these factors, and their reliance solely on an ICE officer's administrative determination, constitutes an abdication of their statutory obligations under § 1226(a).

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

66. 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) before a neutral Immigration Judge.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

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

69. 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).

70. 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).

71. Petitioner challenges the legality of his ongoing detention on constitutional and statutory grounds that cannot be fully remedied through the administrative process. Immigration Judges lack authority to grant the full constitutional relief sought in this Petition.

72. Requiring Petitioner to await his individual hearing on June 18, 2026 — more than five months after the commencement of his detention — as a prerequisite to challenging the constitutionality of that detention would itself constitute the irreparable harm Petitioner seeks to remedy.

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

REQUESTED RELIEF

WHEREFORE, Petitioner Osman Dael Norales-Martinez 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 individualized bond hearing before a neutral Immigration Judge that comports with the requirements of due process;
- 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 absence of any criminal convictions and his demonstrated engagement with the legal process;
- 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,

/s/ Anny Leon

Anny Leon, Esq.

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Attorney for Petitioner

Date: May 1, 2026

VERIFICATION

I, Anny Leon, am counsel for Petitioner Osman Dael Norales-Martinez in this habeas corpus proceeding. Petitioner is currently detained in immigration custody at Baker County Detention Center in Macclenny, 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 upon my review of records and information available to me, including the documents attached hereto as Exhibits.

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

Executed on this 1st day of May, 2026, at Jacksonville, Florida.

/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 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: May 1 2026

/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner