

FILED
2026
MAY 1
10:22 AM
CLERK
U.S. DISTRICT COURT
JACKSONVILLE, FLORIDA

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

WILLIAM DIAZ MARQUEZ,

Petitioner,

v.

Case No.: 3:26-cv-01100-WWB-SJH

U.S. DEPARTMENT OF HOMELAND SECURITY;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

WARDEN, BAKER COUNTY DETENTION CENTER;

ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

months, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

The Eleventh Circuit in *Akinwale v. Ashcroft* confirmed that continued detention is not authorized where removal is not foreseeable.

A. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

“Once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.”

B. *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002)

The court recognized that detention becomes unlawful where there is no significant likelihood of removal in the reasonably foreseeable future, consistent with *Zadvydas*.

Once a petitioner demonstrates prolonged detention and lack of removal, the burden shifts to the Government to provide evidence that removal is likely.

The Government cannot justify continued detention through speculation or post hoc reasoning; it must demonstrate a concrete and realistic pathway to removal.

II. REMOVAL MUST BE REALISTICALLY FORESEEABLE

The Government cannot justify detention through speculation. There must be a concrete and realistic pathway to removal, including acceptance by a receiving country and travel documents.

Here, no such evidence exists. There is no indication that Cuba will accept Petitioner, and no third country has agreed to receive him. A speculative possibility of removal is insufficient.

A speculative or theoretical possibility of removal—including unsupported references to third-country removal such as Mexico—does not satisfy the Government’s burden under *Zadvydas*.

III. RE-DETENTION WITHOUT CHANGED CIRCUMSTANCES IS UNLAWFUL

Petitioner was previously released under supervision and complied fully. Re-detention requires a material change in circumstances. Absent such change, detention is arbitrary and violates due process.

C. Padron Fuentes v. Ripa, Case No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026)

“An agency must also follow its own regulations.”

“Providing a notice that simply recites the language of the regulation does not satisfy the Government’s obligation to provide the ‘reasons.’”

D. Beltran v. Ripa, Case No. 2:25-cv-01174-SPC-NPM (M.D. Fla. Jan. 2, 2026)

“Absent a material change in circumstances, the re-detention of noncitizens previously released by DHS violates the INA because it does not serve the purpose of the statute.”

E. Additional Authority on Re-Detention

Fanfan v. Noem, Case No. 3:25-cv-03291-DMS-BJW (S.D. Cal. Dec. 12, 2025)

Doe v. Chestnut, Case No. 1:25-cv-01372CDB (HC), 2025 WL 3295154 (E.D. Cal. Nov. 26, 2025)

Re-detention under these circumstances—without new facts, without explanation, and without individualized justification—cannot withstand constitutional scrutiny.

IV. FAILURE TO FOLLOW REGULATIONS

ICE must comply with 8 C.F.R. § 241.4. This includes meaningful notice and an opportunity to respond. Failure to follow these requirements renders detention unlawful.

In *Padron Fuentes v. Ripa*, No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026), the Court held that merely reciting regulatory language is insufficient. ICE must provide individualized reasons.

This failure is not a procedural technicality; it goes to the core of the agency's authority to deprive Petitioner of his liberty.

V. DETENTION SERVES NO LEGITIMATE PURPOSE

The sole purpose of detention is to effectuate removal. Where removal is not foreseeable, detention becomes punitive and violates due process.

Respondents cannot meet their burden through conjecture or unsupported assertions.

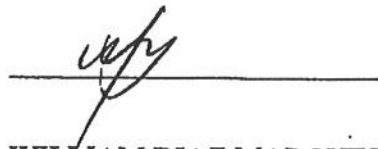
VI. LESS RESTRICTIVE ALTERNATIVES

Petitioner has demonstrated compliance under supervision. Less restrictive alternatives are sufficient to meet any government interest.

VII. CONCLUSION

Petitioner has shown that removal is not reasonably foreseeable, that ICE failed to follow its regulations, and that detention is unlawful. The Court should grant the writ and order immediate release.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Diaz', is written over a horizontal line.

WILLIAM DIAZ MARQUEZ

39. Continued detention is excessive.

IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests:

1. Grant the Petition;
2. Order immediate release;
3. Restore Order of Supervision;
4. Grant any further relief deemed appropriate.

Respectfully submitted,



WILLIAM DIAZ MARQUEZ

Petitioner, Pro Se

Baker County Detention Center

20706 US Highway 90 W

Sanderson, Fl 32087

Petitioner states as follows:

I declare under penalty of perjury that I am the Petitioner in this action. I have read the Petition for Writ of Habeas Corpus filed in this case, or it has been read to me, and the information contained in the Petition is true and correct to the best of my knowledge.

I understand that a false statement of material fact may serve as the basis for prosecution for perjury. I further certify that, to the best of my knowledge, information, and belief, the claims and legal contentions in the Petition are warranted by existing law, and the factual contentions have evidentiary support or will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Date: 4/28/26



WILLIAM DIAZ MARQUEZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice was placed in the institution's legal mail system for mailing to the Clerk of Court, United States District Court, Middle District of Florida, 300 North Hogan Street, Suite 9-150, Jacksonville, Florida 32202, on this 28 day of April, 2026.



WILLIAM DIAZ MARQUEZ