

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

VICTOR JOSE VERA MARTINEZ,

A# 

Petitioner,

v.

3:26-CV-1141-WWB-LLL

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY (DHS);
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, FLORIDA BAKER CORRECTIONAL INSTITUTION,
Respondents.**

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

PRO SE

PRELIMINARY STATEMENT AND NOTICE (PRO SE)

Petitioner Victor Jose Vera Martinez respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality and constitutionality of his continued civil immigration detention.

Petitioner is currently detained by the Department of Homeland Security without a meaningful opportunity to seek release before an immigration judge, and without adequate procedural safeguards.

Although Congress authorizes certain forms of immigration detention, the Constitution imposes limits. When detention becomes excessive, prolonged, or unsupported by individualized findings, federal courts retain authority to review the legality of such detention.

Petitioner therefore seeks relief in the form of immediate release, or at minimum, a constitutionally adequate custody determination.

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. §2241 because Petitioner is in federal custody and challenges the legality of that custody under the Constitution and laws of the United States.

Federal courts retain habeas jurisdiction to review challenges to immigration detention. See *INS v. St. Cyr*, 533 U.S. 289 (2001).

Petitioner is detained within this judicial district at Florida Baker Correctional Institution in Sanderson, Florida.

II. VENUE

Venue is proper in the Middle District of Florida because Petitioner is detained within this district and his immediate custodian, the Warden of Florida Baker Correctional Institution, is located within this district. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

III. PARTIES

Petitioner: Victor Jose Vera Martinez

A-Number:

Date of Birth:

Nationality: Venezuelan

Respondents:

1. U.S. Department of Homeland Security (DHS)
2. U.S. Immigration and Customs Enforcement (ICE)
3. Warden, Florida Baker Correctional Institution (Petitioner's immediate custodian)

IV. STATEMENT OF FACTS

Petitioner is a native and citizen of Venezuela with a pending application for asylum (Form I-589).

Petitioner has been granted employment authorization by the United States government, demonstrating compliance with immigration processes, as evidenced by Exhibit B.

On January 21, 2026, Petitioner was stopped by local law enforcement under questionable and pretextual circumstances while arriving at his place of employment. He was not engaged in any criminal activity.

Petitioner has no criminal history and poses no danger to the community.

Petitioner has been detained since January 21, 2026, for nearly three months without a meaningful opportunity to seek release.

Petitioner's detention is confirmed by ICE records attached as Exhibit C.

Petitioner is the father of a five-year-old child (born [REDACTED]) as evidenced by the birth certificate attached as Exhibit E.

Petitioner is also the husband of a pregnant spouse, currently six months pregnant, as evidenced by medical documentation attached as Exhibit F.

Petitioner's continued detention imposes severe emotional and financial hardship on his family.

Petitioner suffers from asthma and has not received adequate medical care while in detention.

Additionally, Petitioner has been subjected to unsanitary conditions, including exposure to insects, lack of proper hygiene, and unsafe living conditions.

Petitioner is a person of good moral character, as demonstrated by letters of support attached as Exhibits G and H.

Petitioner therefore remains detained under conditions that are punitive, excessive, and unconstitutional.

V. LEGAL STANDARDS

Habeas corpus has long served as a fundamental safeguard against unlawful executive detention.

Federal courts possess authority under 28 U.S.C. § 2241 to review immigration detention and order release where custody violates the Constitution or federal law.

Civil immigration detention must bear a reasonable relation to its purpose, including ensuring appearance at proceedings and protecting the community.

It may not become punitive. See *Bell v. Wolfish*, 441 U.S. 520 (1979).

The Supreme Court has recognized that prolonged or unjustified immigration detention raises serious constitutional concerns. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Although certain statutes authorize detention, the Constitution requires adequate procedural safeguards, including meaningful review of custody.

Detention without an individualized determination of flight risk or danger, or without a meaningful opportunity to seek release, violates the Due Process Clause of the Fifth Amendment.

VI. GROUNDS FOR RELIEF

Ground One - Unconstitutional Prolonged Civil Detention

Petitioner's continued detention without an individualized determination violates the Due Process Clause of the Fifth Amendment.

Civil detention must remain reasonably related to its purpose.

Here, detention has become excessive and unjustified.

Ground Two - Denial of Procedural Due Process

Petitioner has not been afforded a meaningful opportunity to seek release.

Due process requires a hearing before a neutral decision-maker where the Government bears the burden of justifying detention.

Ground Three - Punitive Conditions of Confinement

Petitioner has been subjected to unsafe and unsanitary conditions, including lack of medical care for asthma and exposure to insects.

Such conditions are punitive and unconstitutional for civil detainees.

VII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus;
2. Order Respondents to justify the legality of Petitioner's detention;
3. Order an immediate custody hearing;
4. In the alternative, order Petitioner's immediate release;
5. Order that Petitioner not be transferred while this Petition is pending;
6. Grant any other relief deemed just and proper.

VIII. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: 04-25, 2026



Victor Jose Vera Martinez

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Florida Baker Correctional Institution

20706 US 90 W

Sanderson, FL 32087