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

JESUS ELIGIO ACEVEDO,
Petitioner,

Case Number: 3:26-cv-1159

v.

MARKWAYNE MULLIN, in his official capacity as
Secretary of the Department of Homeland Security;
TODD BLANCHE, in his official capacity as Acting
Attorney General of the United States;
IMMIGRATION AND CUSTOMS ENFORCEMENT;
TODD LYONS, in his official capacity as Acting
Director of Immigration and Customs Enforcement;
ICE FIELD OFFICE DIRECTOR,
Jacksonville Field Office;
UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
and
WARDEN, FLORIDA BAKER CORRECTIONAL INSTITUTE,
Respondents.

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
EMERGENCY DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

1. Petitioner Jesus Eligio Acevedo is a 33-year-old native and citizen of Mexico who has continuously resided in the United States since approximately mid-2014, a period exceeding eleven years. He is the father of a seven-year-old United States citizen child whom he actively cares for every Friday, Saturday, and Sunday and to whom he provides 00 per month in financial support. Petitioner has been detained at the Florida Baker Correctional Institute, 20706 FL-10, Sanderson, Florida 32087, since on or about March 17, 2026. Despite more than six weeks of continuous detention, Petitioner has not been afforded an individualized bond hearing before an immigration judge. This Petition challenges the legality of his ongoing detention as a violation of 8 U.S.C. Section 1226(a) and the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. The government appears to be detaining Petitioner under 8 U.S.C. Section 1225(b)(2), which applies to noncitizens who are applicants for admission or those seeking admission. This classification is legally improper. Petitioner entered the United States in mid-2014 and has continuously resided here for more than eleven years. He is not an arriving alien nor a noncitizen seeking admission within the meaning of Section 1225(b)(2). Noncitizens who have resided continuously in the United States are detained under 8 U.S.C. Section 1226(a) and are entitled to an individualized bond hearing before an immigration judge. *See Rodriguez Valencia v. Noem*, Case No. 3:26-cv-297-MMH-PDB (M.D. Fla. Mar. 16, 2026); *Zadvydas v. Davis*, 533 U.S. 678 (2001).
3. Petitioner has a pending application for asylum, withholding of removal, and protection under the Convention Against Torture filed in 2025. Withholding of removal under INA Section 241(b)(3) and CAT protection remain available to Petitioner regardless of any ground of inadmissibility. These viable claims confirm that detention serves no legitimate government interest commensurate with the burden imposed on Petitioner and his U.S. citizen child.
4. Petitioner has no disqualifying criminal history. He is a devoted father and primary weekend caregiver for his seven-year-old U.S. citizen son. His continued detention without any individualized assessment of risk or flight violates 8 U.S.C. Section 1226(a) and the Fifth Amendment. Petitioner seeks a writ of habeas corpus directing his immediate release or, in

the alternative, an order directing an individualized bond hearing at which the government bears the burden of justifying continued detention.

II. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. Sections 1331 and 2241. The writ of habeas corpus extends to individuals in custody in violation of the Constitution or laws of the United States. 28 U.S.C. Section 2241(c)(3). Noncitizens detained in immigration custody may seek habeas relief in federal district court. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *INS v. St. Cyr*, 533 U.S. 289 (2001).
6. This Court has authority to grant the writ and to dispose of the matter as law and justice require. 28 U.S.C. Section 2243.
7. Neither 8 U.S.C. Section 1252(g) nor Section 1252(b)(9) bars this Court's jurisdiction. Petitioner challenges only the legality of his detention and the denial of a bond hearing, not the commencement of removal proceedings or execution of any removal order. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999); *Rodriguez Valencia*, at 4-6.
8. Exhaustion of administrative remedies is not required and would be futile. The Board of Immigration Appeals has held that immigration judges lack authority to entertain bond requests from noncitizens detained under Section 1225(b)(2). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). *Rodriguez Valencia*, at 6-7.
9. Venue properly lies in the Middle District of Florida, Jacksonville Division, pursuant to 28 U.S.C. Section 1391, because Petitioner is currently detained at the Florida Baker Correctional Institute, 20706 FL-10, Sanderson, Florida 32087, which is located within this district.

III. PARTIES

10. Petitioner Jesus Eligio Acevedo is a 33-year-old native and citizen of Mexico (A# ) , born on  in Ahuacuotzingo, Guerrero, Mexico. He is identified in DHS records under the name Jesus Eligio-Asebedo, a spelling variant appended by law

enforcement that does not reflect his true surname. He is currently detained at the Florida Baker Correctional Institute, 20706 FL-10, Sanderson, Florida 32087, and has no disqualifying criminal history.

11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and is sued in his official capacity. He is charged with the administration and enforcement of immigration laws. 8 U.S.C. Section 1103(a).
12. Respondent Todd Blanche is the Acting Attorney General of the United States and is sued in his official capacity as the head of the Department of Justice.
13. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement and is sued in his official capacity. He is responsible for ICE enforcement operations, including Petitioner's custody.
14. Respondents DHS, ICE, and the ICE Jacksonville Field Office Director are responsible for civil immigration enforcement and for Petitioner's immigration custody.
15. Respondent Warden of the Florida Baker Correctional Institute is the immediate custodian responsible for Petitioner's day-to-day confinement, 20706 FL-10, Sanderson, Florida 32087.

IV. STATEMENT OF FACTS

A. Background, Entry History, and Continuous Residence

16. Petitioner Jesus Eligio Acevedo is a 33-year-old native of Ahuacuotzingo, Guerrero, Mexico, born on [REDACTED]. He is identified in DHS records under the name Jesus Eligio-Asebedo. The name Asebedo is a spelling variant appended by law enforcement and does not reflect Petitioner's true surname, which is Acevedo. The A-Number assigned to Petitioner is 205-116-855.
17. Petitioner first entered the United States without inspection in or about 2009. He resided continuously in the United States until 2012. In 2012, Petitioner was stopped by local law enforcement and subsequently encountered by immigration authorities. He was granted and accepted voluntary departure and departed the United States in 2012. He was not subjected to a formal order of removal at that time.

18. Petitioner returned to the United States in mid-2014, entering without inspection. Since that date, Petitioner has continuously and uninterruptedly resided in the United States for more than eleven years. He established his home in Mulberry, Florida, where he worked in construction and built strong community and family ties. He is not an arriving alien and is not a noncitizen seeking admission within any ordinary meaning of those terms. As this Court held in *Rodriguez Valencia*, it would be absurd to find that a noncitizen is still in the process of arriving in the United States when he has been continuously residing here for over a year.
19. In 2025, Petitioner filed applications for asylum, withholding of removal, and protection under the Convention Against Torture. Although Petitioner's immigration history raises questions regarding the one-year asylum filing deadline and potential inadmissibility under INA Section 212(a)(9)(C), withholding of removal under INA Section 241(b)(3) and CAT protection under 8 C.F.R. Sections 1208.16-1208.18 remain legally available regardless of any ground of inadmissibility. An immigration judge must evaluate those claims on their merits.

B. Petitioner's United States Citizen Child and Community Ties

20. Petitioner is the father of a seven-year-old United States citizen child born in the United States. He maintains an active, consistent, and loving relationship with his son, serving as the child's primary weekend caregiver every Friday, Saturday, and Sunday. Petitioner provides financial support, demonstrating sustained financial commitment to his child's wellbeing. The child currently resides with his mother, from whom Petitioner is separated.
21. Petitioner's detention has severed this consistent caregiving relationship and deprived his U.S. citizen son of his father's regular presence, financial support, and parental involvement. The hardship imposed on a U.S. citizen child by the detention or removal of a parent is a well-recognized and significant harm.
22. The record includes a letter from [REDACTED] (Hillsborough County Public Schools), authored by School Social Worker Jessica Palavicini-Gomez, MSW, confirming that Petitioner is a devoted, responsible, and loving father deeply involved in raising his children, that he consistently provides financially and emotionally, and that his absence has the potential to significantly disrupt his children's sense of safety and wellbeing.

The social worker states that the sudden loss of a primary caregiver can result in emotional distress, anxiety, academic difficulties, and long-term harm to a child's mental health.

23. A letter from [REDACTED] (Polk County Public Schools) confirms that Petitioner is listed as an emergency contact with full rights to pick up children in his family, evidencing his recognized role as a trusted and responsible caregiver.

24. The record further includes a notarized integrity certification from Walter Espinoza, a licensed Florida contractor (Kingdom Construction & Designs, Inc., License No. [REDACTED]), confirming that he has known Petitioner for ten years, that Petitioner worked for his company for six years and demonstrated hard work, reliability, and responsibility, and that Petitioner always showed friendship and respect to his community. This letter was executed and notarized in Hillsborough County, Florida, on April 16, 2026.

C. Arrest, Detention, and Procedural History

25. On March 17, 2026, the Department of Homeland Security issued a Notice to Appear (Form I-862) charging Petitioner with removability under INA Section 212(a)(6)(A)(i) (present without having been admitted or paroled) and INA Section 212(a)(7)(A)(i)(I) (failure to possess a valid immigrant visa). Petitioner was taken into ICE custody and transported to the Florida Baker Correctional Institute, where he has remained detained since that date.

26. Petitioner was ordered to appear before the immigration court at Baker Correctional Institution on April 15, 2026, at 8:30 a.m. for an initial master calendar hearing. The Orlando Immigration Court (Base City: ORL) has jurisdiction over his case, A# [REDACTED]. A subsequent master calendar hearing has been scheduled for June 10, 2026, at 2:30 p.m. ET.

27. As of the date of this filing, Petitioner has been detained for more than six weeks. He has received no individualized bond hearing. No determination has been made that he poses a danger to the community or a flight risk that cannot be addressed by conditions of release. No lawful basis has been articulated for his continued detention under 8 U.S.C. Section 1226(a).

V. LEGAL ARGUMENT

A. Petitioner Is Not Subject to Mandatory Detention Under Section 1225(b)(2) and Is Entitled to a Bond Hearing Under Section 1226(a)

28. Section 1225(b)(2) applies to noncitizens who are applicants for admission, specifically those arriving in the United States or present without admission who are seeking admission. 8 U.S.C. Sections 1225(a)(1), (b)(2). This provision imposes mandatory detention for the duration of removal proceedings. Petitioner is not properly detained under Section 1225(b)(2).
29. This Court recently held in *Rodriguez Valencia v. Noem*, Case No. 3:26-cv-297-MMH-PDB (M.D. Fla. Mar. 16, 2026), that a noncitizen who entered without inspection but has since continuously resided in the United States for more than one year is not an applicant for admission under Section 1225(b)(2), but rather is detained under Section 1226(a), which affords the right to an individualized bond hearing. The Court ordered immediate release because the government failed to articulate a lawful basis for continued detention. *Id.* at 15-17.
30. Petitioner has continuously resided in the United States for more than eleven years since mid-2014. The Supreme Court has recognized that the term seeking admission cannot encompass noncitizens who have been continuously physically present for extended periods. *Zadvydas*, 533 U.S. at 693.
31. Courts throughout the country have rejected the government's interpretation that Section 1225(b)(2) mandates detention of all noncitizens who entered without inspection regardless of the length of their U.S. residence. *See, e.g., Cetino v. Hardin*, No. 2:25-CV-1037-JES-DNF (M.D. Fla. Dec. 12, 2025); *Guaiquire v. Quinones*, No. 6:26-cv-169-RBD-RMN (M.D. Fla. 2026); *Belsai D.S. v. Bondi*, 2025 WL 2802947, at *5 (D. Minn. Oct. 1, 2025) ("Overwhelmingly, courts have rejected the interpretation offered by [the] [r]espondents"); *Jennings v. Rodriguez*, 583 U.S. 281 (2018).
32. Because Petitioner is not properly detained under Section 1225(b)(2), his detention is governed by 8 U.S.C. Section 1226(a), which requires an individualized bond hearing. Under *Rodriguez Valencia*, where the government fails to articulate a lawful basis for detention under Section 1226(a), immediate release is the appropriate remedy. *Id.* at 15-16.

B. Petitioner's Viable Protection Claims Confirm That Detention Serves No Legitimate Statutory Purpose

33. Detention in removal proceedings is justified only to the extent that it is reasonably necessary to effectuate removal. *Zadvydas*, 533 U.S. at 690. Where a noncitizen has viable forms of relief that may preclude removal, prolonged detention without individualized consideration cannot be sustained.
34. Petitioner filed applications for asylum, withholding of removal, and CAT protection in 2025. Withholding of removal under INA Section 241(b)(3) and CAT protection under 8 C.F.R. Sections 1208.16-1208.18 remain legally available regardless of any ground of inadmissibility. See *INS v. Stevic*, 467 U.S. 407 (1984). These claims must be adjudicated on their merits, and Petitioner cannot be removed while they are pending.
35. Additionally, the existence of a seven-year-old United States citizen child who depends on Petitioner for weekend caregiving and monthly financial support constitutes a compelling basis for bond. The child has been deprived of his father's regular presence, care, and financial support for the entirety of this detention.

C. Petitioner's Prolonged Detention Without a Bond Hearing Violates the Due Process Clause of the Fifth Amendment

36. Noncitizens present in the United States are entitled to due process under the Fifth Amendment. *Zadvydas*, 533 U.S. at 690. Freedom from physical restraint is the most fundamental liberty interest protected by the Due Process Clause. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). There is no identifiable legitimate public interest served by Petitioner's detention without a bond hearing. *Rodriguez Valencia*, at 16.
37. Petitioner has been detained for more than six weeks without any individualized determination that his detention is justified. He has no disqualifying criminal history. He is an active caregiver of a U.S. citizen child with strong community and employment ties in Florida. Continued detention without any bond hearing or individualized risk assessment violates the Fifth Amendment. *Zadvydas*, 533 U.S. at 690-91.

D. The Equities Overwhelmingly Favor Immediate Release or an Individualized Bond Hearing

38. The equities strongly favor Petitioner's immediate release or, at minimum, an individualized bond hearing:

Eleven-Plus Years of Continuous Residence: Petitioner has continuously resided in the United States since mid-2014. He is not a recent entrant. The length and stability of his residence weigh strongly against detention.

United States Citizen Child: Petitioner's seven-year-old U.S. citizen son depends on his regular weekend caregiving and monthly financial support. Continued detention deprives this citizen child of his father's presence and support, causing exceptional hardship.

Strong Community and Employment Ties: Petitioner established his home in Mulberry, Florida and worked for a licensed Florida construction company (Kingdom Construction & Designs, ) for six years. He is recognized by his employer, school officials, and community as hardworking, responsible, and a trusted caregiver.

Pending Protection Claims: Petitioner has pending applications for withholding of removal and CAT protection filed in 2025. These claims are cognizable regardless of any inadmissibility ground and must be adjudicated on their merits.

No Disqualifying Criminal History: Petitioner has no criminal record in the United States. No individualized assessment has found that he poses a danger to the community or a flight risk.

VI. CLAIMS FOR RELIEF

Count One: Writ of Habeas Corpus -- Unlawful Detention Under Section 1225(b)(2)

39. Petitioner repeats and re-alleges all preceding paragraphs as if fully set forth herein.

40. Petitioner has continuously resided in the United States for more than eleven years. He is not an arriving alien and is not a noncitizen seeking admission under 8 U.S.C. Section 1225(b)(2). His detention is governed by 8 U.S.C. Section 1226(a) and he is entitled to an individualized bond hearing. Because no such hearing has been provided, his continued detention is unlawful. *Rodriguez Valencia v. Noem*, Case No. 3:26-cv-297-MMH-PDB (M.D. Fla. Mar. 16, 2026).

Count Two: Writ of Habeas Corpus -- Violation of Due Process, Fifth Amendment

41. Petitioner repeats and re-alleges all preceding paragraphs as if fully set forth herein.

42. Petitioner's continued detention for more than six weeks without an individualized bond hearing, without any determination that he poses a danger or flight risk, and without lawful authority under Section 1226(a), violates the Due Process Clause of the Fifth Amendment. *Zadvydas*, 533 U.S. 678 (2001); *Rodriguez Valencia*, at 16.

Count Three: Emergency Declaratory and Injunctive Relief

43. Petitioner repeats and re-alleges all preceding paragraphs as if fully set forth herein.

44. Petitioner faces a substantial likelihood of success on the merits for the reasons stated above. He will suffer irreparable harm absent relief, including continued unconstitutional detention, separation from his seven-year-old U.S. citizen son, risk of erroneous removal while viable protection claims remain pending, and ongoing financial harm to his U.S. citizen child. The threatened injury vastly outweighs any harm to Respondents. The public interest is best served by compliance with due process protections and the individualized bond hearing requirements of Section 1226(a).

VII. REQUESTED RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Verified Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody within 24 hours of this Order;
2. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before an immigration judge at which the government bears the burden of justifying continued detention;
3. Issue an emergency temporary restraining order and/or preliminary injunction prohibiting Respondents from removing Petitioner from the Florida Baker Correctional Institute or from the Middle District of Florida pending adjudication of this Petition;
4. Issue an emergency temporary restraining order prohibiting Respondents from transferring Petitioner outside this Court's jurisdiction pending adjudication of this Petition;

5. Order expedited proceedings under 28 U.S.C. Section 2243; and
6. Grant such other and further relief as this Court deems just, necessary, and proper.

Respectfully submitted this 4th Day of May, 2026.

/s/ Anny Leon

Anny Leon, Esquire

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Attorney for Petitioner

VERIFICATION

I, Anny Leon, am counsel for Petitioner Jesus Eligio Acevedo in this habeas corpus proceeding. Petitioner is currently detained in immigration custody at the Florida Baker Correctional Institute and is therefore unable to personally verify this Petition.

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

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

Executed on this 4th Day of May, 2026 at Jacksonville, Florida.

/s/ Anny Leon

Anny Leon, Esquire

Attorney for Petitioner