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

Lazaro Reitor Riveron,
Petitioner,

v.

Warden, Florida Baker Correctional Institute;
Garrett J. Ripa, Field Office Director, ICE
Miami Field Office;
Todd Lyons, Director of Immigration and
Customs Enforcement;
Markwayne 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-1161

PETITION FOR WRIT OF
HABEAS CORPUS

IMMIGRATION HABEAS CASE

PRELIMINARY STATEMENT

Petitioner Lazaro Reitor Riveron ("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 the Florida Baker Correctional Institute in Sanderson, Florida, within the territorial jurisdiction of this Court, where he has been held since April 28, 2026, following his arrest as a mere passenger in a motor vehicle — an encounter that did not involve any criminal conduct on his part.

Petitioner is a native and citizen of Cuba who entered the United States on May 15, 2023, lawfully and with full authorization, having been granted humanitarian parole by U.S. Customs and Border Protection (“CBP”) pursuant to the Cuban Humanitarian Parole (“CHP”) program, operating under the authority of INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A). His entry was inspected, authorized, and documented. He holds a valid I-94 Arrival/Departure Record (Record No. 359632159A3). Since his arrival, Petitioner has resided continuously and lawfully in Jacksonville, Florida.

Critically, Petitioner has a pending Form I-485, Application to Register Permanent Residence or Adjust Status, filed with USCIS prior to the Trump administration’s March 25, 2025 Federal Register Notice terminating the CHNV parole programs. DHS’s own termination notice expressly provided that CHNV beneficiaries who had filed immigration benefit applications prior to the termination notice were not required to depart the United States, and that their parole-based authorization would remain in effect pending adjudication of such applications. Petitioner’s pending I-485 is filed under the Cuban Adjustment Act of 1966 (*Pub. L. No. 89-732, 80 Stat. 1161*), which independently authorizes Cuban nationals who have been inspected, admitted, or paroled into the United States and who have been physically present for at least one year to adjust status to lawful permanent resident.

Petitioner has no criminal record in Cuba or the United States. He is in a committed relationship with Lisa Beccardi, a United States citizen, with whom he resides. He is gainfully employed, having earned \$52,828 in wages in 2025 as reflected in his U.S. Individual Income Tax Return. He presents no danger to the community and poses no meaningful flight risk.

The Government is detaining Petitioner without any individualized bond determination, despite his clear lawful status, his pending adjustment application, his clean record, and his deep ties to

this community. Petitioner's continued detention without due process violates the Fifth Amendment to the United States Constitution and the Immigration and Nationality Act.

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 a neutral adjudicator, at which the Government bears the burden of demonstrating by clear and convincing evidence that continued detention is justified.

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.

2. This Court also has jurisdiction pursuant to 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States. Petitioner alleges violations of the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act.

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. See *Boumediene v. Bush*, 553 U.S. 723 (2008); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

4. Venue is proper in this District pursuant to 28 U.S.C. § 2241(a) because Petitioner is detained within the territorial jurisdiction of this Court at the Florida Baker Correctional Institute, 20706 US-90 W, Sanderson, Baker County, Florida 32087, within the Middle District of Florida, Jacksonville Division.

5. Venue is further proper because Petitioner's immediate custodian, the Warden of Florida Baker Correctional Institute, is located within this District, and Respondent Garrett J. Ripa, Field Office Director for the ICE Miami Field Office, exercises legal custody and control over Petitioner's detention within this District.

PARTIES

6. Petitioner Lazaro Reitor Riveron (A-Number: [REDACTED]) is a native and citizen of Cuba born on [REDACTED] in Morón, Ciego de Ávila, Cuba. He entered the United States lawfully on May 15, 2023, under the Cuban Humanitarian Parole program. He is presently detained by ICE at the Florida Baker Correctional Institute in Sanderson, Florida.

7. Respondent Warden, Florida Baker Correctional Institute, is the official responsible for Petitioner's immediate physical custody and day-to-day detention. The Warden is sued in his or her official capacity.

8. Respondent Garrett J. Ripa, Field Office Director for ICE's Miami Field Office, is responsible for overseeing immigration enforcement and detention operations within this region, including the lawfulness of Petitioner's detention. He is sued in his 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. He 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, including the grant and revocation of humanitarian parole. He 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. He is sued in her official capacity.

FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner's Background, Lawful Entry, and Ties to the United States

12. Petitioner Lazaro Reitor Riveron is a native and citizen of Cuba, born on [REDACTED] in Morón, Ciego de Ávila, Cuba.

13. Petitioner entered the United States on May 15, 2023, after being lawfully processed and paroled into the country by U.S. Customs and Border Protection at an official port of entry. He was admitted under the Cuban Humanitarian Parole (CHP) program pursuant to INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A), with an authorized period of stay through May 13, 2025.

His I-94 Arrival/Departure Record (No. [REDACTED]) confirms his lawful admission under Class of Admission "CHP."

14. As an arriving alien paroled into the United States under a duly authorized government parole program, Petitioner's entry was inspected, reviewed, and approved by federal immigration authorities on a case-by-case basis, as required by INA § 212(d)(5)(A). He was lawfully present in the United States throughout his period of authorized parole.

15. Petitioner has resided continuously in Jacksonville, Florida since his entry. He has maintained a stable residence at [REDACTED]

16. Petitioner is in a committed relationship with Lisa Beccardi, a United States citizen, with whom he has lived together in Jacksonville throughout his time in the United States.

17. Petitioner is gainfully employed and a productive member of his community. His 2025 U.S. Individual Income Tax Return (Form 1040) reflects total wages of \$52,828, demonstrating his consistent work history and financial contributions to the United States economy.

18. Petitioner has no criminal record in the United States. His Cuban criminal records certificate, issued by the Ministerio de Justicia, Registro Central de Sancionados on May 9, 2023, confirms that as of that date there were no criminal antecedents on record ("Hasta esta fecha no constan antecedentes penales"). He has no arrests, convictions, or any adverse criminal history in the United States.

19. Petitioner presents no danger to the community and poses no flight risk. His close relationship with a United States citizen partner, stable employment, consistent tax compliance, and deep community ties in Jacksonville provide powerful incentives to appear at any future immigration proceedings.

B. Petitioner's Pending Adjustment of Status Under the Cuban Adjustment Act

20. Prior to the Trump administration's termination of the CHNV humanitarian parole programs, Petitioner filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with USCIS, seeking adjustment to lawful permanent resident status under the Cuban Adjustment Act of 1966, Pub. L. No. 89-732, 80 Stat. 1161 ("CAA").

21. The Cuban Adjustment Act is a federal statute that remains in full force and effect. It authorizes Cuban natives or citizens who have been inspected, admitted, or paroled into the United States and who have been physically present in the United States for at least one year to apply for adjustment of status to lawful permanent resident. Petitioner satisfies each of these requirements: (a) he is a native and citizen of Cuba; (b) he was inspected and paroled into the United States on May 15, 2023; and (c) he has been continuously and physically present in the United States for more than two years as of the date of this filing.

22. Petitioner's pending I-485 was filed with USCIS and confirmed by his Form I-765 receipt notice dated February 28, 2025 (Receipt No. [REDACTED]), reflecting a Category C09 employment authorization application — a category available exclusively to applicants with a pending Form I-485. This filing confirms the existence of Petitioner's pending adjustment application and its pendency well before the government's announced termination of the CHNV program.

23. Petitioner was previously granted an Employment Authorization Document (EAD) under Category C11 (parolee), valid from June 5, 2023 through May 13, 2025 (I-797 Notice of Action, Receipt No. [REDACTED] USCIS Account No. [REDACTED]). The subsequent C09 EAD application reflects that Petitioner transitioned to adjustment-based employment authorization incident to his pending I-485, consistent with his ongoing eligibility under the CAA.

24. The Trump administration's Federal Register Notice of March 25, 2025, terminating the CHNV parole programs effective April 24, 2025, expressly stated that CHNV beneficiaries who had filed immigration benefit applications prior to the publication of the termination notice were not required to immediately depart the United States. DHS acknowledged the distinct legal status of those with pending applications, and its own regulatory framework preserved their authorized presence pending adjudication. Petitioner's I-485 was filed before the government's termination notice, and he was therefore among those who retained an authorized basis to remain.

25. Separately, the government's termination of the CHNV program without individualized case-by-case consideration, as required by INA § 212(d)(5)(A), is the subject of ongoing federal litigation. See *Svitlana Doe v. Noem*, No. 25-cv-10495 (D. Mass.). The statute under which Petitioner's parole was granted requires that parole be determined "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." The blanket revocation of parole

granted pursuant to that statute, without any individualized review, contravenes the statutory text and the terms under which Petitioner was admitted.

26. Moreover, DHS has acknowledged in other regulatory contexts that where an alien has a pending Form I-485, the agency will preserve parole until either the parole period expires or a final decision is made on the I-485, whichever is sooner. Petitioner's I-485 remains pending. No final decision has been issued. **Accordingly, Petitioner retains an authorized basis to remain in the United States under the CAA, pending final adjudication of his adjustment application.**

C. Petitioner's Arrest and Detention

27. On April 28, 2026, Petitioner was taken into ICE custody. He was not the driver of any vehicle and committed no criminal offense. He was a passenger in a motor vehicle when immigration agents detained him. No criminal charges have been filed against him.

28. Petitioner was transferred to and is currently detained at the Florida Baker Correctional Institute, 20706 US-90 W, Sanderson, Baker County, Florida 32087. His ICE detention information reflects that the responsible Enforcement and Removal Operations ("ERO") Office is the Krome, Miami, FL, Docket Control Office, reachable at (305) 207-2101.

29. At the time of his detention, Petitioner had a lawful basis to remain in the United States by virtue of his pending Form I-485 under the Cuban Adjustment Act and the government's own regulatory framework preserving authorization for CHNV beneficiaries with pending immigration applications.

30. Respondents have not conducted any individualized bond hearing or made any individualized determination regarding the necessity of Petitioner's detention. Petitioner has been held without the opportunity to present evidence of his ties to the community, his lack of criminal history, or his eligibility for release.

31. Petitioner's continued detention without any individualized bond hearing, despite his lawful entry, his pending I-485, his spotless record, and his strong ties to the United States, constitutes a deprivation of liberty without due process of law.

STATUTORY AND CONSTITUTIONAL FRAMEWORK

32. Habeas corpus relief is available when a person “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Federal courts retain jurisdiction to review the statutory and constitutional basis for immigration detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

33. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. Its protections extend to all persons within the United States, including noncitizens, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. at 693. Freedom from government detention lies at the core of the liberty the Due Process Clause protects. *Id.* at 690.

34. INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A), authorizes the Secretary of Homeland Security to parole aliens into the United States temporarily, “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” The statute’s case-by-case requirement means that a blanket revocation of individually granted paroles, without individualized review, is inconsistent with the statutory mandate.

35. The Cuban Adjustment Act of 1966 provides that the status of a Cuban native or citizen who has been inspected, admitted, or paroled into the United States and who has been physically present for at least one year “shall, if the alien is admissible to the United States as an immigrant,” be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence. The CAA is a congressionally enacted statute that confers a right to seek adjustment of status, and a pending I-485 filed thereunder constitutes a legally cognizable basis for authorized presence.

36. The Supreme Court has recognized that even arriving aliens who have substantial connections to the United States are entitled to procedural due process protections. *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). Where an alien has resided in the United States for a significant period and has established ties, those ties constitute a protected liberty interest for which process is required before deprivation.

37. Civil immigration detention is regulatory, not punitive, and must bear a reasonable relationship to the legitimate purposes of the detention scheme. *Zadvydas v. Davis*, 533 U.S. at 690-91. Where detention is prolonged and no individualized determination has been made, the regulatory justification collapses and detention becomes constitutionally infirm.

38. Federal courts in this circuit and others have consistently granted habeas relief to immigration detainees held without individualized bond hearings, including Cuban nationals with pending I-485 applications. See, e.g., *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362, 1366-67 (11th Cir. 2006). Recent decisions from district courts have specifically granted habeas relief to Cuban parolees with pending I-485 applications who were denied bond hearings. See, e.g., *Case Name Unavailable v. Castro*, No. 26-518 (D.N.M. March 2026) (granting habeas petition of Cuban parolee with pending CAA I-485 and ordering release within 24 hours).

**COUNT I: UNLAWFUL DETENTION — PETITIONER HAS A LAWFUL BASIS TO
REMAIN AND IS BEING DETAINED WITHOUT STATUTORY OR
CONSTITUTIONAL AUTHORITY**

39. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

40. Petitioner entered the United States lawfully on May 15, 2023, on humanitarian parole granted pursuant to INA § 212(d)(5)(A). His parole was granted on an individualized, case-by-case basis, as the statute requires.

41. Petitioner has a pending Form I-485 filed with USCIS under the Cuban Adjustment Act. His pending adjustment application, filed before the CHNV termination notice, constitutes a lawful basis for his continued presence in the United States. DHS’s own termination framework preserved authorized status for CHNV beneficiaries with pending immigration benefit applications.

42. The Cuban Adjustment Act, a statute of Congress, independently provides Petitioner with a right to seek and obtain adjustment of status to lawful permanent resident. A pending I-485 under the CAA, filed by an alien who satisfies the statutory eligibility requirements, cannot be treated as a nullity. The government may not detain and remove Petitioner while his congressionally authorized adjustment application remains pending, without first affording him the process to which he is entitled.

43. The government’s blanket revocation of CHNV parole grants, without individualized consideration of each parolee’s circumstances, violates INA § 212(d)(5)(A)’s case-by-case requirement. To the extent Respondents contend that Petitioner’s parole has been terminated by

the March 25, 2025 Federal Register Notice, such blanket termination is ultra vires and unlawful as applied to Petitioner, who was lawfully paroled on an individualized basis and who has a pending adjustment application.

44. Petitioner is therefore being detained without a valid statutory basis. His detention is unlawful, and habeas relief pursuant to 28 U.S.C. § 2241 is warranted.

**COUNT II: UNLAWFUL DETENTION — FAILURE TO PROVIDE AN
INDIVIDUALIZED BOND HEARING IN VIOLATION OF THE FIFTH AMENDMENT**

45. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

46. Regardless of the precise statutory provision under which Petitioner is detained, Respondents have not provided Petitioner with any individualized determination regarding the necessity of his continued detention. He has been held since April 28, 2026, without any bond hearing before a neutral adjudicator, without any opportunity to demonstrate his lack of dangerousness or flight risk, and without any meaningful process.

47. As the Supreme Court has recognized, civil immigration detention must bear a reasonable relationship to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. at 690. That relationship is strained to the point of constitutional violation where, as here, the government detains a person who entered lawfully, has no criminal history, has strong ties to the community, and has a pending application for lawful permanent residence — without ever making an individualized assessment of whether detention is necessary.

48. Petitioner is not a danger to the community. His criminal record is unblemished. He has no history of violence, drug offenses, or any criminal conduct in the United States or Cuba.

49. Petitioner is not a flight risk. He has resided continuously in the United States since May 15, 2023. He lives with his United States citizen partner, Lisa Beccardi. He is employed and has filed tax returns. He has powerful personal, economic, and legal incentives to remain and appear for immigration proceedings. His pending I-485 represents years of investment in his future in this country.

50. The absence of any individualized bond determination violates Petitioner's liberty interest protected by the Due Process Clause of the Fifth Amendment. Petitioner is entitled to a prompt

bond hearing at which the Government must demonstrate by clear and convincing evidence that continued detention is necessary.

51. Habeas corpus relief pursuant to 28 U.S.C. § 2241 is appropriate to remedy this constitutional violation.

**COUNT III: UNLAWFUL DETENTION — PAROLE REVOCATION WITHOUT
INDIVIDUALIZED PROCESS VIOLATES INA § 212(d)(5) AND THE DUE PROCESS
CLAUSE**

52. Petitioner realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

53. INA § 212(d)(5)(A) requires that humanitarian parole be granted and, by necessary implication, revoked only on a “case-by-case basis.” The statute does not authorize the blanket, categorical revocation of thousands of individually granted paroles by way of a Federal Register Notice, without any individualized review.

54. Petitioner’s parole was granted to him individually, based on a case-by-case determination by CBP that he met the criteria for humanitarian parole. His parole cannot lawfully be revoked by a blanket administrative notice without any individualized review of his particular circumstances, his compliance with parole conditions, and his pending adjustment application.

55. The Supreme Court has held that where the government has extended a promise of authorized status to an individual, and that individual has relied on that promise, the government may not revoke that status without affording the individual fair notice and an opportunity to be heard. *Landon v. Plasencia*, 459 U.S. 21 (1982). Petitioner was told he could reside lawfully in the United States for the duration of his parole period and was authorized to apply for permanent residency. He relied on that authorization by residing here, working, filing taxes, and submitting his I-485. Revoking his status by blanket administrative notice, while he has a pending I-485 under an Act of Congress, violates due process.

56. Petitioner is entitled to habeas relief, including at minimum an individualized review of whether his parole should be terminated and whether his detention is justified, or immediate release pending adjudication of his I-485.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

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

59. To the extent exhaustion is required, it is a judicially created prudential doctrine, not a jurisdictional prerequisite, and may be excused where administrative remedies are inadequate or futile. *Sundar v. INS*, 328 F.3d 1320, 1323 (11th Cir. 2003).

60. Exhaustion is futile here because: (a) the core claims — that Petitioner's detention is unlawful and that he has not received a constitutionally adequate bond hearing — are not remediable through the administrative process alone; (b) Immigration Judges lack authority to grant the constitutional habeas relief sought herein; and (c) requiring exhaustion would prolong an unconstitutional deprivation of Petitioner's liberty with no meaningful prospect of timely administrative relief.

61. Additionally, the urgency of Petitioner's situation — lawful entry, pending I-485, USC partner, clean record, and immediate detention without process — makes exhaustion impractical and inconsistent with the remedial purposes of the Great Writ.

REQUESTED RELIEF

WHEREFORE, Petitioner Lazaro Reitor Riveron respectfully requests that this Court grant the following relief:

1. 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;
2. Order Petitioner's immediate release from custody under reasonable conditions of supervision;
3. In the alternative, order Respondents to provide Petitioner with a prompt individualized bond hearing before a neutral adjudicator, consistent with due process, within seven (7) days of this Court's order;

4. Order that at any such bond hearing, the Government bears the burden of demonstrating by clear and convincing evidence that continued detention is necessary on the grounds of dangerousness or flight risk;
5. Order Respondents to refrain from transferring Petitioner outside the jurisdiction of this Court without prior notice to counsel and leave of Court;
6. Order Respondents to refrain from removing Petitioner from the United States while this petition is pending, or in any manner that would interfere with this Court's jurisdiction;
7. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; and
8. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/Anny Leon

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Attorney for Petitioner Lazaro Reitor Riveron

Date: May 4, 2026

VERIFICATION

I, Anny Leon, am counsel for Petitioner Lazaro Reitor Riveron 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