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UNITED STATES DISTRICT COURT
for the
Middle District of Florida

JUAN SEBASTIAN ARIAS GOMEZ,
Petitioner,

v.

WARDEN, BAKER CORRECTIONAL
INSTITUTION et al.,
Respondents.

Case N° 3:26-CV-1171-JEP-mc

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

I. INTRODUCTION

I, Juan Sebastian Arias Gomez, respectfully submit this Petition because I am currently being detained in immigration custody without a meaningful opportunity to seek release before a neutral decision-maker.

This petition presents an urgent deprivation of liberty requiring immediate judicial review.

My detention is unlawful and violates the Due Process Clause of the Fifth Amendment. I am being held without an individualized custody determination, without access to a bond hearing, and based in part on materially incorrect and unverified information relied upon at the time of my arrest.

Absent judicial intervention, I face continued detention without a defined endpoint or meaningful procedural safeguard.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because I am in federal custody within this District and challenge the legality of my detention.

III. PARTIES

I am the Petitioner, Juan Sebastian Arias Gomez, currently detained at Baker Correctional Institution in Florida.

Respondents include the Warden of Baker Correctional Institution and other officials responsible for my detention within the Department of Homeland Security.

This Petition is submitted through my Next Friend, Vanessa Y. Cabrera, due to my detention and limited ability to access the Court.

IV. BACKGROUND AND PERSONAL CIRCUMSTANCES

I am a citizen of Colombia.

I entered the United States on or about March 30, 2022, and was processed by immigration authorities.

I was detained and subsequently released by DHS following the issuance of a Notice to Appear (Form I-862) and placed into removal proceedings.

I have no criminal history.

I have complied with all requirements in my immigration case.

I appeared before the Immigration Court on August 11, 2025, and my next hearing was scheduled for June 17, 2027.

V. DETENTION AND LACK OF MEANINGFUL CUSTODY REVIEW

On March 26, 2026, I was arrested during a roadside enforcement operation in Kissimmee, Florida.

During the arrest, an ICE officer stated that I did not have a pending immigration hearing.

This statement was materially incorrect. At the time of my arrest, I had an active immigration case and a scheduled hearing.

I was taken into custody and later transferred to Baker Correctional Institution, where I remain detained.

Upon information and belief, I am currently detained pursuant to INA § 236(a) pending removal proceedings.

I was previously placed in removal proceedings and released by DHS following issuance of a Notice to Appear.

Accordingly, I am not an arriving alien under INA § 235, and detention under that framework is improper.

Despite this, I have not been provided with a bond hearing or any meaningful opportunity for individualized custody review before a neutral decision-maker.

VI. LEGAL BASIS FOR RELIEF

1. Detention Without Meaningful Process Violates Due Process

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

I have been detained without any meaningful opportunity to challenge my detention before a neutral decision-maker.

2. No Meaningful Custody Review Available

I have not been provided with a bond hearing or any meaningful opportunity for individualized custody review.

Because I have been denied access to a neutral decision-maker, my detention is constitutionally deficient.

3. Detention Based on Materially Incorrect Information is Arbitrary

My detention was initiated based on materially incorrect and unverified information.

The ICE officer stated that I did not have a pending immigration hearing, which was materially incorrect.

Detention based on such information is arbitrary and violates due process.

4. Detention Without Individualized Justification

I have no criminal history and have complied with all immigration requirements.

Despite this, I remain detained without any individualized determination justifying my continued custody.

5. Detention Without Adequate Legal Mechanism for Review

Because no meaningful custody review is available, I have no adequate administrative remedy to challenge my detention.

6. Misclassification of Detention Authority

The government has improperly treated me as if I were subject to detention without bond.

However, I was placed in removal proceedings and released by DHS following issuance of a Notice to Appear.

I am therefore properly subject to INA § 236(a), which provides for a bond hearing.

The failure to provide such a hearing violates due process.

7. Unreasonable Seizure Rendering Detention Constitutionally Defective

My detention did not only become unlawful after I was taken into custody. It began with an objectively unreasonable seizure.

I was taken into custody during a roadside operation based on materially incorrect and unverified information. The officer stated that I did not have a pending immigration hearing, when in fact I had an active case and a scheduled hearing.

Because the seizure was based on materially incorrect or unverified information, it lacked proper legal justification, and the detention that followed is constitutionally defective.

VII. EXHAUSTION

Exhaustion should be excused because no administrative process exists that can provide the relief requested.

VIII. REQUEST FOR RELIEF

I respectfully request that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order a prompt bond hearing before a neutral decision-maker;
3. Or, in the alternative, order my immediate release;
4. Order Respondents to produce custody records, including Form I-286;
5. Grant any other relief the Court deems just and proper.

IX. VERIFICATION

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

Date: X 04-29-2026

X Juan Sebastian Arias Gomez
Juan Sebastian Arias Gomez