

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

VIRGILIO JESUS GONZALEZ OCHOA,
Petitioner,

v.

WARDEN, BAKER COUNTY DETENTION CENTER,
and
FIELD OFFICE DIRECTOR, ICE ERO ORLANDO,
Respondents.

3:26-CV-1179-WWB-LLL

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

I. INTRODUCTION

Petitioner challenges his prolonged immigration detention without a bond hearing as unconstitutional under the Due Process Clause of the Fifth Amendment.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within this district.

III. STATEMENT OF FACTS

1. Petitioner has been continuously detained since approximately January 2026 in Marion County, Florida.
2. On or about April 9, 2026, Petitioner was transferred to ICE custody.
3. Petitioner is currently detained at Baker County Detention Center in Macclenny, Florida.
4. Petitioner has not received a constitutionally adequate bond hearing.
5. Petitioner is the father of two children and the primary financial provider for his household.
6. His continued detention has caused severe emotional and financial hardship to his children and family.

IV. LEGAL STANDARD

The Due Process Clause prohibits unreasonably prolonged civil detention without adequate procedural safeguards.

V. ARGUMENT

A. Prolonged Detention Violates Due Process

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

B. Bond Hearing Required

See *Jennings v. Rodriguez*, 583 U.S. ___ (2018).

C. Government Cannot Reset Detention Clock

The government cannot evade constitutional limits by transferring custody.

D. Family Hardship Supports Relief

Petitioner's role as sole provider for two children strongly supports release.

VI. NEXT FRIEND STANDING

Petitioner is unable to file this petition on his own due to detention and limited access to legal resources.

This petition is brought by Yalescís Fuenmayor as Next Friend.

I am the partner of the Petitioner and the mother of his children. I have a significant relationship with him and am dedicated to his best interests.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests:

1. Immediate release; OR
2. A prompt individualized bond hearing before an immigration judge; and
3. Any further relief the Court deems just and proper.

VIII. DECLARATION

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

Respectfully submitted,

Yalescís F.

YALESCIS FUENMAYOR MATOS

Next Friend of Petitioner

I am the partner of the petitioner and the mother of his daughter.



Date: 05/01/2026