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Attorney for Petitioner

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

VITOR ELIAS OLIVEIRA MADEIRA,

Petitioner,

v.

GARRETT J. RIPA, Miami Field Office
Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"); Todd M. LYONS, Acting
Director of U.S. Immigration and Customs
Enforcement (ICE), Markwayne MULLIN,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Todd BLANCHE,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; WARDEN
OF BAKER CORRECTIONAL
INSTITUTION,

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241**

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioner Vitor Elias Oliveira Madeira. Petitioner is currently in the physical custody of Respondents at the Baker Correctional Institute, located at 20706 US 90 W, Sanderson, FL 32087 ("Florida Baker").

2. Petitioner entered without inspection ("EWI") through Mexico on May 16, 2018 at the Brownsville/Gateway, TX port of country, and remained in this country since then. He was detained by ICE and remained in detention until May 27, 2018, when he was released on an Order of Recognizance (Form I-220A), for the purpose of continuing their removal proceedings

3. In the subsequent years since his release, Petitioner fulfilled his conditions of release, reunited with family members residing in the community and built his life in the United States. Despite Petitioner's compliance with ICE, on March 18, 2026, Petitioner was unlawfully re-detained by the Department of Homeland Security (DHS). Prior to re-detaining each Petitioner, Respondents did not provide any written notice explaining the basis for revoking their release.

5. At no time prior to this arrest was Respondent provided notice that he would be re-detained. The arrest occurred despite Respondent's long-standing compliance with immigration authorities, his stable residence, his family ties to U.S. citizens, and his active pursuit of lawful status under DHS supervision.

6. This sudden and unexplained re-detention constitutes a deprivation of liberty without due process of law, undermines fundamental reliance interests, and reflects government-induced delay and inconsistency between DHS components.

7. Within the Eleventh Circuit, due process requires that immigration detention not be arbitrary, punitive, or divorced from its stated civil purpose. Here, the government's actions—re-detaining Respondent immediately after affirmatively advancing his path toward lawful status—

1 are inconsistent with the principles of fundamental fairness, proportionality, and reasoned decision-
2 making protected by the Fifth Amendment.

3 8. Likewise, Respondents did not assess whether Petitioner presented a flight risk or
4 danger to the community prior to his re-detention or to explain why Petitioner is now a flight risk
5 or danger to the community.

6 9. As this Court has recently held in multiple cases, due process demands a hearing
7 *prior* to the government's decision to terminate a person's liberty. *See United States v. Smith*, 30
8 F.4th 1334, 1338 (11th Cir. 2022) (“the complete denial of the opportunity to be heard on a
9 material issue is a violation of due process which is never harmless error”. The Fifth Amendment
10 guarantees that “[n]o person shall be...deprived of life, liberty, or property, without due process of
11 law[.]” U.S. Const. amend. V. The clause “applies to all ‘persons’ within the United States,
12 including aliens, whether their presence here is lawful, unlawful, temporary, or
13 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). It is thus “well established that the Fifth
14 Amendment entitles aliens to due process of law in deportation proceedings.” *Reno v. Flores*, 507
15 U.S. 292, 306 (1993).

16 10. By failing to provide such a hearing, Respondents have violated Petitioners’
17 constitutional rights to due process.

18 11. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant
19 petition for a writ of habeas corpus and order Petitioners’ immediate release. *See Burt v. Fuchs*, 679
20 F.Supp.3d 1299 (11th Cir. 2023) (ordering immediate release because “a post-deprivation hearing
21 cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an
22 erroneous deprivation of liberty”) Petitioner asks this Court to find that Respondents’ attempts to
23 detain, transfer, and deport Petitioner are arbitrary and in violation of the law, and to immediately

1 issue an order preventing Petitioner's transfer out of this district.

2 JURISDICTION

3 12. This action arises under the Constitution of the United States and the Immigration
4 and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

5 13. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
6 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
7 (Suspension Clause).

8 14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et.
9 seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. §
10 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

11 VENUE

12 15. Venue is proper because Petitioner is in Respondents' custody in Sanderson,
13 Florida. Venue is further proper because a substantial part of the events or omissions giving rise
14 to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody.
15 28 U.S.C. § 1391(e). *See, e.g., Hajduk v. United States*, 764 F.2d 795, 796 (11th Cir.1985) ("A
16 petition for a writ of habeas corpus may only be brought in the court having jurisdiction over
17 the petitioner or his place of incarceration.")

18 REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

19 16. The Court must grant the petition for writ of habeas corpus or issue an order to
20 show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28
21 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within
22 three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

23 17. Courts have long recognized the significance of the habeas statute in protecting
24 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most

1 important writ known to the constitutional law of England, affording as it does a swift and
2 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
3 (1963). Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and
4 detained by Respondents.

5 PARTIES

6 18. Petitioner, VITOR ELIAS OLIVEIRA MADEIRA, is a citizen of Brazil. Petitioner
7 is present within the state of Florida as of the time of the filing of this petition.

8 19. Respondent GARRETT J. RIPA is the Field Office Director for the Miami Field
9 Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Miami
10 Field Office is responsible for local custody decisions relating to non-citizens charged with being
11 removable from the United States, including the arrest, detention, and custody status of non-
12 citizens. The Miami Field Office’s area of responsibility includes Miami, Orlando, and
13 Washington. Respondent Ripa is a legal custodian of Petitioner.

14 20. Respondent TODD LYONS is the acting director of U.S. Immigration
15 Customs Enforcement, and he has authority over the actions of respondent GARRETT J. RIPA
16 and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

17 21. Respondent MARKWAYNE MULLIN is the Secretary of the Department of
18 Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in
19 this case, as well as all operations of DHS. Respondent Noem is a legal custodian of Petitioner
20 and is charged with faithfully administering the immigration laws of the United States.

21 22. Respondent TODD BLANCHE is the Attorney General of the United States,
22 and as such has authority over the Department of Justice and is charged with faithfully
23 administering the immigration laws of the United States.

23. Respondent U.S. IMMIGRATION CUSTOMS ENFORCEMENT is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

24. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

25. Respondent WARDEN OF BAKER CORRECTIONAL INSTITUTION, is employed as Warden of the BAKER CORRECTIONAL INSTITUTION, where Petitioner is detained. He/She has immediate physical custody of Petitioner. He/She is sued in He/She official capacity.

26. This action is commenced against all Respondents in their official capacities.

FACTUAL BACKGROUND

27. Petitioner entered without inspection ("EWI") through Mexico on May 16, 2018 at the Brownsville/Gateway, TX port of country, and remained in this country since then. He was detained by ICE and remained in detention until May 27, 2018, when he was released on an Order of Recognizance (Form I-220A), for the purpose of continuing this removal proceedings.

28. In the subsequent years since his release, Petitioner fulfilled his conditions of release, reunited with family members residing in the community and built his life in the United States. Despite Petitioner's compliance with ICE, on March 18, 2026, Petitioner was unlawfully re-detained by the Department of Homeland Security (DHS). Prior to re-detaining each Petitioner, Respondents did not provide any written notice explaining the basis for revoking their release.

29. At no time prior to this arrest was Respondent provided notice that he would be re-detained. The arrest occurred despite Respondent's long-standing compliance with immigration authorities, his stable residence, his family ties to U.S. citizens, and his active pursuit of lawful status under DHS supervision.

1 30. Prior to Petitioner's arrest, he was not afforded a hearing before a neutral
2 decisionmaker to determine if his re-detention was justified.

3 **LEGAL FRAMEWORK**

4 **Due Process Principles**

5 31. Due process requires that if DHS seeks to re-arrest a person like the Petitioner—
6 an individual who was released and who has lived in the United States without incident after his
7 initial release, and have otherwise complied with the terms of their release—the government must
8 afford a hearing before a neutral decisionmaker to determine whether any re-detention is justified
9 because the person is a flight risk or danger to the community.

10 32. “Freedom from imprisonment—from government custody, detention, or other
11 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
12 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to “[a]ll ‘persons’ within
13 the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or
14 permanent.” *Id.* at 693, 121 S.Ct. 2491. Detention, including that of a non-citizen, violates due
15 process if there are not “[a]dequate procedural protections” or “special justification[s]” sufficient
16 to outweigh one's “‘constitutionally protected interest in avoiding physical restraint.’” *Id.* at 690,
17 121 S.Ct. 2491 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356, 117 S.Ct. 2072, 138 L.Ed.2d
18 501 (1997)); *Demore v. Kim*, 538 U.S. 510, 531, 123 S.Ct. 1708, 155 L.Ed.2d 724 (2003).
19 Consistent with this principle, individuals released on parole or other forms of conditional release
20 have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

21 33. Such liberty is protected by the Fifth Amendment because, “although
22 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to
23 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the

1 [released individual] and often on others.” Id.

2 34. To protect against arbitrary re-detention and to ensure the right to liberty, due
3 process requires “adequate procedural protections” that test whether the government’s asserted
4 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
5 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

6 35. Due process thus guarantees notice and an individualized hearing before a neutral
7 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
8 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
9 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
10 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine
11 whether there is probable cause or reasonable ground to believe that the arrested parolee has
12 committed . . . a violation of parole conditions” and that such determination be made “by someone
13 not directly involved in the case” (citation modified)).

14 36. Several courts, including this one, have recognized that these principles apply with
15 respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking back
16 into custody, often after such persons have been released for months and years.

17 37. For example, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976),
18 framework to hold that even in a case where the government asserted that mandatory detention
19 initially applied, a person’s re-detention could not occur absent a hearing. The Court did the same
20 in *Gonzalez Carmona*. *See Gonzalez Carmonas*, 2025 WL 3649577, at *4.

21 38. In applying the three *Mathews* factors, the *Gonzalez Carmonas* court held that the
22 “All three factors weigh heavily in Gonzalez Carmona’s favor. First, his interest in freedom
23 from detention “lies at the heart of the liberty” the Due Process Clause protects. *Zadvydas*, 533
24 U.S. at 690. Second, the risk of erroneous deprivation of that interest was substantial there. When

1 DHS detained Gonzalez Carmona in 2021, a DHS officer found him eligible for supervised
2 release. Since then, Gonzalez Carmona has kept his criminal record clean, he has complied with
3 all terms of supervision, and he proved he is no flight risk by attending his removal hearing.”
4 *Gonzalez Carmonas*, 2025 WL 3649577, at *4. As a result, this Court ordered the petitioner’s
5 immediate release. *Id.* at 5.

6 39. This Court’s decisions in *Gonzalez Carmonas* is consistent with many other
7 district court decisions addressing similar situations. See, e.g., *Valdez v. Joyce*, No. 25 CIV. 4627
8 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of
9 pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP,
10 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946
11 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
12 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

13 40. The same framework and principles apply here and compel Petitioner’s immediate
14 release.

15 Due Process, Reliance Interests, and Arbitrary Re-Detention Under Eleventh Circuit Law

16 41. Although immigration detention is civil in nature, the Fifth Amendment’s Due
17 Process Clause applies with full force and prohibits detention that is arbitrary, punitive, or
18 divorced from its stated regulatory purpose. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
19 Even where the government retains statutory authority to detain, that authority must be exercised
20 in a manner that is reasonable, proportionate, and fundamentally fair.

21 42. Within the Eleventh Circuit, courts recognize that immigration detention becomes
22 constitutionally suspect when it is imposed or reimposed without individualized justification,
23 particularly where the noncitizen has demonstrated compliance, stability, and an active pursuit of
24 lawful status. See *Sopo v. U.S. Attorney General*, 825 F.3d 1199, 1217–18 (11th Cir. 2016)

(recognizing due process limits on prolonged detention and the need for reasoned justification), vacated on other grounds, 890 F.3d 952 (11th Cir. 2018).

43. ICE's sudden re-detention of Respondent—without notice, explanation, or consideration of the recent USCIS adjudication—constitutes an impermissible agency inconsistency that undermines fundamental principles of due process. While different DHS components may have distinct functions, the Constitution does not permit the government to extend reliance-inducing benefits with one hand and impose severe liberty restraints with the other, without reasoned explanation or procedural safeguards.

44. Courts have long recognized that where individuals reasonably rely on affirmative governmental action, due process protects those reliance interests from arbitrary disruption. See *INS v. St. Cyr*, 533 U.S. 289, 321–23 (2001) (recognizing reliance interests in the immigration context); see also *Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (agency must follow its own procedures and representations).

43. Moreover, the timing and manner of the arrest further underscore the punitive and unreasonable nature of the government's conduct. Civil immigration detention may not be used as a tool of surprise enforcement where the individual has remained compliant, visible to the government, and actively engaged in the lawful adjustment process.

44. In sum, Respondent's re-detention represents a deprivation of liberty without procedural or substantive due process, violates settled reliance principles, and reflects government-induced delay and internal inconsistency that cannot be squared with the Fifth Amendment as applied in the Eleventh Circuit.

Emergency Request for Immediate Release and Temporary Restraining Order

45. Petitioner respectfully seeks emergency relief in the form of immediate release

1 from ICE custody and the issuance of a Temporary Restraining Order (“TRO”), as the
2 government’s actions present an ongoing and irreparable violation of Petitioner’s constitutional
3 rights.

4 46. A TRO and preliminary injunctive relief are appropriate where the movant
5 demonstrates:

- (1) a substantial likelihood of success on the merits;
- (2) irreparable injury absent injunctive relief;
- (3) that the balance of harms favors the movant; and
- (4) that the injunction serves the public interest.

6
7 *See Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

8 47. Each factor strongly favors Petitioner.

9 **(1) Substantial Likelihood of Success on the Merits**

10 48. As set forth above, Petitioner’s re-detention immediately following USCIS’s
11 approval of his Form I-130 after an in-person interview constitutes a deprivation of liberty without
12 due process, violates well-established reliance interests, and reflects arbitrary and inconsistent
13 action by DHS components. Under *Zadvydas*, *St. Cyr*, *Accardi*, and Eleventh Circuit due process
14 principles, Petitioner is likely to succeed on his claim that continued detention is unconstitutional
15 and exceeds the government’s legitimate civil detention authority.

16 **(2) Irreparable Harm**

17 59. Absent immediate judicial intervention, Petitioner faces irreparable harm.
18 Unlawful immigration detention constitutes a paradigmatic deprivation of liberty that cannot be
19 remedied through monetary damages. Moreover, Petitioner faces the imminent risk of transfer to
20 another ICE facility or execution of a prior removal order, which would irreparably impair this
21 Court’s jurisdiction and frustrate meaningful habeas review. See *Devitri v. Cronen*, 289 F. Supp.
22 3d 287, 294–95 (D. Mass. 2018) (risk of removal constitutes irreparable harm).

23 60. Petitioner’s continued detention also causes ongoing and irreparable harm to his

U.S. citizen spouse and U.S. citizen child, who depend on him for daily care and family unity—
interests the Supreme Court has repeatedly recognized as weighty and constitutionally significant.

(3) Balance of Harms

61. The balance of equities overwhelmingly favors Petitioner. Releasing Petitioner—who has a fixed residence, U.S. citizen immediate relatives, a recently approved I-130, and a documented history of compliance with DHS supervision—poses no risk to the government. By contrast, continued detention inflicts severe and ongoing constitutional injury on Petitioner and his family.

(4) Public Interest

62. The public interest is served by ensuring that the federal government acts consistently, lawfully, and in accordance with the Constitution, and by preventing arbitrary detention that undermines confidence in the immigration system. Protecting due process and preventing agency overreach is always in the public interest.

63. Accordingly, Petitioner respectfully requests that this Court issue a Temporary Restraining Order and Preliminary Injunction enjoining Respondents, their agents, and all persons acting in concert with them from:

- a. Removing Petitioner from the United States;
- b. Transferring Petitioner outside this Court's jurisdiction;
- c. Re-detaining Petitioner absent further order of this Court;

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

Petitioners restate and reallege all the prior paragraphs as if fully set forth herein

65. Due process does not permit the government to re-detain Petitioners and strip them of their liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur prior to any redetention.

66. Respondent revoked Petitioner’s release and deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

67. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

68. Petitioners have a fundamental interest in liberty and being free from official restraint.

69. Accordingly, Petitioners’ re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Order Petitioner’s immediate release from ICE custody, pending final resolution of this habeas petition;
- (3) Waive any bond requirement pursuant to Fed. R. Civ. P. 65(c), as this action seeks to vindicate fundamental constitutional rights and involves no risk of monetary harm to the

1 government; and

2 (4) Issue an Order to Show Cause ordering Respondents to show cause within five days as
3 to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering
4 that they not transfer Petitioner out of this district during the pendency of the court's
5 adjudication of this petition, or, alternatively, provide Petitioner and his habeas counsel
6 with advance notice of any transfer or removal;

7 (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody
8 immediately and permanently enjoining his re-detention during the pendency of his
9 removal proceeding absent written notice and a hearing prior to re-detention where
10 Respondents must prove by clear and convincing evidence that Petitioner is a flight risk
11 or danger to the community and that no alternatives to detention would mitigate those
12 risks;

13 (6) Issue a Temporary Restraining Order and Preliminary Injunction enjoining Respondents,
14 their agents, and all persons acting in concert with them from:

- 15 a. Removing Petitioner from the United States;
16 b. Transferring Petitioner outside this Court's jurisdiction;
17 c. Re-detaining Petitioner absent further order of this Court;

18 (7) Declare that the re-detention of Petitioner while removal proceeding is ongoing without
19 first providing an individualized determination before a neutral decisionmaker violates
20 the Due Process Clause of the Fifth Amendment;

21 (8) Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act, and
22 on any other basis justified under law; and

23 (9) Grant any further relief this Court deems just and proper.

1 Dated: April 27, 2026.
2
3

/s/ Margareth Guedes

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ORDER OF RELEASE ON RECOGNIZANCE
CONTINUATION PAGE

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Event: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: VITOR ELIAS OLIVEIRA MADEIRA

currently residing at:

BAKER C.I. - 20706 FL-10 SANDERSON, FLORIDA 32087

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☒ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of BRAZIL and a citizen of BRAZIL;
3. On May 16, 2018, you applied for admission into the United States at the Brownsville/Gateway, TX port of entry;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

20706 FL-10, SANDERSON, FLORIDA 32087. BAKER CORRECTIONAL INSTITUTION

(Complete Address of Immigration Court, including Room Number, if any)

on April 15, 2026 at 1:00 pm to show why you should not be removed from the United States based on
(Date) (Time)

the charge(s) set forth above.

S 8153 TORRES - SDDO

(Signature and Title of Issuing Officer)

Date: March 24, 2026

Jacksonville, FL

(City and State)

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of \$5,000 and imprisonment of up to 30 days. More information is available online at <https://www.uscis.gov/addresschange>. **This obligation is in addition to your obligation to notify the Immigration Court of your change of address.**

Representation: If you choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the immigration judge of any relief from removal for which you may appear eligible, including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge. At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross-examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. **This obligation is in addition to your obligation to notify DHS of your change of address.**

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the immigration judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of \$5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of \$500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from \$1,000 to \$5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 24, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the PORTUGUESE language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign
(Signature of Respondent if Personally Served)

C. Fernandez
C 3548 FERNANDEZ, Deportation
Officer
(Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

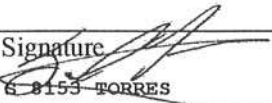
U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name OLIVEIRA MADEIRA, VITOR ELIAS	File Number 	Date 03/24/2026
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

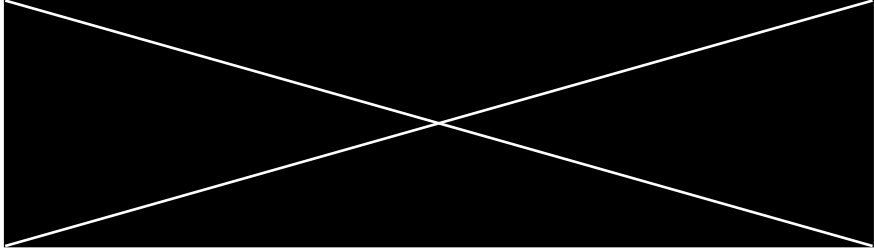
212(a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature  S. TORRES	Title SDDO
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U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

Family Name (CAPS) OLIVEIRA MADEIRA, VITOR ELIAS		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MBR
Country of Citizenship BRAZIL	Passport Number and Country of Issue [REDACTED]			Height 67	Weight 135	Occupation Landscaper	
U.S. Address [REDACTED]				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 05/16/2018 Unknown Time, BRO, AY-ASYLEE			Passenger Boarded at		F.B.I. Number [REDACTED]		
Number, Street, City, Province (State) and Country of Permanent Residence				☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth [REDACTED]	Age: 18	Date of Action 03/19/2026	Location Code KRO/MIA	Method of Location/Apprehension CA			
City, Province (State) and Country of Birth BRAZIL		AR ☒	Form : (Type and No.) ☐ Lifted ☐ Not Lifted ☐	At/Near See I-831		Date/Hour 03/19/2026 16:20	
NIV Issuing Post and NIV Number		Social Security Account Name		By JOSHUA MILES			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record POSITIVE - See Narrative				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children 1-UNITED STATES			
Father's Nationality, and Address, if Known NATIONALITY: BRAZIL		Mother's Present and Maiden Names, Nationality, and Address, if Known NATIONALITY: BRAZIL					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☒ Yes ☐ No		Systems Checks See Narrative		Charge Code Words(s) See Narrative	
Name and Address of (Last) U.S. Employer See Narrative		Type of Employment See Narrative		Salary		Employed from/to 01/01/2025	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: [REDACTED]							
Left Index fingerprint		Right Index fingerprint					
							
FAMILY INFORMATION Father: [REDACTED] citizen of BRAZIL. Mother: [REDACTED] is a citizen of BRAZIL. Spouse: Subject is not married. Daughter: [REDACTED] is a citizen of UNITED STATES, , their immigration status is U.S. Citizen.							
SCARS MARKS AND TATTOOS TATTOO ARM, RIGHT, NONSPECIFIC - Lower forearm sleeve ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				JOSHUA MILES Deportation Officer _____ (Signature and Title of Immigration Officer)			
Distribution:		Received: (Subject and Documents) (Report of Interview)					
A File		Officer: JOSHUA MILES					
CAP		on: March 19, 2026 (time)					
STATS		Disposition: Warrant of Arrest/Notice to Appear					
		Examine Officer: GONZALEZ, D 8520					

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name OLIVEIRA MADEIRA, VITOR ELIAS	File Number Event No:	Date 03/19/2026
IMMIGRATION RECORD ----- 2018-05-16 Brownsville, Texas - V: WA/NTA Warrant of Arrest/Notice to Appear SUBJECT HEALTH STATUS ----- The subject claims good health. Claims he needs to see a doctor for his heart. CURRENT CRIMINAL CHARGES ----- 03/24/2026 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212 CURRENT ADMINISTRATIVE CHARGES ----- 03/19/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA RECORDS CHECKED ----- checked on 03/19/2026 with Positive result checked on 03/19/2026 with Positive result result checked on 03/19/2026 with Positive result. checked on 03/19/2026 with Positive result. checked on 03/19/2026 with Negative result. NAME AND ADDRESS OF US EMPLOYER ----- DID NOT SPECIFY, TYPE OF EMPLOYMENT ----- Operators, Fabricators, and Laborers ARRESTED AT/NEAR ----- RECORD OF DEPORTABLE/EXCLUDABLE ALIEN: ----- Subject encountered by the Miami Interoperability Response Center on ACRIME. Arrested on 3/18/2026 by Pinellas County Sheriffs Office for OPERATE MOTOR VEHICLE W/O VALID LIC 1ST CONV and TAG NOT ASSIGNED. Records indicate subject is a Brazilian citizen who applied for admission to enter the United States as a pedestrian at the Gateway International Bridge/Port of Entry in Brownsville, Texas as an accompanied juvenile on 5/16/2018. The Family Unit is inadmissible pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended. Subject and his father were processed as Notice to Appear / Detained. Subject has no approved applications that will prevent his removal. Subject has pending I-485, Application to Register Permanent Residence or Adjust Status. Subject was denied I-130, Petition for Alien Relative. Subject is currently in custody at the Pinellas County Jail, Jail Number Immigration detainer placed. Method/Location of Apprehension: ----- On March 19, 2026, OLIVEIRA MADEIRA, Vitor Elias was encountered at the Pinellas County Jail in Pinellas, Florida by Immigration and Customs Enforcement (ICE) Removal Operations (ERO) Tampa Office after being arrested for No Valid DL, Tag not Assigned.		
Signature JOSHUA MILES		Title Deportation Officer

2 of 4 Pages

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name OLIVEIRA MADEIRA, VITOR ELIAS	File Number 	Date 03/19/2026
Event No:		

Alienage and Removability:

OLIVEIRA MADEIRA, Vitor Elias hereafter also referred to as, OLIVEIRA MADEIRA, is not a citizen or national of the United States (U.S.) and makes no claim to such. OLIVEIRA MADEIRA is not a Lawful Permanent Resident. OLIVEIRA MADEIRA, admitted to being a citizen and national of Brazil. OLIVEIRA MADEIRA admits to having entered the United States with his father without inspection and at a place other than an open and designated Port of Entry and is amenable to removal under 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act

Immigration History:

OLIVEIRA MADEIRA, was issued Alien Registration Number: A215 705 851

ENTRY DATA

OLIVEIRA MADEIRA last entered the United States on May 16, 2018, with his father, -- (D.O.B. COB: BRAZIL/ COC: BRAZIL) who applied for Asylum upon admission to enter the United States as a pedestrian at the Gateway International Bridge/Port of Entry in Brownsville, Texas. Family Unit was referred to CBP Passport Control Secondary for further inspection. father, was assigned A#: Vitor Elias OLIVEIRA MADEIRA was processed under A# 215705851. Personal belongings were placed in secure bags and were receipted.

IMMIGRATION HISTORY

On May 16, 2018, OLIVEIRA MADEIRA and his father were served with a Notice to Appear, form I-862a for being in violation of Section 212(a)(7)(A)(i) of the INA.

Record checks revealed OLIVEIRA MADEIRA has pending I-485, Application to Register Permanent Residence or Adjust Status and an I-765 Employment Authorization. OLIVEIRA MADEIRA was denied I-130. He has no approved applications or legal immigration status.

CRIMINAL HISTORY:

FBI#: 
 SID#: 

On December 6, 2025, OLIVEIRA MADEIRA, was arrested by the Orange County Sherrif's department for OPERATE MOTOR VEHICLE W O VALID LIC 1ST CONV in violation of Florida Statute 322.03.1. He is pending this charge.
 On March 18, 2026, OLIVEIRA MADEIRA, was arrested by the Pinellas County Sherrif's department NO VALID DRIVERS LICENSE and TAG NOT ASSIGNED in violation of Florida Statute 322.03.1. He is pending this charge.

Family:

OLIVEIRA MADEIRA claims to be single

OLIVEIRA MADEIRA claims to have one minor U.S.C. child living in the United States. The child, female DOB, lives with her mother in Massachusetts.

OLIVEIRA MADEIRA stated his mother is a citizen of Brazil and a resident of the US

OLIVEIRA MADEIRA, stated his father is a citizen of Brazil and a resident of the US

Signature JOSHUA MILES	Title Deportation Officer
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name OLIVEIRA MADEIRA, VITOR ELIAS	File Number [REDACTED] Event No:	Date 03/19/2026
Health and Humanitarian: OLIVEIRA MADEIRA claims to be in good health. Claims needing to make a doctors appointment for his heart, but otherwise claims good health. Gang Affiliation: OLIVEIRA MADEIRA claims no gang affiliation. Military Service: OLIVEIRA MADEIRA claims to have never served in the United States or foreign Military and has no formalized Police or Military Training. Fear Claim: OLIVEIRA MADEIRA, does claim fear persecution and/or torture if they were returned to Brazil. Claims fear due to having no one there to return to. Legal: OLIVEIRA MADEIRA was given a list of free legal service providers. OLIVEIRA MADEIRAs tates he does have a lawyer. Disposition: OLIVEIRA MADEIRA will be held in ICE custody pending immigration judge hearing. Records checks conducted to include SQ11 with negative results for KSTEP. OTHER IDENTIFYING NUMBERS ----- ALIEN [REDACTED] State Criminal Number/State Bureau Number [REDACTED] (UNITED STATES) NCIC Number- Other Biometric- Inmate Number - County Jail [REDACTED] (UNITED STATES) ..COMMENT: Pinellas County		
Signature JOSHUA MILES	Title Deportation Officer	