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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

Edinilson Oliveira Dos Santos

Petitioner,

v.

Warden, Baker County Detention Center

Garrett J. Ripa Field Office Director for Miami
Immigration and Customs Enforcement

Todd Lyons, Director of Immigration and
Customs Enforcement;

Markwayne Mullin, Secretary of the U.S.
Department of Homeland Security; and

Todd Blanche, Acting Attorney General of the
United States;

Respondents.

Case No.: 3:26-cv-1217

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

PRELIMINARY STATEMENT

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued immigration detention by the Department of Homeland Security and U.S. Immigration and Customs Enforcement. Petitioner is presently detained at the Baker County Detention Center in Sanderson, Florida. Petitioner was taken into ICE custody during a scheduled ICE check in on November 18, 2025 and has remained continuously detained since that date while proceedings remain pending before the Board of Immigration Appeals and the federal district court bearing directly on his removal and continued detention.

Petitioner is the father of two United States citizen children. His son serves in the United States Air Force, and his daughter is married to a member of the United States Marine Corps. Prior to detention, Petitioner was pursuing military based deferred action relief but was unable to complete required biometrics after being taken into custody.

An Immigration Judge in Orlando, Florida entered an order of removal on November 6, 2012. Petitioner subsequently filed a Motion to Reopen before the Board of Immigration Appeals, which was received on December 16, 2025 and remains pending. A Motion for Temporary Restraining Order is likewise pending in federal district court.

Despite these ongoing proceedings, Petitioner's compliance history, and substantial humanitarian equities, Respondents continue to detain Petitioner without demonstrating that continued detention remains necessary or lawful. This Court retains jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's detention and grant appropriate relief. See *Zadvydas v. Davis*, 533 U.S. 678, 688–90 (2001).

I. JURISDICTION AND VENUE

- 1 1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
2 2241, which authorizes federal district courts to grant writs of habeas corpus to
3 persons held in custody under or by color of the authority of the United States in
4 violation of the Constitution or laws of the United States. Petitioner challenges the
5 legality of his continued immigration detention by the United States Department of
6 Homeland Security (“DHS”) and U.S. Immigration and Customs Enforcement
7 (“ICE”), and therefore properly invokes this Court’s habeas jurisdiction.
- 8 2. This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 because this action
9 arises under the Constitution and laws of the United States. Petitioner alleges that
10 his continued detention without constitutionally adequate process violates the Due
11 Process Clause of the Fifth Amendment.
- 12 3. Federal district courts retain jurisdiction under 28 U.S.C. § 2241 to review the
13 statutory and constitutional basis for executive detention, including detention
14 imposed pursuant to the immigration laws of the United States. Petitioner’s
15 challenge to the legality of his continued confinement falls squarely within this
16 Court’s habeas jurisdiction.
- 17 4. Venue is proper in this District pursuant to 28 U.S.C. § 2241(a) because Petitioner is
18 detained within the territorial jurisdiction of this Court. Petitioner is currently
19 confined at Baker County Detention Center in Sanderson, Florida, which is located
20 within the Middle District of Florida, Jacksonville Division.
- 21 5. Venue is further proper because Petitioner’s immediate custodian, the Warden of
22 Baker County Detention Center, is located within this District, and Respondent
23 Garrett J. Ripa, Field Office Director for ICE Miami, exercises legal custody and
24 control over Petitioner’s detention within this District. The acts and omissions

1 giving rise to this Petition, including Petitioner's continued detention, are occurring
2 within this District.

3 **II. PARTIES**

4 6. Petitioner Edinilson Oliveira Dos Santos is a noncitizen presently detained by
5 the Department of Homeland Security and U.S. Immigration and Customs
6 Enforcement at the Baker County Detention Center in Sanderson, Florida.

7 7. Respondent Warden, Baker County Detention Center, is the immediate
8 custodian of Petitioner and is responsible for Petitioner's physical confinement.
9 The Warden is sued in his official capacity.

10 8. Respondent Garrett J. Ripa is the Field Office Director for the Miami Field
11 Office of U.S. Immigration and Customs Enforcement and is responsible for
12 overseeing immigration enforcement and detention operations within this
13 jurisdiction. He is sued in his official capacity.

14 9. Respondent Director of U.S. Immigration and Customs Enforcement is
15 responsible for the administration and supervision of ICE detention and
16 enforcement operations throughout the United States and is sued in his official
17 capacity.

18 10. Respondent Secretary of the United States Department of Homeland Security is
19 responsible for the administration and enforcement of the immigration laws of
20 the United States and is sued in his official capacity.

21 11. Respondent Attorney General of the United States is responsible for the
administration of federal immigration laws and the supervision of proceedings

1 before the Executive Office for Immigration Review and the Board of
2 Immigration Appeals and is sued in his official capacity.

3 **III. FACTUAL AND PROCEDURAL BACKGROUND**

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- 1 12. Petitioner is a noncitizen presently detained by the Department of Homeland
2 Security and U.S. Immigration and Customs Enforcement at the Baker County
3 Detention Center in Sanderson, Florida.
- 4 13. Petitioner has longstanding family ties within the United States and is the father
5 of two United States citizen children.
- 6 14. Petitioner's son presently serves in the United States Air Force, and Petitioner's
7 daughter is married to a member of the United States Marine Corps.
- 8 15. Prior to his detention, Petitioner was pursuing military based deferred action
9 relief through his qualifying family relationships.
- 10 16. Petitioner was unable to complete required biometrics associated with that
11 process after being taken into immigration custody.
- 12 17. On November 6, 2012, an Immigration Judge in Orlando, Florida entered an
13 order of removal against Petitioner.
- 14 18. Following his detention, Petitioner pursued further relief through a Motion to
15 Reopen filed before the Board of Immigration Appeals.
- 16 19. The Board of Immigration Appeals received Petitioner's Motion to Reopen on
17 December 16, 2025, and the motion remains pending.
- 18 20. Petitioner also has a Motion for Temporary Restraining Order pending before
19 the federal district court relating to his detention and removal.
- 20 21. **Prior to detention, Petitioner complied with ICE supervision requirements**
21 **and appeared for his scheduled ICE check in on November 18, 2025, at**
 which time he was taken into custody. Nothing in the record suggests that
 Petitioner poses a danger to the community or presents a meaningful risk
 of flight.

1 22. Despite the existence of ongoing proceedings before both the Board of
2 Immigration Appeals and the federal district court, Respondents continue to
3 detain Petitioner.

4 23. Petitioner was taken into ICE custody during a scheduled ICE check in on
5 November 18, 2025 and has remained continuously detained since that date
6 while proceedings remain pending before the Board of Immigration Appeals
7 and the federal district court bearing directly on his removal and continued
8 detention.

9 24. Petitioner's continued detention has caused substantial hardship to both
10 Petitioner and his United States citizen family members.

11 25. Petitioner remains detained without a meaningful determination that his
12 continued confinement is necessary to serve any legitimate governmental
13 purpose.

14 26. Petitioner has no adequate remedy other than the present petition for writ of
15 habeas corpus pursuant to 28 U.S.C. § 2241.

16 IV. **STATUTORY AND CONSTITUTIONAL FRAMEWORK GOVERNING**
17 **DETENTION**
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- 1 27. The Immigration and Nationality Act authorizes the detention of certain
2 noncitizens during removal proceedings and, in limited circumstances,
3 following the entry of a final order of removal. See 8 U.S.C. §§ 1226, 1231.
- 4 28. Immigration detention is civil rather than punitive in nature and is therefore
5 constrained by the Due Process Clause of the Fifth Amendment. *Zadvydas v.*
6 *Davis*, 533 U.S. 678, 690 (2001).
- 7 29. The Supreme Court has recognized that “[f]reedom from imprisonment lies at
8 the heart of the liberty” protected by the Due Process Clause and that civil
9 detention must remain reasonably related to its regulatory purpose. *Id.* at 690.
- 10 30. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the legality
11 of immigration detention and to determine whether such detention complies
12 with constitutional and statutory limitations. *Demore v. Kim*, 538 U.S. 510,
13 516–17 (2003); *Zadvydas*, 533 U.S. at 687–88.
- 14 31. The United States Court of Appeals for the Eleventh Circuit, whose decisions
15 are binding upon federal district courts in Florida, has likewise recognized that
16 noncitizens may challenge the legality of immigration detention through habeas
17 corpus proceedings under 28 U.S.C. § 2241. See *Sopo v. U.S. Att’y Gen.*, 825
18 F.3d 1199, 1214–15 (11th Cir. 2016), vacated on other grounds, 890 F.3d 952
19 (11th Cir. 2018).
- 20 32. The Supreme Court has further explained that immigration detention may
21 become constitutionally impermissible where it is prolonged, arbitrary, or no
 longer reasonably related to the Government’s asserted regulatory purpose.
 Zadvydas, 533 U.S. at 699–701.

- 1 33. Although the Government possesses authority to detain noncitizens for purposes
2 of effectuating removal and ensuring appearance at proceedings, that authority
3 is not unlimited and remains subject to constitutional safeguards. *Jennings v.*
4 *Rodriguez*, 583 U.S. 281, 298–99 (2018).
- 5 34. Habeas corpus remains the traditional mechanism through which individuals
6 may challenge unlawful executive detention. *Boumediene v. Bush*, 553 U.S.
7 723, 739 (2008).
- 8 35. Accordingly, where immigration detention exceeds constitutional or statutory
9 limitations, federal district courts possess authority under 28 U.S.C. § 2241 to
10 order appropriate relief, including release from custody subject to reasonable
11 conditions of supervision. *Zadvydas*, 533 U.S. at 699–700.

12 **V. COUNT I: ARBITRARY AND UNREASONABLE IMMIGRATION DETENTION**
13 **IN VIOLATION OF THE FIFTH AMENDMENT**

- 14 36. Petitioner re-alleges and incorporates by reference paragraphs 1 through 41 as if
15 fully set forth herein.
- 16 37. The Due Process Clause of the Fifth Amendment prohibits the Federal
17 Government from depriving any person of liberty without due process of law.
18 U.S. Const. amend. V.
- 19 38. Immigration detention is civil in nature and may not be imposed in a manner
20 that is arbitrary, punitive, or excessive in relation to its regulatory purpose.
21 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
39. The Supreme Court has recognized that the Government’s authority to detain
 noncitizens is constitutionally limited and must bear a reasonable relation to the

1 purposes of ensuring appearance at proceedings and effectuating removal. *Id.* at
2 690–91.

3 40. Federal courts retain habeas jurisdiction under 28 U.S.C. § 2241 to review
4 whether continued immigration detention violates constitutional limitations.
5 *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

6 41. The Eleventh Circuit has likewise recognized that immigration detention is
7 subject to constitutional scrutiny and that habeas corpus remains an available
8 mechanism to challenge unlawful detention. *Sopo v. U.S. Att’y Gen.*, 825 F.3d
9 1199, 1214–15 (11th Cir. 2016), vacated on other grounds, 890 F.3d 952 (11th
10 Cir. 2018).

11 42. Petitioner presently remains detained while a Motion to Reopen remains
12 pending before the Board of Immigration Appeals and while related federal
13 proceedings likewise remain unresolved.

14 43. Petitioner has substantial equities weighing against continued detention,
15 including longstanding family ties within the United States and two United
16 States citizen children, one of whom serves in the United States Air Force and
17 another whose spouse serves in the United States Marine Corps.

18 44. Prior to detention, Petitioner was actively pursuing military based deferred
19 action relief but was unable to complete required biometrics after being taken
20 into custody.

21 45. Respondents have continued to detain Petitioner despite the existence of
ongoing proceedings directly bearing upon the legality and execution of his
removal.

1 46. Under these circumstances, Petitioner's continued detention has become
2 arbitrary and unreasonable and no longer bears a sufficient relation to the
3 Government's asserted civil immigration purposes.

4 47. Continued detention under these circumstances violates the Due Process Clause
5 of the Fifth Amendment to the United States Constitution. See *Zadvydas*, 533
6 U.S. at 690; *Jennings v. Rodriguez*, 583 U.S. 281, 298–99 (2018).

7 48. As a direct and proximate result of Respondents' actions, Petitioner continues to
8 suffer unlawful restraint of liberty and irreparable harm.

9 49. Petitioner is therefore entitled to relief under 28 U.S.C. § 2241, including
10 immediate release from custody or, alternatively, an individualized custody
11 determination before a neutral decisionmaker.

12 **II. COUNT II: UNLAWFUL DETENTION IN EXCESS OF STATUTORY**
13 **AUTHORITY UNDER 8 U.S.C § 1231**

14 50. Petitioner realleges and incorporates by reference Paragraphs 1 through 47 as
15 though fully set forth herein.

16 51. Respondents presently detain Petitioner pursuant to purported authority under 8
17 U.S.C. § 1231 following the entry of a prior order of removal.

18 52. Under 8 U.S.C. § 1231(a), the Government's detention authority is limited to
19 detention reasonably necessary to effectuate removal. See *Zadvydas v. Davis*,
20 533 U.S. 678, 699–700 (2001).

21 53. The Supreme Court has held that post removal order detention under § 1231 is
subject to important constitutional and statutory limitations because “[a] statute

1 permitting indefinite detention of an alien would raise a serious constitutional
2 problem.” Id. at 690.

3 54. The Supreme Court further explained that detention under § 1231 may continue
4 only for a period reasonably necessary to secure removal and does not authorize
5 indefinite or arbitrary detention untethered from actual removal efforts. Id. at
6 699–700.

7 55. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review whether
8 continued immigration detention exceeds the Government’s statutory authority.
9 Demore v. Kim, 538 U.S. 510, 516–17 (2003); Zadvydas, 533 U.S. at 687–88.

10 56. The United States Court of Appeals for the Eleventh Circuit has likewise
11 recognized that habeas corpus proceedings under § 2241 remain available to
12 challenge unlawful immigration detention. Sopo v. U.S. Att’y Gen., 825 F.3d
13 1199, 1214–15 (11th Cir. 2016), vacated on other grounds, 890 F.3d 952 (11th
14 Cir. 2018).

15 57. Petitioner presently has a Motion to Reopen pending before the Board of
16 Immigration Appeals, which was received on December 16, 2025 and remains
17 unresolved.

18 58. Petitioner likewise has related proceedings pending before the federal district
19 court directly bearing upon his detention and removal.

20 59. Because these proceedings remain pending, execution of Petitioner’s removal
21 order is not presently practically imminent.

 60. Continued detention under § 1231 is permissible only where removal remains
 reasonably foreseeable and detention continues to bear a reasonable relation to
 effectuating removal. Zadvydas, 533 U.S. at 699–701.

1 61. Under the present circumstances, Respondents' continued detention of
2 Petitioner exceeds the permissible scope of detention authorized under 8 U.S.C.
3 § 1231.

4 62. Petitioner possesses substantial equities favoring release, including longstanding
5 family ties in the United States and two United States citizen children, including
6 a son serving in the United States Air Force and a daughter whose spouse serves
7 in the United States Marine Corps.

8 63. Prior to detention, Petitioner was actively pursuing military based deferred
9 action relief but was unable to complete required biometrics after being taken
10 into custody.

11 64. Respondents nevertheless continue to detain Petitioner without demonstrating
12 that continued confinement remains reasonably necessary to effectuate removal
13 within the meaning of 8 U.S.C. § 1231.

14 65. As a direct and proximate result of Respondents' actions, Petitioner continues to
15 suffer unlawful restraint of liberty.

16 66. Petitioner is therefore entitled to habeas relief pursuant to 28 U.S.C. § 2241,
17 including immediate release from custody or such other relief as this Court
18 deems just and proper.

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21 **II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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2 67. Petitioner has exhausted all reasonably available administrative remedies to the
3 extent exhaustion is required in this action.

4 68. Petitioner presently has a Motion to Reopen pending before the Board of
5 Immigration Appeals, which was received on December 16, 2025 and remains
6 unresolved.

7 69. Petitioner has therefore pursued available administrative processes directly
8 relating to his removal proceedings and detention.

9 70. To the extent any additional administrative remedies may arguably exist,
10 exhaustion is not jurisdictional in habeas proceedings brought pursuant to 28
11 U.S.C. § 2241. See *Santiago-Lugo v. Warden*, 785 F.3d 467, 474–75 (11th Cir.
12 2015).

13 71. The Eleventh Circuit has recognized that prudential exhaustion requirements
14 may be excused where administrative remedies are inadequate, futile, or
15 incapable of providing meaningful relief. *Id.*; see also *McCarthy v. Madigan*,
16 503 U.S. 140, 146–49 (1992), superseded on other grounds by statute as
17 recognized in *Porter v. Nussle*, 534 U.S. 516 (2002).

18 72. Further administrative exhaustion would be futile because the Board of
19 Immigration Appeals lacks authority to order Petitioner’s release from
20 immigration detention through the present habeas proceedings.

21 73. Moreover, Petitioner challenges the legality and constitutionality of his
continued detention, claims that fall squarely within the traditional scope of
federal habeas review under 28 U.S.C. § 2241. See *Zadvydas v. Davis*, 533 U.S.
678, 687–88 (2001).

74. Petitioner therefore has satisfied any applicable exhaustion requirement, or alternatively, exhaustion should be excused in the interests of justice and judicial economy.

I. REQUESTED RELIEF

WHEREFORE, Petitioner Edinilson Oliveira Dos Santos respectfully requests that this Court grant the following relief:

- A. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
- B. Issue a writ of habeas corpus directing Respondents to justify Petitioner's continued detention;
- C. Declare that Petitioner's continued detention violates the Constitution and laws of the United States;
- D. Declare that Respondents' continued detention of Petitioner exceeds the authority permitted under 8 U.S.C. § 1231;
- E. Order Petitioner's immediate release from immigration custody under appropriate conditions of supervision;
- F. Alternatively, order Respondents to provide Petitioner with an immediate individualized custody determination before a neutral decisionmaker;
- G. Enjoin Respondents from removing Petitioner while this action remains pending and until the Court has fully adjudicated the issues presented herein;
- H. Award Petitioner his reasonable attorneys' fees and costs to the extent permitted by law; and
- I. Grant such other and further relief as this Court deems just and proper.

05/06/2026

/s/ Anny Leon

VERIFICATION

I, Anny Leon, am counsel for Petitioner Edinilson Oliveira Dos Santos in this habeas corpus proceeding. Petitioner is currently detained in immigration custody and is therefore unable to personally verify this Petition.

Pursuant to 28 U.S.C. § 2242, I verify on behalf of Petitioner that the factual statements contained in the foregoing Petition for Writ of Habeas Corpus 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 7th day of May, 2026, at Jacksonville, Florida

/s/ Anny Leon

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this May 6th 2026, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was filed with the Clerk of the Court.

I further certify that a true and correct copy of the foregoing Petition is being served upon Respondents in accordance with Rule 4(i) of the Federal Rules of Civil Procedure, including service upon the Office of the United States Attorney for the Middle District of Florida, which represents Respondents in this action, as well as the United States Attorney General.

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

Date: May 6, 2026

/s/ Anny Leon

Anny Leon, Esq.

Attorney for Petitioner