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FILED - USDC - FLMD - JAX

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

DANIEL JOSE CHIRINO GAUNA

A-Number: 

Petitioner, Pro Se

v.

**WARDEN, FLORIDA BAKER CORRECTIONAL INSTITUTION;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS);
FIELD OFFICE DIRECTOR, ICE ERO MIAMI FIELD OFFICE**

Respondents

**EMERGENCY – UNLAWFUL DETENTION
REQUEST FOR IMMEDIATE RELEASE OR BOND HEARING
EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Daniel Jose Chirino Gauna, respectfully petitions this Court and states:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States.
 2. Venue is proper in this District because Petitioner is detained within this jurisdiction at Florida Baker Correctional Institution.
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II. CUSTODY STATUS

3. Petitioner is currently detained at:

Florida Baker Correctional Institution
20706 US 90 W
Sanderson, Florida 32087

4. Petitioner is a native and citizen of Venezuela.

III. FACTUAL BACKGROUND

5. On March 21, 2026, at approximately 11:47 a.m., Petitioner was traveling toward Daytona, Florida.
6. A private vehicle signaled Petitioner to pull over. Acting in good faith, Petitioner complied, believing it to be a lawful stop.
7. Law enforcement officers approached and requested identification. Additional officers arrived, including a Spanish-speaking officer.
8. Officers alleged a traffic violation involving another vehicle; however, no clear or credible evidence was presented.
9. Petitioner was ordered out of the vehicle, immediately handcuffed, and detained without explanation or lawful justification.
10. Petitioner repeatedly requested the reason for his detention but was not provided any meaningful response.
11. Family members were informed that bond could be posted and that Petitioner would be released within approximately two hours.
12. When the family attempted to post bond, officers actively interfered with and obstructed the payment.
13. Authorities later instructed the family to wait 48 hours, contradicting their prior representations.
14. Petitioner was held incommunicado for several days without access to counsel or family contact.
15. Authorities indicated that if immigration officials intervened, Petitioner would be transferred; otherwise, he would be released.
16. Petitioner was subsequently transferred into immigration custody without judicial review, due process, or meaningful procedural safeguards.
17. During this period, Petitioner's family suffered severe financial harm and was targeted by a fraudulent individual posing as an attorney.
18. On or about March 27, 2026, Petitioner's partner, Yesibel Johana Chiquito Meneses, was actively seeking legal representation.
19. She was contacted by an individual identifying himself as "Jorge Bird Serrano," who claimed to be an attorney and offered to assist with Petitioner's case.
20. This individual requested documents and falsely represented that he would file legal actions challenging the legality of the arrest.
21. Petitioner's partner was led to believe that this individual had been officially recognized as Petitioner's legal representative.
22. Relying on these representations, she made multiple payments totaling approximately \$5,750.
23. The individual falsely claimed that Petitioner had been granted bond and continued requesting additional payments.
24. It was later discovered that these representations were fraudulent.
25. As a result, Petitioner's partner suffered financial loss and delay in securing legitimate legal assistance.

26. Petitioner's detention has caused severe emotional, financial, and personal hardship to his family.
 27. Petitioner has no criminal record.
 28. Petitioner suffers from a fracture in his arm, which requires proper medical care and monitoring.
 29. Petitioner is concerned that he is not receiving adequate medical attention while in detention.
 30. Continued detention places Petitioner at risk of worsening condition, increased pain, and lack of appropriate treatment.
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IV. LEGAL ARGUMENT

A. VIOLATION OF FIFTH AMENDMENT DUE PROCESS

31. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.
 32. Petitioner has been detained without clear charges, without prompt judicial review, and without a meaningful opportunity to challenge his detention.
 33. Such detention is unconstitutional and unlawful.
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B. UNLAWFUL AND ARBITRARY DETENTION

34. Petitioner's continued detention is arbitrary and lacks sufficient legal justification.
 35. Petitioner does not pose a danger to the community.
 36. Petitioner is not a flight risk.
 37. Prolonged detention under these circumstances violates fundamental liberty interests protected by the Constitution.
 38. Petitioner has no criminal history, further supporting that he does not pose a danger to the community.
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C. IRREGULAR AND UNJUSTIFIED ARREST

39. The initial arrest lacked transparency, probable cause, and procedural safeguards.
 40. The obstruction of bond payment constitutes a serious violation of due process and fundamental fairness.
 41. Government interference with a detainee's ability to secure release is constitutionally impermissible.
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D. IMPROPER TRANSFER TO IMMIGRATION CUSTODY

- 42. The transfer to ICE custody occurred without judicial oversight or adequate legal basis.
 - 43. Such transfer is arbitrary and violates procedural due process protections.
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E. DENIAL OF ACCESS TO COUNSEL AND COMMUNICATION

- 44. Petitioner was held incommunicado for several days.
 - 45. This constitutes a violation of fundamental constitutional rights.
 - 46. The fraudulent interference further delayed access to legitimate legal representation.
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F. RISK OF IRREPARABLE HARM

- 47. Continued detention imposes ongoing and irreparable harm on Petitioner and his family.
 - 48. Petitioner suffers emotional distress, financial hardship, and deprivation of liberty.
 - 49. Petitioner's medical condition further demonstrates the risk of irreparable harm if detention continues.
 - 50. The Court has authority to intervene to prevent unlawful detention and harm.
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G. REQUEST TO PREVENT TRANSFER

- 51. Petitioner respectfully requests that he not be transferred while this Petition is pending.
 - 52. Any transfer would interfere with this Court's jurisdiction.
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H. REQUEST FOR STAY OF REMOVAL

- 53. Petitioner requests that he not be removed from the United States while this Petition is pending.
 - 54. Removal would cause irreparable harm and render this Petition moot.
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V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus;
 - B. Order immediate release; OR
 - C. In the alternative, order a prompt bond hearing with a reasonable and affordable bond;
 - D. Order that bond be proportionate considering the prior obstruction;
 - E. Prohibit transfer of Petitioner;
 - F. Issue a stay of removal;
 - G. Grant any other relief the Court deems just and proper.
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Respectfully submitted,

Daniel Chirino
Daniel Jose Chirino Gauna
A-Number: 

Date: 04/29/26