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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SANDRO ZAMORA

Petitioner,

v.

WARDEN,

Baker Correctional Institute;

GARRETT J. RIPA, Director of Miami Field
Office, U.S. Immigration and Customs

Enforcement;

TODD LYONS, or Interim Acting Director of
U.S. Immigration and Customs Enforcement,
In his official capacity;

MARKWAYNE MULLIN

Secretary of the U.S. Department of
Homeland Security; and

TODD BLANCHE,
Attorney General of the United States,
in their official capacities,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

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

I. INTRODUCTION

1. Petitioner, Sandro Zamora, a national of Mexico, is unlawfully detained in the physical and legal custody of Respondents at Baker Correctional Institute in Sanderson, Florida. He entered the United States without inspection in 1998 and has ongoing immigration proceedings.

2. Petitioner was detained by Respondents on or about January 14, 2026, after years of residence in the United States, and has remained detained without a bond hearing. Because Respondents are treating him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), this petition seeks habeas relief under 28 U.S.C. § 2241 and an order recognizing that his detention is governed instead by 8 U.S.C. § 1226(a).

3. Any characterization of Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is contrary to current controlling Eleventh Circuit authority. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, Nos. 25-14065 & 25-14075, slip op. at 56 (11th Cir. May 6, 2026), the court held that mandatory detention under § 1225(b)(2)(A) applies only to the narrower category of applicants for admission who are actually “seeking admission,” meaning those pursuing lawful entry after inspection and authorization by an immigration officer. The Eleventh Circuit further held that noncitizens arrested in the interior after long residence in the United States, who were not then seeking lawful entry, are detained under 8 U.S.C. § 1226(a) and are therefore entitled to seek a bond hearing before an Immigration Judge.

4. Petitioner therefore requests an order prohibiting detention under 8 U.S.C. § 1225(b)(2)(A), enjoining transfer that would interfere with this Court's jurisdiction, and directing immediate release or, alternatively, a prompt bond hearing under 8 U.S.C. § 1226(a).

II. JURISDICTION

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

III. VENUE

6. Venue is proper because Petitioner is detained at Baker Correctional Institute in Sanderson, Florida, which is within the jurisdiction of this District. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of immigration detention. See e.g. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

7. Venue is further proper because Respondents are employees, officers, and agencies of the United States and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which the Petitioner is currently detained.

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

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

10. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. *See Loper Bright v. Raimondo*, 603 U.S. 369, 413 (2024) (holding that federal judges are not required to, and pursuant to the Administrative Procedure Act (the “APA”), are not to defer to an agency interpretation of the law simply because a statute is ambiguous as that is the role of the federal courts).

11. The Court must grant the Petition for Writ of Habeas Corpus or issue an Order to Show Cause (OSC) to the Respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an Order to Show Cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

12. The Petitioner is in custody for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

V. PARTIES

13. Petitioner **Sandro Zamora** is a citizen and national of Mexico. He entered the United States without inspection in 1998 and has remained present in the United States for many years. Petitioner is present within the Middle District of Florida as of the

time of filing of this petition and is currently detained at Baker Correctional Institute in Sanderson, Florida.

14. Respondent is the Warden of Baker Correctional Institute and has immediate physical custody of the Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

15. Respondent, **GARRETT J. RIPA**, is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations Division, a component of the Department of Homeland Security. As such he is Petitioner's immediate custodian for purposes of habeas and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

16. Respondent **TODD LYONS** is the Acting Director of U.S. Immigration and Customs Enforcement, the federal agency responsible for implementing and enforcing the INA including the detention and removal of non-citizens and a component agency of the Department of Homeland Security.

17. Respondent **MARKWAYNE MULLIN** is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA") and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

18. Respondent **TODD BLANCHE** is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In that capacity he has the authority to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

VI. STATEMENT OF FACTS

19. Petitioner is a 51-year-old citizen of Mexico. He arrived in the United States in 1998, has lived here for decades, and has built a life in this country. He has strong community ties, including family members, a long work history in the fruit market, and longstanding ties to friends and community members.

20. Petitioner was detained by DHS on January 14, 2026, while arriving to work. ICE took him into immigration detention and transferred him to Baker Correctional Institute.

21. At the time of his arrest and detention, Petitioner had ongoing immigration proceedings and a future immigration hearing date. He had been living and working in the United States for many years before his arrest. Petitioner has complied with the requirements imposed on him during the pendency of his immigration case.

VII. LEGAL FRAMEWORK

Detention of Noncitizens Present in the Interior Is Governed by 8 U.S.C. § 1226(a), Not 8 U.S.C. § 1225(b)(2)(A)

22. The controlling question in this case is whether Petitioner’s detention is governed by 8 U.S.C. § 1225(b)(2)(A), which mandates detention of certain applicants

for admission seeking lawful entry, or by 8 U.S.C. § 1226(a), which is the default detention statute for noncitizens already present in the United States while removal proceedings are pending.

23. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, the Eleventh Circuit held that § 1225(b)(2)(A) applies only to the narrower subset of “applicants for admission” who are actually “seeking admission,” meaning those pursuing lawful entry into the United States after inspection and authorization by an immigration officer. The court rejected the Government’s position that all noncitizens present in the interior who previously entered without inspection are automatically subject to mandatory detention under § 1225(b)(2)(A).

24. That holding controls here. Petitioner was arrested in the interior after years of residence in the United States. At the time of arrest, he was not presenting himself for inspection at a port of entry, was not pursuing lawful entry after inspection, and was not otherwise “seeking admission” within the meaning of § 1225(b)(2)(A) as construed by the Eleventh Circuit.

25. Because Petitioner is a noncitizen already present in the country and not an individual then seeking lawful entry, his detention is governed by 8 U.S.C. § 1226(a). Under that statute, Petitioner is eligible to seek custody redetermination before an Immigration Judge, and Respondents may not lawfully treat him as categorically ineligible for bond by invoking § 1225(b)(2)(A).

26. Respondents' continued detention of Petitioner without access to a bond hearing is therefore contrary to the INA and unlawfully restrains his liberty. Habeas relief is appropriate to correct that statutory error and to prevent further detention under an inapplicable mandatory-detention provision.

VIII. CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act — Unlawful Detention Under 8 U.S.C. § 1225(b)(2)(A) Instead of 8 U.S.C. § 1226(a)

27. The allegations in the above paragraphs are realleged and incorporated herein.

28. The INA provides different detention schemes for different categories of noncitizens. Noncitizens already present in the United States pending removal proceedings are generally detained under 8 U.S.C. § 1226(a), while mandatory detention under 8 U.S.C. § 1225(b)(2)(A) applies only to the narrower category of applicants for admission who are actually seeking lawful entry after inspection and authorization by an immigration officer.

29. As the Eleventh Circuit held in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, noncitizens arrested in the interior after long residence in the United States, who were not then seeking lawful entry, are detained under 8 U.S.C. § 1226(a) and are eligible to seek a bond hearing before an Immigration Judge.

30. Petitioner was arrested in the interior after years of residence in the United States. At the time of arrest, he was not presenting himself for inspection at a port of

entry and was not seeking lawful entry into the United States. His detention is therefore governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A).

31. By treating Petitioner as categorically ineligible for bond and detaining him under 8 U.S.C. § 1225(b)(2)(A), Respondents are violating the INA. Habeas relief is warranted because Petitioner is being held under an inapplicable mandatory-detention provision and denied the custody process required by 8 U.S.C. § 1226(a).

COUNT TWO
Violation of Fifth Amendment Right to Due Process

32. The allegations in the above paragraphs are realleged and incorporated herein.

33. Civil immigration detention is subject to the Due Process Clause of the Fifth Amendment. At a minimum, due process requires constitutionally adequate procedures before the Government may continue to restrain a person's physical liberty.

34. To determine what process is due in the civil-detention context, courts apply the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), considering the private interest affected, the risk of erroneous deprivation under the procedures used, and the Government's interest.

35. Petitioner's liberty interest is weighty. He has lived in the United States for many years, has substantial family and community ties, and remains detained without any bond hearing at which an Immigration Judge could determine whether detention is justified.

36. The risk of erroneous deprivation is substantial where, as here, Respondents categorically treat Petitioner as ineligible for bond based on an incorrect detention statute and deny him any individualized custody hearing.

37. The Government has a legitimate interest in ensuring appearance and protecting the community, but those interests are fully served by a prompt individualized bond hearing under 8 U.S.C. § 1226(a). Due process does not permit continued detention without any such process where Petitioner is not lawfully subject to mandatory detention.

38. Respondents' continued detention of Petitioner without a bond hearing therefore violates the Due Process Clause of the Fifth Amendment.

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), the Immigration and Nationality Act, 8 U.S.C. § 1226, and Federal Regulations Not in Accordance with Law and in Excess of Statutory Authority

39. The allegations in the above paragraphs are realleged and incorporated herein.

40. Under the APA, a court shall hold unlawful agency action that is not in accordance with law, contrary to constitutional right, in excess of statutory authority, or without observance of procedure required by law. 5 U.S.C. § 706(2)(A)-(D).

41. Respondents' detention of Petitioner under 8 U.S.C. § 1225(b)(2)(A), despite controlling law establishing that 8 U.S.C. § 1226(a) governs his custody, is not in accordance with law and is in excess of statutory authority.

COUNT FOUR

Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), and 8 C.F.R. § 239.2(c)

42. The allegations in the above paragraphs are realleged and incorporated herein.

43. To the extent Respondents rely on administrative charging or processing practices to maintain Petitioner in custody under an inapplicable detention framework, such action is arbitrary, contrary to law, and not the product of reasoned decision-making.

44. Respondents' continued detention and processing of Petitioner in a manner inconsistent with governing regulations and the detention authority supplied by 8 U.S.C. § 1226(a) is therefore unlawful under the APA.

IX. CONCLUSION

45. Petitioner Sandro Zamora entered this country in 1998, built a life here over decades, complied with the requirements of his immigration case, and was arrested and detained without an individualized bond hearing. His continued detention is unlawful.

46. The statutory violations at issue here are clear. Respondents have subjected Petitioner to detention without bond by misclassifying him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), even though controlling Eleventh Circuit authority holds that interior noncitizens like Petitioner, who were not seeking lawful entry at the time of arrest, are detained under 8 U.S.C. § 1226(a) and are entitled to seek a bond hearing.

47. Agency guidance and administrative precedent cannot override the INA or binding circuit precedent. This Court should apply the statute as interpreted by

controlling law and reject any agency position that would impose mandatory detention where Congress did not authorize it.

48. Every day Petitioner remains detained is a day his liberty is unlawfully restrained and his family and community continue to suffer the consequences of detention without the process the law requires.

49. For all the foregoing reasons, Petitioner respectfully urges this Court to grant the Petition for Writ of Habeas Corpus, to order his immediate release or, in the alternative, a prompt bond hearing at which the Government bears the burden of proof, and to enjoin any transfer outside this District pending resolution of this action.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order the following relief:

1. Enjoin Respondents from transferring Petitioner out of this District or otherwise interfering with this Court's jurisdiction during the pendency of this action;
2. Declare that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and that his custody is governed by 8 U.S.C. § 1226(a);
3. Order Respondents to immediately release Petitioner, or alternatively provide him with a prompt bond hearing before an Immigration Judge with jurisdiction;
4. Award fees and costs as authorized by law; and
5. Grant such other and further relief as the Court deems just and proper.

Dated: May 11, 2026

Respectfully submitted,

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, **Sandro Zamora**, and submit this verification on his behalf because the Petitioner is currently detained and because of the urgent nature of the relief requested. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge. I am authorized to make this verification as the legal representative of the Petitioner, **Sandro Zamora**.

Dated this 11 May 2026

/s/ Michelle M. Reyes
Michelle M. Reyes, Esq.