

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

MARIO ROBERTO ALBA DIAZ,
Petitioner,

v.

3:26-cv-1295-MMH-MCR

THE WARDEN OF BAKER COUNTY DETENTION CENTER;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
TODD M. LYONS, Acting Director of ICE;
and all persons acting under their authority,

Respondents.

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

NEXT FRIEND PETITION

I. INTRODUCTION

This action arises from the unlawful, excessive, and constitutionally deficient immigration detention of Petitioner Mario Roberto Alba Diaz, currently confined under the authority of U.S. Immigration and Customs Enforcement (ICE) at Baker County Detention Center in Macclenny, Florida. Petitioner has been deprived of liberty without meaningful procedural safeguards, without a bond hearing, without assignment of an Alien Registration Number (A-Number), without access to proper immigration proceedings, and without any individualized determination establishing that he represents either a danger to the community or a flight risk. Petitioner has no criminal history whatsoever. He was not arrested for any violent offense, narcotics offense, or conduct posing a threat to public safety. Instead, Petitioner was initially stopped while traveling to his place of employment for a minor traffic-related matter involving the absence of a driver's license. After the related citation was resolved and paid, Petitioner was immediately transferred into ICE custody. Petitioner has now remained detained under civil immigration confinement despite maintaining significant family, residential, and employment ties within the United States for more than ten (10) years. This continued detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution

and constitutes an excessive deprivation of liberty unsupported by individualized findings or meaningful judicial review.

II. JURISDICTION AND VENUE

This Court possesses jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is currently in federal immigration custody in violation of the Constitution and laws of the United States. Jurisdiction is further proper under:

- 28 U.S.C. § 1331
- 28 U.S.C. § 1651
- The Suspension Clause of the United States Constitution
- The Fifth Amendment Due Process Clause

Venue is proper in this judicial district because Petitioner is detained within the territorial jurisdiction of this Court at Baker County Detention Center in Macclenny, Florida.

III. PARTIES

Petitioner Mario Roberto Alba Diaz is a native and citizen of Honduras born on [REDACTED] At the present time, ICE has failed to provide or assign Petitioner with an Alien Registration Number (A-Number), thereby severely impairing his ability to access immigration proceedings, identify his case administratively, prepare filings, obtain records, and meaningfully defend himself. Petitioner currently has no final order of removal and no pending immigration appeals. Petitioner has not received a meaningful opportunity to appear before an immigration court regarding custody determination or bond eligibility. The Next Friend, Rosa Martha Delfin Fortier, is the lawful spouse of Petitioner.

IV. NEXT FRIEND STANDING

The Next Friend has a significant and deeply rooted relationship with Petitioner as his spouse and immediate family member. Petitioner's immigration detention, lack of assigned A-Number, restricted communication abilities, limited access to legal resources, and physical confinement substantially impair his capacity to independently prepare and file this Petition before the Court. The Next Friend is genuinely dedicated to Petitioner's interests, welfare, liberty, and constitutional rights.

V. FACTUAL BACKGROUND

Petitioner has resided in the United States for more than ten (10) years. Throughout his time in the United States, Petitioner has maintained stable employment, established significant community ties, and supported his household and family responsibilities. Petitioner has no criminal record and no

history of violent conduct. Petitioner was detained after being stopped while traveling to work due to not possessing a valid driver's license. The associated citation was resolved and paid. Despite resolution of the traffic matter, Petitioner was immediately transferred into ICE custody.

VI. VIOLATION OF DUE PROCESS

The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. Immigration detention, although civil in nature, remains subject to constitutional limitations. Respondents have failed to provide Petitioner with adequate procedural safeguards necessary to justify continued detention. Petitioner has not received a constitutionally sufficient custody determination. Moreover, ICE's failure to assign an A-Number creates an extraordinary procedural defect preventing effective access to immigration processes and legal identification systems.

VII. PETITIONER IS NOT A DANGER TO THE COMMUNITY

Petitioner does not represent a threat to public safety. There are no allegations of violence, gang affiliation, narcotics trafficking, weapons offenses, or dangerous criminal conduct. Petitioner's long-standing residence, employment history, family support structure, and absence of criminal history overwhelmingly establish that continued detention is unnecessary and excessive.

VIII. PETITIONER IS NOT A FLIGHT RISK

Petitioner possesses substantial community ties and significant incentive to comply with all future immigration proceedings. Petitioner's spouse and family reside within the United States. There is no evidence that Petitioner has attempted to evade authorities or abscond from proceedings.

IX. REQUEST FOR IMMEDIATE ASSIGNMENT OF A-NUMBER

Petitioner respectfully requests that this Court order Respondents to immediately assign and disclose Petitioner's Alien Registration Number (A-Number). The absence of an A-Number substantially interferes with Petitioner's constitutional ability to identify, access, and participate in immigration proceedings.

X. ADDITIONAL CONSTITUTIONAL AND HUMANITARIAN ARGUMENTS

Petitioner's continued detention creates severe emotional and financial hardship upon his family and spouse, who depend upon him emotionally and economically. The detention has resulted in family instability, emotional distress, psychological suffering, and substantial financial hardship. Petitioner's detention is grossly disproportionate considering the underlying conduct involved only a minor traffic-related matter for driving without a license.

XI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court: A. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241; B. Order Respondents to immediately justify the constitutional basis for continued detention; C. Order the immediate release of Petitioner from ICE custody; D. Alternatively, order an immediate individualized bond hearing before a neutral adjudicator; E. Order ICE to immediately assign and disclose Petitioner's Alien Registration Number (A-Number); F. Grant all additional relief this Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, enclosed within an oval shape. The signature is stylized and appears to read 'Rosa Martha Delfin Fortier'.

ROSA MARTHA DELFIN FORTIER
Next Friend for Petitioner

SWORN DECLARATION OF NEXT FRIEND

I, ROSA MARTHA DELFIN FORTIER, being duly sworn, declare under penalty of perjury under the laws of the United States that: 1. I am the lawful spouse of Petitioner Mario Roberto Alba Diaz. 2. Petitioner is currently detained under ICE custody at Baker County Detention Center in Macclenny, Florida. 3. Petitioner is unable to effectively prepare and personally file this emergency federal action because he remains under physical detention with limited access to legal resources and has not even been assigned an Alien Registration Number (A-Number). 4. I am genuinely dedicated to Petitioner's best interests, constitutional rights, liberty interests, and well-being. 5. I respectfully submit this Petition to seek immediate judicial intervention and protection of Petitioner's constitutional rights. I declare under penalty of perjury that the foregoing is true and correct.

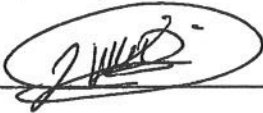
Executed on this 14 day of May, 2026.

A handwritten signature in black ink, appearing to read 'Rosa Martha Delfin Fortier', is written over a horizontal line.

ROSAMARTHA DELFIN FORTIER
Next Friend

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 was served by U.S. Mail upon the following Respondents: Office of the United States Attorney, Middle District of Florida; U.S. Immigration and Customs Enforcement (ICE); Warden, Baker County Detention Center, Macclenny, Florida; on this 14 day of May, 2026.

A handwritten signature in black ink, appearing to read "Rosa", is enclosed within a hand-drawn oval. The signature is positioned above a horizontal line.

ROSA MARTHA DELFIN FORTIER
Next Friend for Petitioner