

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Yudisnel Rodriguez-Cordnius,

Petitioner,

v.

Markwayne Mullin, Secretary, U.S.
Department of Homeland Security
Garrett J. Ripa, Miami Field Office
Director of Enforcement and
Removal Operations, Miami Field
Office, Immigration and Customs
Enforcement; U.S. Department of
Homeland Security; Todd Blanche,
U.S. Attorney General; Executive
Office for Immigration Review;
Warden of Florida Soft Side South
Detention Facility

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Yudisnel Rodriguez-Cordnius, A[REDACTED] respectfully submits this Petition for Writ of Habeas Corpus challenging his continued detention by the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE").

2. Petitioner was admitted into the United States as a refugee from Cuba and has resided continuously in the United States since that time.

Petitioner's entire family lives in the United States including minor children.

3. On or about September 12, 2011, an Immigration Judge entered a final order of removal against Petitioner.

4. After ICE was unable to effectuate removal, Petitioner was released from custody under an Order of Supervision ("OSUP") pursuant to INA § 241(a)(3), 8 U.S.C. § 1231(a)(3).

5. On or about February 2026, Petitioner's OSUP since 2011 was recently revoked by ICE alleging removal to Mexico was possible.

6. Petitioner's continued detention is therefore unauthorized under INA § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

7. Petitioner seeks immediate relief from this unlawful detention, including release under the existing Order of Supervision or under reasonable conditions of supervision.

8. There have been no changed circumstances to justify Petitioner's re-detention and no evidence that removal to Cuba or Mexico is likely to occur in the reasonably foreseeable future.

JURISDICTION

9. Petitioner is in the physical custody of Respondents. Petitioner is detained at Florida Soft Side South Detention Facility in Ochopee, Florida.

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause) and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, *et seq.*

11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. 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 Petitioner currently is detained.

1 13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e)
2 because Respondents are employees, officers, and agencies of the United States,
3 and because a substantial part of the events or omissions giving rise to the claims
4 occurred in the Middle District of Florida.

5
6 **REQUIREMENTS OF 28 U.S.C. § 2243**

7 14. This Petition for Writ of Habeas Corpus is brought pursuant to 28
8 U.S.C. § 2243 to challenge the Respondent's unlawful detention of Petitioner,
9 who has been subject to an Order of Supervision for nearly twenty-four years,
10 has complied with all its terms, and whose detention bears no reasonable relation
11 to a likelihood of removal.

12
13 15. Habeas corpus is "perhaps the most important writ known to the
14 constitutional law . . . affording as it does a *swift* and imperative remedy in all
15 cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963)
16 (emphasis added). "The application for the writ usurps the attention and
17 displaces the calendar of the judge or justice who entertains it and receives
18 prompt action from him within the four corners of the application." *Yong v.*
19 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
20

21 **PARTIES**

22 16. Petitioner Yudisnel Rodriguez-Cordnius is a citizen of Cuba who
23 has been in immigration detention since February, 2026.
24

1 17. Respondent Garrett J. Ripa is the Director of the Miami Field Office
2 of ICE's Enforcement and Removal Operations division. As such, Garrett J. Ripa
3 is Petitioner's immediate custodian and is responsible for Petitioner's detention
4 and removal. He is named in his official capacity.

5
6 18. Respondent Markwayne Mullin is the Secretary of the Department
7 of Homeland Security. He is responsible for the implementation and
8 enforcement of the Immigration and Nationality Act (INA), and oversees ICE,
9 which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial
10 authority over Petitioner and is sued in her official capacity.

11
12 19. Respondent Department of Homeland Security (DHS) is the federal
13 agency responsible for implementing and enforcing the INA, including the
14 detention and removal of noncitizens.

15 20. Respondent Todd Blanche, Attorney General of the United States. Is
16 responsible for the Department of Justice, of which the Executive Office for
17 Immigration Review and the immigration court system it operates is a
18 component agency.

19
20 21. Respondent Executive Office for Immigration Review (EOIR) is the
21 federal agency responsible for implementing and enforcing the INA in removal
22 proceedings, including for custody redeterminations in bond hearings.

1 22. Respondent Warden of Florida Soft Side South Detention Facility is
2 employed by a private corporation as Warden of Florida Soft Side South
3 Detention Facility, where Petitioner is detained. He has immediate physical
4 custody of Petitioner. He is sued in his official capacity.
5

6 **CLAIM FOR RELIEF**

7 **Count I**

8 **Unlawful Post-Order Detention in Violation of the Fifth Amendment and 28**
9 **U.S.C. § 2241 Because There Is No Significant Likelihood of Removal in the**
10 **Reasonably Foreseeable Future**

11 23. Petitioner's continued detention is unlawful because there is no
12 significant likelihood of removal in the reasonably foreseeable future.
13 Respondents have not effected removal, have not produced evidence that Mexico
14 has formally accepted Petitioner for repatriation, and have not produced valid
15 travel documents authorizing removal. These circumstances demonstrate more
16 than a temporary delay; they establish a present inability to execute removal.

17 24. Under *Zadvydas v. Davis*, once detention has extended beyond the
18 presumptively reasonable period and the noncitizen provides good reason to
19 believe removal is not significantly likely in the reasonably foreseeable future,
20 the burden shifts to the Government to rebut that showing. Here, the absence of
21 travel documents, and the lack of evidence of receiving-country acceptance
22 establish precisely the type of indefinite detention prohibited by due process.
23
24

1 Continued detention therefore violates the Fifth Amendment and habeas relief is
2 warranted.

3
4 **Count II**
5 **Continued Detention Is Arbitrary and Violates Substantive and Procedural**
6 **Due Process**

7 25. Petitioner's continued detention is arbitrary and violates the Due
8 Process Clause because detention no longer bears a reasonable relationship to its
9 purported purpose of effectuating removal. Civil immigration detention may not
10 become punitive or indefinite where removal is not realistically foreseeable.
11 Where the Government cannot show a meaningful prospect of removal in the
12 reasonably foreseeable future, continued confinement ceases to serve a legitimate
13 regulatory purpose.

14 26. Further, revocation of Petitioner's prior Order of Supervision,
15 followed by prolonged detention without a realistic removal prospect,
16 underscores the arbitrary nature of custody. Petitioner was previously managed
17 through supervision in the community, demonstrating the existence of less
18 restrictive alternatives to detention. Respondents' continued confinement despite
19 those alternatives violates due process.
20

21
22 **Count III**
23 **Detention Is Unlawful Because Respondents Have Failed to Demonstrate a**
24 **Significant Likelihood of Effectuating Removal to Mexico**

27. Respondents cannot justify continued detention based on speculative removal possibilities. The Government may not rely on abstract assertions that removal might occur someday; it must show a realistic and significant likelihood of removal in the reasonably foreseeable future. Here, there is no evidence Mexico has agreed to accept Petitioner, no evidence travel documents have been issued. Mere hope of future repatriation cannot support continued detention.

28. Because removal remains speculative and unsupported by concrete evidence, detention exceeds statutory and constitutional limits and Petitioner is entitled to release under reasonable conditions of supervision.

Count IV

In the Alternative, Petitioner Is Entitled to Release Under Reinstatement of an Order of Supervision Pursuant to 8 C.F.R. § 241.13

29. Even assuming *arguendo* Respondents contend removal remains possible, Petitioner is at minimum entitled to release under supervision. Petitioner was previously released pursuant to an Order of Supervision, demonstrating that community supervision is a viable and previously utilized means of managing custody. Given the absence of a realistic removal prospect, reinstatement of supervision is the appropriate remedy consistent with 8 C.F.R. § 241.13 and constitutional limitations on prolonged detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 19th of May, 2026.

/s/ Yaritssa Plasencia
Yaritssa Plasencia, Esq.
Florida Bar No.: 1021659
Great American Law Firm PLLC
100 Frandorson Cir., Ste. 202C
Apollo Beach, FL 33572
Phone: (407) 929-9292
Email: greatamericanlaw@gmail.com
Attorney for Petitioner

**VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I am acting on behalf of the petitioner, Yudisnel Rodriguez-Cordnius, based on discussions with his attorney. On the basis of these discussions and reviewing the record, I hereby verify that the

1 statements made in the foregoing Petition for Writ of Habeas Corpus are true and
2 correct to the best of my knowledge.

3 DATED this 19th of May, 2026.

4
5 /s/ Yaritssa Plasencia
6 Yaritssa Plasencia, Esq.
7 Florida Bar No.: 1021659
8 Great American Law Firm PLLC
9 100 Frandorson Cir., Ste. 202C
10 Apollo Beach, FL 33572
11 Phone: (407) 929-9292
12 greatamericanlaw@gmail.com
13 *Attorney for Petitioner*
14
15
16
17
18
19
20
21
22
23
24