

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

Larry Ruiz Abreu

A#

Petitioner

v.

Warden, Florida Soft Sided Facility

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

2:26-cv-1678-JES-KRL
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Larry Ruiz Abreu
- (b) Other names you have used: None
2. Place of confinement:
 - (a) Name of institution: Florida Soft Sided Facility
 - (b) Address: 54575 Tamiami Trl E
Ochopee, FL 34141
 - (c) Your identification number: A#
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☒ Being held on an immigration charge

☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement (ICE)
Florida Soft Sided Facility, 54575 Tamiami Trl E, Ochopee, FL 34141
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
My continued post-removal-order detention by U.S. Immigration and Customs Enforcement pursuant to 8 U.S.C. § 1231(a)(6). I have remained detained for more than six months following my re-detention on 11/14/2025, despite there being no significant likelihood of removal in the reasonably foreseeable future under Zadvydas v. Davis.
- (d) Date of the decision or action: 11/14/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**
- Did you appeal the decision, file a grievance, or seek an administrative remedy?
- ☒ Yes ☐ No
- (a) If "Yes," provide:
- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- I have undergone ICE custody reviews during my detention.
- I previously filed a habeas corpus petition challenging my detention, which was denied without prejudice on May 8, 2026.
- (b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**
- After the first appeal, did you file a second appeal to a higher authority, agency, or court?
- ☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: This petition does not challenge a criminal conviction or sentence. I challenge my continued immigration detention under 28 U.S.C. § 2241.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/14/2025

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: My continued detention violates the Fifth Amendment Due Process Clause because I have remained detained by ICE for more than six months following my re-detention on November 14, 2025, with no significant likelihood of removal in the reasonably foreseeable future.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I am a native and citizen of Cuba currently detained by ICE at the Florida Soft Sided Facility. ICE has not provided me with a deportation date and has not informed me that travel documents have been approved by Cuba. I was previously released under an order of supervision for many years because the Government was unable to remove me to Cuba. I previously filed a habeas petition that was denied without prejudice before the six month period elapsed.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR: N/A

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A. I previously presented Ground One in my prior §2241 habeas petition.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that the Court grant this Petition for Writ of Habeas Corpus and order my immediate release under appropriate conditions of supervision.
Alternatively, I request that Respondents be ordered to provide evidence demonstrating a significant likelihood of removal in the reasonably foreseeable future.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

05/16/2026

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 05/16/2026

Larry Ruiz Abreu

Signature of Petitioner

Signature of Attorney or other authorized person, if any

MAY 18 2026 PM 1:15
FILED - USDC - FLND - FTM

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LARRY RUIZ ABREU,
A# [REDACTED]
Petitioner,

Case No. _____

MEMORANDUM OF LAW IN
SUPPORT OF
PETITION FOR WRIT OF
HABEAS CORPUS
UNDER 28 U.S.C. § 2241

v.

WARDEN, FLORIDA SOFT SIDED
FACILITY,
U.S. ATTORNEY GENERAL,
DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS,

Respondents.

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

Petitioner, Larry Ruiz Abreu, proceeding pro se, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and states as follows:

I. INTRODUCTION

1. Petitioner is a native and citizen of Cuba currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Florida Soft Sided Facility.
2. Petitioner challenges his continued post-removal-order detention pursuant to 8 U.S.C. § 1231(a)(6) because his detention has exceeded six months and there is no significant likelihood of removal in the reasonably foreseeable future.
3. Petitioner seeks immediate release under appropriate conditions of supervision pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. JURISDICTION

4. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
5. Venue is proper in the Middle District of Florida because Petitioner is confined within this judicial district.

III. PARTIES

6. Petitioner:
Larry Ruiz Abreu
A# [REDACTED]
Florida Soft Sided Facility

7. Respondent Warden is the immediate custodian of Petitioner.
8. Respondent U.S. Attorney General oversees federal immigration enforcement.
9. Respondent Director of ICE Enforcement and Removal Operations is responsible for enforcement of Petitioner's detention.

IV. FACTUAL BACKGROUND

10. Petitioner is a native and citizen of Cuba.
11. Petitioner was ordered removed in or around 2004.
12. Because the United States Government was unable to effectuate his removal to Cuba, Petitioner was previously released under an order of supervision for many years.
13. During his lengthy period on supervision, Petitioner complied with reporting requirements and remained in the community.
14. ICE revoked Petitioner's supervision and returned him to custody on or about November 14, 2025.
15. Petitioner has now remained continuously detained for more than six months following his re-detention by ICE.
16. ICE has not provided Petitioner with a removal date.
17. ICE has not informed Petitioner that travel documents have been approved or issued by the Cuban government.
18. Upon information and belief, there is presently no significant likelihood that Petitioner will be removed to Cuba in the reasonably foreseeable future.
19. Petitioner has undergone custody reviews; however, ICE has provided little meaningful information regarding the status of removal efforts.
20. Petitioner previously filed a habeas corpus petition in this Court. The Court denied the petition without prejudice because the six-month presumptively reasonable detention period under Zadvydas had not yet elapsed.
21. The Court specifically stated that Petitioner could refile a new habeas petition if his detention exceeded six months and he could demonstrate that there was no significant likelihood of removal in the reasonably foreseeable future.
22. Petitioner has now satisfied both conditions.

**V. CLAIM FOR RELIEF
VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE**

23. Petitioner re-alleges and incorporates paragraphs 1 through 22.
24. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), post-removal-order detention beyond six months becomes constitutionally suspect when there is no significant likelihood of removal in the reasonably foreseeable future.
25. Petitioner has now been detained for more than six months following his re-detention on November 14, 2025.
26. Respondents have failed to demonstrate that Petitioner's removal is significantly likely in the reasonably foreseeable future.
27. Petitioner has not been provided a deportation date.
28. Petitioner has not been informed that Cuba has approved travel documents necessary for removal.
29. Petitioner's lengthy prior release under supervision further demonstrates the Government's historical inability to effectuate his removal.
30. Despite Petitioner's prolonged detention, Respondents have provided no evidence that removal is practically attainable in the reasonably foreseeable future.
31. Continued detention under these circumstances has become prolonged, indefinite, and unconstitutional in violation of the Due Process Clause of the Fifth Amendment.
32. Petitioner is willing to comply with reasonable conditions of supervision if released.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus;
- B. Order Petitioner's immediate release under appropriate conditions of supervision;
- C. Grant any additional relief the Court deems just and proper.
- D. Alternatively, order Respondents to provide evidence demonstrating a significant likelihood of removal in the reasonably foreseeable future.

Respectfully submitted,



Larry Ruiz Abreu, Pro Se

A#

Da

Nationality: Cuba

Current Detention Facility: Florida Soft-Sided Facility

54575 Tamiami Trl E

Ochopee, Florida 34141

Date: __05/16/2026__.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LARRY RUIZ ABREU,

A# 

Petitioner,

Case No. _____

v.

WARDEN, FLORIDA SOFT SIDED
FACILITY,
U.S. ATTORNEY GENERAL,
DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS,

Respondents.

AFFIDAVIT IN SUPPORT OF HABEAS CORPUS (PRO SE)

I, Larry Ruiz Abreu, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Petitioner in this action.
2. I am currently detained by ICE at the Florida Soft Sided Facility.
3. ICE took me back into custody on or about November 14, 2025.
4. I have now remained detained for more than six months.
5. ICE has not provided me with a deportation date.
6. ICE has not informed me that travel documents have been approved by Cuba.
7. I was previously released under an order of supervision for many years because the Government could not remove me to Cuba.
8. During my prior supervision, I complied with reporting requirements.
9. I respectfully request release under reasonable supervision because I believe there is no significant likelihood that I will be removed in the reasonably foreseeable future.

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

Executed on this 16 day of May, 2026.



Larry Ruiz Abreu, Pro Se

A# 

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LARRY RUIZ ABREU,

A# 

Petitioner,

v.

WARDEN, FLORIDA SOFT SIDED
FACILITY,
U.S. ATTORNEY GENERAL,
DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS,

Respondents.

Case No. _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was mailed to:

CLERK OF COURT
United States District Court
Middle District of Florida - Fort Myers Division
2110 First Street
Suite 3-137
Fort Myers, FL 33901

WARDEN
Florida Soft-Sided Facility
54575 Tamiami Trl E
Ochopee, FL 34141

U.S. ATTORNEY'S OFFICE
Middle District of Florida
400 North Tampa Street
Suite 3200
Tampa, FL 33602

U.S. ATTORNEY'S GENERAL
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

DIRECTOR
ICE Enforcement and Removal Operations
500 12th Street SW
Washington, DC 20536

on this 16 day of May, 2026.



Larry Ruiz Abreu (Pro Se)