UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

YIMI RICHARD MARTINEZ RUIZ

Petitioner,

v. Case No.: 2:26-cv-184

KEVIN GUTHRIE, Executive Director of the Florida Division of Emergency Management TODD LYONS, Acting Director of the United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security; PAMELA BONDI, Attorney General of the United States; GARRETT RIPA, Field Office Director of the Miami Immigration and Customs Enforcement Office, acting in their official capacities; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and DEPARTMENT OF HOMELAND SECURITY

Respondents.
_____/

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

INTRODUCTION

1. Petitioner, YIMI RICHARD MARTINEZ RUIZ, seeks a writ of habeas corpus following his unlawful detention at Alligator Alcatraz, by Respondents, who provide no legal authority or justification for his ongoing detention.

2. Petitioner is a native and citizen of Nicaragua, who has been living in the United States since 2005.

3. From January 21, 2026, to January 27, 2026, Petitioner was detained at the Orange County Jail without any pending or current criminal charges, warrants, or sentence to be served.

4. Petitioner was transferred to the Alligator Alcatraz detention facility near Ochopee, Florida on or about January 28, 2026, where Petitioner currently remains has been detained.

5. Petitioner respectfully requests this Court to order Respondents to show cause why the writ should not be granted within three days and set a hearing within five days of the return.

6. Petitioner further requests immediate release from detention.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § § 2201-02 (declaratory relief), and Art. I, Sec. 9, Cl. 2 of the United States Constitution (Suspension Clause), and Petitioner is presently in custody under, or by color of, the authority of the U.S. and challenges his custody as a violation of the Constitution, laws, or treaties of the United States.

8. Section 2241 also gives federal district courts jurisdiction to hear habeas claims by detainees challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018); *see also Zadvydas v. Davis*, 533 U.S. 678 (2001).

9. Venue lies in this District pursuant to 28 U.S.C. §§ 1391 and 2241, because Petitioner is detained at Alligator Alcatraz, which is within the Middle District of Florida.

PARTIES

10. Petitioner, YIMI RICHARD MARTINEZ RUIZ, is a native and citizen of Nicaragua, and currently detained at Alligator Alcatraz within the Middle District of Florida. He brings this petition pursuant to 28 U.S.C § 2241 to challenge the legality of his continued detention.

11. Respondent, TODD LYONS, in his official capacity as Senior Official performing the Duties of the Director of ICE, directs the agency that exercises authority over the detention, custody, and supervision of noncitizens pursuant to the INA.

12. Respondent, KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security, is the highest official within the DHS, which is charged with administering and enforcing federal immigration laws, including detention authority under the INA.

13. Respondent, PAMELA BONDI, in her official capacity as Attorney General of the United States, presides over the Executive Office for Immigration Review and Board of Immigration Appeals ("BIA"), and shares responsibility for the implementation and enforcement of immigration laws.

14. Respondent, GARRETT RIPA, in his official capacity as Field Office Director of the Miami Immigration and Customs Enforcement Office is responsible for the custody, detention, and removal operations for individuals detained within the geographic area encompassing Petitioner's place of confinement.

15. Respondent, KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management is responsible for managing Alligator Alcatraz and is thus the legal custodian of Petitioner.

16. Respondent, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency within the Department of Homeland Security charged with the enforcement of immigration laws, including the detention and removal of noncitizens.

17. Respondent, DEPARTMENT OF HOMELAND SECURITY is the federal department responsible for administering and enforcing the INA, including statutory authority governing the detention of certain noncitizens.

EXHAUSTION OF REMEDIES

18. Petitioner has no administrative remedies available to him other than the subject action.

19. Seeking exhaustion would be futile in light of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which determined immigration judges lack jurisdiction to consider bond for those present in the United States without admission under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A).

STATEMENT OF FACTS

20. Petitioner is a native and citizen of Nicaragua, who has been living in the United States since 2005. Petitioner was previously in removal proceedings. However, removal proceeding were dismissed by the Department of Homeland Security on or about December 2, 2024. **See Exhibit 1**.

21. Petitioner was originally arrested in Marion County, Florida, on December 21, 2025, under suspicion of burglary and resisting arrest without violence. However, the State Attorney's Office filed an Announcement of No Information on January 20, 2026. **See Exhibit 2**. No criminal charges were filed. Based upon the undersigned's information and belief, two witnesses, included the alleged victim, confirmed that Petitioner was an innocent bystander with no involvement.

22. Petitioner has no other criminal history except three No Valid Driver's License convictions in 2018 and 2014, and driving with suspended license and no vehicle registration withholds of adjudication in 2017.

23. Following the State Attorney's No Information notice, rather than be released from the Marion County Jail, Petitioner was transported to the Orange County Jail and booked there on the basis of an "Immigration Hold" on January 21, 2026. **See Composite Exhibit 3**.

24. Petitioner was held without charge or cause by the Orange County Jail from January 21, 2026, until he was released into ICE custody on January 24, 2026, and transported to an ICE processing center.

25. ICE returned Petitioner to the custody of the Orange County Jail and Petitioner was re-booked into the Orange County Jail on January 24, 2026, again without any pending criminal charges or cause. Further, there was no hold indicated in his booking information. **See Composite Exhibit 3**.

26. On January 27, 2026, Petitioner was again released into the custody of ICE, and on January 28, 2026, Petitioner was booked into the Alligator Alcatraz detention facility near Ochopee, Florida.

27. Petitioner is not subject to a bar under 8 U.S.C. § 1226.

28. Petitioner is not subject to expedited removal, nor has he recently arrived in the United States.

LEGAL FRAMEWORK

29. Noncitizens who enter the United States are entitled to due process under the Fifth Amendment of the United States Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

30. Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979)

31. Detention of applicants for admission under 8 U.S.C. § 1225 is distinguished from detention of other noncitizens under 8 U.S.C. § 1226 in the Immigration and Nationality Act ("INA").

32. Section 1225(b)(1)-(2) mandates detention for noncitizens subject to expedited removal and recently arrived applicants who are seeking admission.

33. Section 1226 grants all other noncitizens the eligibility to a bond hearing before and immigration judge, with certain exceptions for those presently arrested, presently charged, or convicted of committing certain crimes.

34. In *Matter of Yajure Hurtado*, the BIA held all individuals present without admission, regardless of how long they have been present in the United States, were applicants for admission under § 1225(a)(1), and subject to mandatory detention under § 1225(b)(2)(A), foreclosing immigration judges from having bond jurisdiction.

35. This interpretation if the INA is plainly contrary to the statutory framework, contrary to decades of agency practice, and rejected by the majority of federal courts considering this interpretation throughout the United States. *See Gimenez Rivero v. Mina et al.*, 6:26-cv-0006-RBD-NWH, at page 12-13 (M.D. Fla. January 26, 2026).

CLAIMS FOR RELIEF

Count I
Violation of Due Process

36. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

37. Petitioner has been deprived of liberty with no judicial process and no opportunity to challenge the detention.

38. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent" *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Prolonged civil detention requires a sufficiently strong special justification to outweigh the significant deprivation of liberty. *Id.* at 690-91.

39. Civil detention also requires the accompaniment of strong procedural protections to guard against the erroneous deprivation of liberty and avoid violating due process. *Id.*; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

40. These procedural safeguards have not been afforded, subjecting Petitioner to an erroneous deprivation of his liberty. Respondents provide no legal justification for his prolonged and ongoing detention.

41. As such, Petitioner's detention violates substantive and procedural due process.

Count II
Arbitrary and Unlawful Restraint and Detention in Violation of Statutory Authority

42. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

43. Section 1226 applies to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings.

44. Section 1225 does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings.

45. Petitioner is unlawfully and arbitrarily detained on the basis of Respondents application of 8 U.S.C. § 1225 in violation of the INA.

Count III
Violation of the Administrative Procedure Act

46. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

47. The Administrative Procedure Act ("APA") sets forth that a court shall set aside agency action that is an abuse of discretion or otherwise not in accordance with law. 5 U.S.C. § 706(2)(A).

48. Categorically denying bond hearing to all applicants for admission is a violation of the APA.

49. Respondents are in violation the APA by categorically denying bond to Petitioner.

PRAYER FOR RELIEF

50. Assume jurisdiction over this matter;

51. Order Respondents to show cause why this petition should not be granted within three (3) days;

52. Set an expedited hearing as soon as practicable under 28 U.S.C. § 2243;

53. Declare that Petitioners continued detention is unconstitutional and unlawful, as it violates the Fifth Amendment guarantee of due process, violates the APA, and is in violation of statutory authority;

54. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from their custody;

55. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner'

56. In the alternative, order that Petitioner be released from custody if he does not receive a bond hearing within ten days of the Court's order;

57. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes;

58. Grant such further relief as the Court deems just and proper.

Dated: January 29, 2026

Respectfully submitted,

/s/ Nicholas Ravinet

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

I certify and declare under penalty of perjury that the facts alleged in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 29, 2026

Respectfully submitted,

/s/ Nicholas Ravinet

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