UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA

TALLAHASSEE DIVISION

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

(PRO SE)

Cristian Eduardo Hernandez Menjivar Petitioner, v. Field Office Director, U.S. Immigration and Customs Enforcement, ERO Tallahassee Sub Office; Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Pam Bondi, Attorney General of the United States; Markwayne Mullin, Secretary of Homeland Security, Respondents. _____/	Case No. 4:26-cv-159 MCR/MAF

PRELIMINARY STATEMENT

Petitioner Cristian Eduardo Hernandez Menjivar ("Petitioner"), A-Number A-[redacted], a native and citizen of El Salvador, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner has been held in civil immigration detention at the Call Field Office, 12499 Pogo Street, Bristol, Florida 32321, since approximately March 10, 2026 — approximately twenty-two (22) days — without ever receiving a bond hearing before a neutral Immigration Judge. No adjudicator has ever individually considered whether Petitioner's continued detention is justified.

Petitioner's civil immigration detention was triggered not by any criminal conduct, but by a non-criminal civil infraction: an alleged fishing license violation carrying a $102.00 penalty, issued by the Florida Fish and Wildlife Conservation Commission on March 8, 2026. No criminal charges were filed. No criminal conduct was alleged. ICE detained Petitioner approximately forty-eight (48) hours after the civil citation was issued.

Petitioner entered the United States at approximately nine (9) years of age and has resided continuously in the United States for over eleven (11) years. He attended public school in Gadsden County, Florida from the third grade through the seventh grade. He has no criminal convictions of any kind. He has a Master Calendar Hearing scheduled in seven (7) days. The continued detention without a bond hearing violates the Fifth Amendment Due Process Clause and entitles Petitioner to immediate relief.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241(c)(3). *See Demore v. Kim*, 538 U.S. 510, 517 (2003).

2. Venue is proper in this district pursuant to 28 U.S.C. § 2241(a) because Petitioner is physically confined at the Call Field Office, 12499 Pogo Street, Bristol, Florida 32321, located within the Northern District of Florida.

3. The only proper respondent to a core habeas petition is the immediate custodian — here, the Field Office Director of the ERO Tallahassee Sub Office. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Additional respondents are named to provide complete relief.

II. PARTIES

A. Petitioner. Petitioner Cristian Eduardo Hernandez Menjivar is a native and citizen of El Salvador, born on [redacted]. Petitioner has been in civil immigration detention since approximately March 10, 2026 at the Call Field Office, 12499 Pogo Street, Bristol, Florida 32321.

B. Respondent Field Office Director, ERO Tallahassee Sub Office, U.S. Immigration and Customs Enforcement, is the individual directly responsible for Petitioner's physical custody at 12499 Pogo Street, Bristol, Florida 32321. He/she is sued in his/her official capacity.

C. Respondent Todd Lyons is the Acting Director, U.S. Immigration and Customs Enforcement, with offices at 500 12th Street, SW, Washington, DC 20536. He is sued in his official capacity.

D. Respondent Pam Bondi is the Attorney General of the United States, with offices at 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001. She is sued in her official capacity.

E. Respondent Markwayne Mullin is the Secretary of Homeland Security, with offices at 2707 Martin Luther King Jr. Avenue, SE, Washington, DC 20528. He is sued in his official capacity.

III. STATEMENT OF FACTS

A. Entry Into the United States and Continuous Residence.

4. Petitioner Cristian Eduardo Hernandez Menjivar is a native and citizen of El Salvador, born on [redacted] Petitioner entered the United States at approximately nine (9) years of age, along with his parents. At the time of his entry, Petitioner was a child and did not make an independent immigration decision.

5. Petitioner has resided continuously in the United States for over eleven (11) years. Beginning in the 2014-2015 school year, Petitioner attended public school in Gadsden County, Florida, enrolling at George W. Munroe Elementary School in the third grade. He subsequently attended Havana Magnet School (grades 4-5), Carter Parramore Academy (grades 6-7), and was continuously enrolled through the 2019-2020 school year. Petitioner's entire educational formation took place in the United States. (Exhibit C: Gadsden County School District enrollment records.)

6. Petitioner resides in Midway, Florida, with his aunt and family members who are his primary support system in the United States. He has no criminal convictions in the United States or in El Salvador. He has no prior immigration court proceedings.

B. Detention Triggered by a Non-Criminal Civil Infraction.

7. On the evening of March 8, 2026, Petitioner was fishing at Port St. George, Franklin County, Florida. Florida Fish and Wildlife Conservation Commission Officer James Houston approached Petitioner and issued him Resource Citation No. 410578C for an alleged No/Expired Saltwater Fishing License -- Nonresident, in violation of Florida Statute Section 379.354(1). The citation reflects a civil infraction -- not a criminal offense -- carrying a mandatory fine of $102.00. The citation itself states that the offense is a non-criminal infraction. (Exhibit A: FWC Resource Citation No. 410578C.)

8. The citation also generated a Notice to Appear before the Franklin County Court, County Court of the 2nd Judicial Circuit, for Arraignment on April 9, 2026, before the Honorable J. Gordon Shuler. (Exhibit B: Franklin County Court Notice to Appear.) The Notice to Appear identifies the charge as "NO SALTWATER FISHING LICENSE $102.00." No criminal charges were filed at any time.

9. Approximately forty-eight (48) hours after the issuance of the FWC citation, ICE officers arrived and detained Petitioner. Petitioner has been held at the Call Field Office since approximately March 10, 2026 — approximately twenty-two (22) days. At no point has Petitioner received a bond hearing before a neutral Immigration Judge. No adjudicator has ever individually considered: (a) whether Petitioner poses a flight risk; (b) whether Petitioner poses a danger to the community; (c) his ability to pay any bond; (d) alternatives to detention; or (e) the equitable factors bearing on his custody, including his eleven years of continuous residence, his entry as a minor, his community ties, and his complete lack of criminal history.

10. Petitioner is detained pursuant to 8 U.S.C. § 1226(a) pending final determination of his removal proceedings. He is not subject to mandatory detention under § 1226(c). As a § 1226(a) detainee, Petitioner has a statutory and constitutional right to an individualized bond hearing. That hearing has never occurred.

C. Imminent Master Calendar Hearing.

11. Petitioner has a Master Calendar Hearing scheduled before Immigration Judge Rosen, Benjamin of the Immigration Court on April 8, 2026, at 8:30 A.M., to be held IN PERSON at 12832 N.W. CTR AVE, P.O. Box 67, Bristol, FL 32321. This hearing is only SEVEN (7) DAYS from the date of this filing. Without emergency relief, Petitioner may be removed or transferred before he has ever received a constitutionally adequate bond hearing or had any meaningful opportunity to present his case before the Immigration Judge.

IV. LEGAL ARGUMENT

A. Standard of Review.

12. A district court may grant a writ of habeas corpus when the petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The Court reviews questions of constitutional law de novo.

13. Petitioner is proceeding pro se and his pleadings must be construed liberally. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

B. Petitioner's Detention Without a Bond Hearing Violates the Fifth Amendment Due Process Clause.

14. The Fifth Amendment protects all persons from deprivation of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Under *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976), the Court weighs: (1) the private interest; (2) the risk of erroneous deprivation; and (3) the government's interest.

15. First Mathews Factor — Private Interest. Petitioner's liberty interest is substantial. Petitioner entered the United States as a nine-year-old child and has lived here for over eleven years. His entire formative development — education, relationships, community — has occurred in the United States. The deprivation of liberty here is not merely a restriction on movement; it is the detention of a person who has known no adult life outside of the United States.

16. Second Mathews Factor — Risk of Erroneous Deprivation. The risk of erroneous deprivation is at its maximum. Petitioner was detained based solely on a $102.00 civil fishing citation — a non-criminal infraction. No adjudicator has reviewed whether this basis justifies his continued civil detention. The complete absence of any individualized bond hearing presents the paradigmatic case of erroneous deprivation.

17. Third Mathews Factor — Government Interest. The government's interest in continued detention is minimal. Petitioner has no criminal convictions, no history of flight, and no prior immigration proceedings in which he failed to appear. His detention was triggered by a civil

infraction, not by any demonstrated flight risk or danger to the community. The burden of providing a bond hearing is minimal.

18. All three *Mathews* factors favor Petitioner. His detention without any bond hearing since his arrest violates the Fifth Amendment.

C. Under § 1226(a) and Governing Precedent, Petitioner Is Entitled to an Individualized Bond Hearing.

19. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes but does not require detention. Section 1226(a) expressly provides that the Attorney General "may release" a noncitizen pending removal proceedings "on bond" or "conditional parole." 8 U.S.C. § 1226(a)(2). The mandatory detention provision, § 1226(c), does not apply here: Petitioner has not been convicted of any removable offense triggering mandatory detention.

20. Courts have consistently held that § 1226(a) detainees are entitled to individualized bond hearings. *See Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) (remanding for constitutional analysis; not disturbing right to initial bond hearing for § 1226(a) detainees). The constitutional due process right to an individualized bond hearing for § 1226(a) detainees has been recognized across multiple circuits. Petitioner has never received such a hearing.

21. This Court should order an immediate bond hearing at which Respondents must demonstrate, by clear and convincing evidence, that Petitioner poses a flight risk or danger to the community — particularly given his eleven years of continuous residence, his entry as a minor child, his

clean criminal record, and the fact that his detention was triggered by a non-criminal civil infraction.

D. Petitioner's Entry as a Minor and Eleven Years of Continuous Residence Independently Support Relief.

22. Petitioner entered the United States at age nine. He was brought to this country by his parents as a child. He did not, and could not, make an autonomous immigration decision. The entire arc of his life in the United States has been spent in Florida: attending school, building community ties, and growing into adulthood. To detain him indefinitely without any individualized hearing, based on a $102.00 fishing citation, offends the most basic principles of due process.

23. Petitioner's long-term community ties, established over more than a decade, his complete lack of criminal history, and the trivial nature of the triggering event (a civil fishing citation) all weigh heavily in favor of release or, at minimum, an immediate bond hearing.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus finding that Petitioner's detention violates the Fifth Amendment Due Process Clause;

2. Order Respondents to release Petitioner from civil immigration detention, with or without conditions;

3. In the alternative, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing before an Immigration Judge within 10 days, at which Respondents must bear the burden of proving by clear and convincing evidence that Petitioner is a flight risk or danger to the community;

4. Issue an emergency stay of any removal order pending full resolution of this Petition;

5. Award reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412; and

6. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted on April 1, 2026.

Cristian Hernandez

Cristian Eduardo Hernandez Menjivar

Pro Se A-[redacted]

Call Field Office

12499 Pogo Street

Bristol, Florida 32321

CERTIFICATE OF SERVICE

I, Cristian Eduardo Hernandez Menjivar, hereby certify that on the 1 day of April, 2026, I caused a true and correct copy of the Petition for Writ of Habeas Corpus to be served upon the following parties by depositing the same in the United States mail, first-class postage prepaid, and by certified mail, return receipt requested, addressed as follows:

1. Civil Process Clerk, United States Attorney's Office, Northern District of Florida, 111 N. Adams Street, 4th Floor, Tallahassee, Florida 32301
2. Pam Bondi, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001
3. Markwayne Mullin, Secretary of Homeland Security, 2707 Martin Luther King Jr. Avenue, SE, Washington, DC 20528
4. Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536
5. Field Office Director, U.S. Immigration and Customs Enforcement, ERO Tallahassee Sub Office, 12499 Pogo Street, Bristol, Florida 32321

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 1 day of April, 2026, at Bristol, Florida.

Cristian Hernandez

Cristian Eduardo Hernandez Menjivar

Pro Se A[redacted]

Call Field Office

12499 Pogo Street

Bristol, Florida 32321