Leslie Cabrera
ABOGADOS W
4700 Millenia Blvd., Suite 500
Orlando, FL 32839
Phone: 305-507-7442
leslie@abogadosw.com
Attorney for Petitioner

DETAINED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

GALICIA TOVAR, THOMAS,

Petitioner,

v.

Warden of Liberty County Jail, in his official capacity as custodian of Petitioner,

Respondents.

CASE No.: 4:26-cv-179

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

I. Introduction

1. Petitioner Thomas Galicia Tovar ("Petitioner") respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his current detention and to seek immediate release or, in the alternative, prompt individualized review of the legal and factual basis for his continued custody.

2. Petitioner is a native and citizen of Colombia and his Alien Registration Number is A#[redacted]

3. Petitioner is currently detained at Liberty County Jail, 12499 Pogo Street, Bristol, Florida 32321, within the jurisdiction of the United States District Court for the Northern District of Florida.

II. Jurisdiction and Venue

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this District and challenges the legality of that custody.

1. Venue is proper in the Northern District of Florida because Petitioner is confined within this District and his immediate custodian is located within this District.

III. Parties

1. Petitioner: Thomas Galicia Tovar.
2. Respondent: Warden of Liberty County Jail, in his official capacity as custodian of Petitioner and the official with immediate custody over Petitioner at Liberty County Jail, and therefore the proper respondent in this 28 U.S.C. § 2241 habeas action.

IV. Exhaustion and Request for Expedited Consideration

1. Petitioner requests expedited consideration because he is presently detained and seeks relief from unlawful custody.
2. To the extent any exhaustion requirement is argued to apply, Petitioner alleges exhaustion is excused because: (a) habeas relief is necessary to prevent ongoing unlawful detention; and (b) administrative processes are inadequate to provide timely relief under the circumstances.

3. If the Court requires additional detail regarding exhaustion efforts, Petitioner requests leave to supplement this Petition.

V. Factual Background

1. Petitioner was born on [redacted]
2. On March 13, 2026, at approximately 10:53 a.m., a Panama City Beach Police Department officer observed a [redacted] traveling eastbound at 57 mph in a 40-mph zone and initiated a traffic stop. *A true and correct copy of the Panama City Beach Police Department Offense-Incident Report No. 2609490 is hereby attached as* ***Tab A.***
3. The traffic stop occurred in Panama City Beach, Florida, and the vehicle was stopped at Duplin Winery located at 10101 Panama City Beach Parkway. *Id.*
4. The driver was identified as Rooney Alejandro Aviles Garzon (DOB [redacted]2007), and Petitioner was identified as the passenger, Thomas Galicia Tovar (DOB [redacted]2006), after both presented temporary Florida driver's licenses. *Id.*
5. The officer reported that, using ELVIS, it was determined that the driver and Petitioner were not currently U.S. citizens. *Id.*
6. The officer reported that Petitioner stated he entered the United States in 2023 by walking through the Laredo, Texas Port of Entry and has resided in Florida since. *Id.*
7. The officer reported that Petitioner provided a work authorization card and that Petitioner's A-number was [redacted]. *Id.*
8. The officer reported that a leo immigration helpline verified Petitioner did not hold valid documents to remain in the United States. *Id.*

9. The officer reported that an ICE hold was placed on Petitioner and that Petitioner was arrested and transported to the Bay County Jail. *Id.*

10. DHS issued Petitioner a Notice to Appear (Form I-862) alleging, among other things, that Petitioner entered the United States at or near San Ysidro, California on or about December 14, 2023, and was not admitted or paroled after inspection. *A true and correct copy of the Notice to Appear (Form I-862) is hereby attached as* ***Tab B.***

11. The Notice to Appear states it was issued after an asylum officer found Petitioner demonstrated a credible fear of persecution or torture. *Id.*

12. The Notice to Appear orders Petitioner to appear before the Immigration Court at 3535 Lawton Road, Suite 200, Orlando, Florida 32803 on November 30, 2027 at 8:30 a.m. *Id.*

13. DHS also issued an Order of Release on Recognizance (Form I-220A) dated December 17, 2023, stating Petitioner was arrested and placed in removal proceedings and released on his own recognizance subject to conditions, including reporting for hearings/interviews and surrendering for removal if ordered. *A true and correct copy of the Notice of Custody Determination/Order of Release on Recognizance (Form I-220A) is hereby attached as* ***Tab C.***

14. Petitioner is now detained at Liberty County Jail and seeks habeas relief from this Court.

VI. Grounds for Relief

Ground One: Unlawful detention in violation of the Constitution and laws of the United States (28 U.S.C. § 2241)

1. Petitioner is in custody and challenges the legality of that custody under federal law.

2. Petitioner alleges he was detained following a traffic stop in which he was a passenger and not the driver.
3. Petitioner alleges his continued detention is not supported by a lawful basis and violates due process.
4. Petitioner requests that the Court order Respondent to show cause why Petitioner should not be released immediately.

Ground Two: Due process violation based on lack of prompt individualized custody determination

1. Petitioner alleges he is entitled to a prompt, individualized custody determination and meaningful review of the necessity of continued detention.
2. Petitioner alleges that continued detention without adequate procedural safeguards violates the Due Process Clause.
3. Petitioner requests an order requiring an immediate release or in the alternative, immediate custody hearing before an appropriate adjudicator, with the government bearing the burden to justify continued detention.

VII. Requested Relief

Petitioner respectfully requests that this Court:

1. Issue an Order to Show Cause directing Respondent to respond to this Petition.
2. Order Petitioner's immediate release from custody.
3. In the alternative, order a prompt individualized custody hearing and/or other meaningful review of the legal and factual basis for Petitioner's continued detention.
4. Grant such other and further relief as the Court deems just and proper.

VIII. Verification Pursuant to 28 U.S.C. § 2242

I represent Petitioner, Thomas Galicia Tovar, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief, based on my communications with Petitioner, my review of his immigration and detention records, and other information reasonably available to me.

Executed on April 16, 2026.

/s/ Leslie Cabrera
Leslie Cabrera
ABOGADOS W
4700 Millenia Blvd., Suite 500
Orlando, FL 32839
Phone: 305-507-7442
leslie@abogadosw.com
Attorney for Petitioner

Certificate of Service

I HEREBY CERTIFY that on April 16, 2026, a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF system.

/s/ Leslie Cabrera

Leslie Cabrera
ABOGADOS W
4700 Millenia Blvd., Suite 500
Orlando, FL 32839
Phone: 305-507-7442
leslie@abogadosw.com
Attorney for Petitioner

TAB B

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:
Subject ID: [redacted] FINS [redacted] File No: [redacted]
DOB:
In the Matter of:
Respondent: THOMAS GALICIA-TOVAR currently residing at:

[redacted]
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of COLOMBIA and a citizen of COLOMBIA ;
3. You entered into the United States at or near SAN YSIDRO, CA , on or about December 14, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who entered into the United States at any time or place other than as designated by the Secretary of the Department of Homeland Security.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

3535 LAWTON ROAD, SUITE 200 ORLANDO FL 32803
(Complete Address of Immigration Court, including Room Number, if any)

on November 30, 2027 *(Date)* at 08:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

MICHAEL J VELEZ
Date: 2023.12.17 [illegible]-06:00
0109336261.CBP

Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer)

Date: December 17, 2023

Laredo, TX
(City and State)

DHS Form I-862 (6/22)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(a)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

_____ *(Signature of Respondent)*

_____ Date: _____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 17, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ In person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to Sign
(Signature of Respondent if Personally Served)

STERLING E. SOLANO, Border Patrol Agent
STERLING E SOLANO Date: 2023.12.18 [illegible]-05:00
(Signature and Title of officer)

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [redacted]
Date: December 17, 2023
Event No: [redacted]

Name: THOMAS GALICIA-TOVAR

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~writing~~) (person) to AS INDICATED ON THE ATTACHED OREC G-56
(Name and Title of Case Officer)

at _____ on _____ at _____
(Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☒ Other: THAT YOU DO NOT COMMIT ANY CRIMES WHILE ON THIS ORDER OF RELEASE.

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

MICHAEL J VELEZ
Date: 2023.12.17 23:19:13 -05'00'
0109836261.CBP

(Signature of DHS Official)

Acting/Patrol Agent in Charge
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

STERLING E SOLANO
Date: 2023.12.18 00:[illegible] -05:00
0123942391.CBP

STERLING E. SOLANO
(Signature of Immigration Officer Serving Order)

YG T
(Signature of Alien)

12/17/2023
(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order) (Date)

Form I-220A (Rev. 08/01/07) N

If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for People with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833) for help in English or Spanish. Asylum and NACARA 203 applicants must call to make their request.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

TAB C

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: THOMAS GALICIA-TOVAR A-File Number: [redacted]

Date: 12/17/2023

Event ID: [redacted] Subject ID: [redacted] FIN: [redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☐ Under bond in the amount of $ _____

☒ On your own recognizance

☐ Under other conditions. (Additional document(s) will be provided.)

[redacted]
Name and Signature of Authorized Officer

12/17/2023 1923
Date and Time of Custody Determination

Acting/Patrol Agent in Charge
Title

Laredo, TX
Office Location/Address

You may request a review of this custody determination by an immigration judge.

☒ I acknowledge receipt of this notification, and

☐ I do request an immigration judge review of this custody determination.

☒ I do not request an immigration judge review of this custody determination.

Refused to Sign
Signature of Alien

12/17/2023
Date

The contents of this notice were read to THOMAS GALICIA-TOVAR (Name of Alien) in the SPANISH (Name of Language) language.

[redacted]
SOLANO, STERLING E.
Name and Signature of Officer

NONE USED
Name or Number of Interpreter (if applicable)

Border Patrol Agent
Title

DHS Form I-286 (1/14)