IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

Melvin Javier Garcia Lopez,

Petitioner,

V.

Warden, Liberty County Sheriff; Garrett J. Ripa, Field Office Director; Markwayne Mullin Secretary, U.S. Department of Homeland Security; Todd Lyons, Acting Ice Director, Todd Blanche, Acting Attorney General, And DEPARTMENT OF HOMELAND SECURITY
IN THEIR OFFICIAL CAPACITIES

Respondents.

Case No. 4:26cv185-AW/MAF

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND DECLARTORY AND INJUCTIVE RELIEF FOR AN ORDER TO SHOW CAUSE

INTRODUCTION

This Petition is not about whether Petitioner should ultimately be removed from the United States. It is about whether the government may continue to detain him based on an unlawful seizure and without providing the most basic procedural safeguards required by the Constitution. The REAL ID Act of 2005 does not strip this Court of jurisdiction to review the legality of Petitioner's detention or to order his release. Accordingly, this Court retains full authority to grant habeas relief.

Petitioner has lived in the United States since October 1, 2012. During that time, he has built a stable and law-abiding life. He has worked consistently, complied with all requirements imposed by immigration authorities, and has never been charged with or convicted of any crime. He poses no danger to the community and presents no risk of flight.

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On March 25, 2026, Petitioner was detained in an illegal traffic stop. At the time of the stop, Petitioner was not engaged in any unlawful activity, nor was there any individualized basis to suspect him of wrongdoing. Nevertheless, he was detained by immigration authorities without a warrant and without probable cause. He was not attempting to flee. He did not resist. He was simply traveling within the United States when he was seized.

Following his arrest, Petitioner was provided no meaningful explanation for his detention, no written notice of the basis for his custody, and no opportunity to contest his confinement. He was not afforded a bond hearing or any form of individualized custody determination. Instead, he was summarily transferred into immigration detention and is currently confined at Baker Correctional Institution.

Petitioner's continued detention is unlawful for multiple, independent reasons. First, his seizure and arrest—carried out without a warrant, probable cause, or individualized suspicion—violate the Fourth and Fifth Amendments. Second, his detention is not authorized by the Immigration and Nationality Act, which does not permit categorical or arbitrary detention absent an individualized determination. Third, the government's failure to provide a prompt bond hearing violates due process. Finally, Petitioner's ongoing confinement bears no reasonable relationship to any legitimate regulatory purpose and is therefore punitive in nature.

For all of these reasons, this Court should grant the Petition and order Respondents to immediately release Petitioner under reasonable conditions of supervision.

REQUIREMENTS OF 28 U.S.C. § 2243 AND APPLICATION FOR AN ORDER TO SHOW CAUSE

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court issue an order to all Respondents requiring them to show cause why the Petitioner's Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why Respondents should not be ordered to release Petitioner from detention.

Pending adjudication of these claims, Petitioner asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of the Field Office of the Immigration & Customs Enforcement Office of Enforcement and Removal Operations ("ERO") and this District.

PARTIES

1. Petitioner Melvin Javier Garcia Lopez is a resident of Florida, having lived there since 2012. He is currently being detained under the direction of Respondents in Liberty County Sheriff, which is located in 12499 Pogo Street, Bristol, FL 32321.

2. Respondent is the Warden of the Liberty County Sheriff in Sanderson, FL. They have ultimate authority over the facility where petitioner is detained. They are the immediate custodian responsible for his physical custody. Respondent is at the address 12499 Pogo Street, Bristol, FL 32321.

3. Respondent Garrett J. Ripa is the Field Office Director responsible for the Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.

4. Respondent Markwayne Mullin is named in his official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in Texas, and supervises Respondent Mullin; who is legally responsible for pursuing Petitioner's detention and removal; and as such is the legal custodian of Petitioner. Respondent Mullin's address is U.S. Department of Homeland Security, 800 K Street, N.W. #1000, Washington, District of Columbia 20528.

5. Respondent Todd Lyons is named in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement within the United States Department of Homeland Security. In this capacity, he is responsible for the administration of

immigration laws and the execution of detention and removal determinations. Respondent's address is Department of Homeland Security, Enforcement and Removal Office, 500 12th St SW, Washington, DC 20536.

6. Respondent, Todd Blanche, is named in his official capacity as Attorney General of the United States of America, responsible for enforcing Petitioner's continued detention pending his removal proceedings. Bondi's address is 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

JURISDICTION

7. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint[] on [Petitioner's] individual liberty," such that Petitioner is "in custody in violation of the . . . laws . . . of the United States." *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241(c)(3).

8. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). The REAL ID Act of 2005, which eliminated habeas corpus jurisdiction over final orders of removal, deportation, and exclusion and consolidated such review in the court of appeals, did not impact the ongoing availability of habeas corpus filed in the district court to challenge the length or conditions of immigration detention. *See* H.R. REP. No. 109-72, at 175 (2005),

("Moreover, section 106 would not preclude habeas review over challenges to detention that are independent of challenges to removal orders. Instead, the bill would eliminate habeas review only over challenges to removal orders.") *reprinted in* 2005 U.S.C.C.A.N. 240, 300; *see Hernandez v. Gonzales*, 424 F.3d 42, 42-43 (1st Cir. 2005); *Sissoko v. Rocha*, 412 F.3d 1021, 1033 (9th Cir. 2005); *Kellici v. Gonzales*, 472 F.3d 416 (6th Cir. 2006). This action challenges *Petitioner's detention,* not his removal or deportation.

VENUE

9. The United States District Court of Northern Florida is the proper venue to resolve petitioner's petition for a writ of Habeas Corpus. Petitioner is physically present within the jurisdiction since he is housed at Liberty County Sheriff in Bristol, FL. He has been there since March 25, 2026, after being detained in an illegal traffic stop.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Petitioner has no administrative remedies available to challenge the lawfulness of his detention. He is currently in the midst of his asylum proceedings. Respondents took him into custody without notice or any opportunity to be heard. Such arbitrary detention constitutes a clear violation of the Due Process Clause, as well as the Fourth and Fifth Amendments, which protect against deprivation of liberty without adequate procedural safeguards.

11. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts weigh: (1) the private interest affected; (2) the risk of erroneous deprivation; and (3) the government's interest. Here, the private interest—physical liberty—is fundamental. The risk of erroneous deprivation is exceptionally high because Petitioner was detained without any meaningful hearing or

opportunity to contest the detention. The government's interest in ensuring compliance with immigration proceedings does not justify such an abrupt and unexplained seizure, particularly where no new grounds for detention exist.

12.Moreover, even if there were administrative redress that Petitioner could seek, Petitioner need not exhaust her administrative remedies. The detention statute pursuant to which is detained, 8 U.S.C. § 1231(a), has no exhaustion requirement. Exhaustion is required only when Congress specifically mandates it. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). In all other instances, "sound judicial discretion governs." *Id.*

13.This Court also should not require Petitioner to exhaust his administrative remedies. First, the Supreme Court has recognized that courts should not require exhaustion where there is an unreasonable or indefinite timeframe for administrative action. Exhaustion is thus not appropriate where plaintiff "may suffer irreparable harm if unable to secure immediate judicial consideration of [his] claim." *Id.* at 147. Petitioner has a constitutionally protected liberty interest in his freedom from government custody. *Zadvydas*, 533 U.S. at 690. Petitioner's unlawful indefinite detention constitutes irreparable harm. *See Seretse- Khama v. Ashcroft*, 215 F. Supp.2d 37, 53 (D.D.C. 2002); *Hardy v. Fischer* 701 F. Supp. 2d 614, 619 (S.D.N.Y. 2010) (threat of unlawful detention and reimprisonment would constitute quintessential irreparable harm).

14.Second, exhaustion is not required where the Petitioner challenges the constitutionality of the agency procedure itself, "such that the question of the adequacy of the administrative remedy is for all practical purposes identical with the merits of the plaintiff's lawsuit." *McCarthy*, 503 U.S. at 148. In this case, Petitioner is challenging the constitutionality of any administrative procedures by which Respondents review the custody status of immigrants in his situation, including the post-order custody review process and those individuals who are

unexpectedly taken into custody after remaining on extended orders of supervision. Thus, exhaustion of administrative remedies is not required.

STATEMENT OF FACTS REGARDING CURRENT DETENTION

15. On April 1, 2026, Petitioner was seized during a coordinated enforcement operation in which officers stopped vehicles based on their outward appearance, including work trucks and vans, rather than individualized suspicion.

16. Petitioner was a passenger in one such vehicle. At the time of the stop, he was not engaged in any unlawful activity, nor was there any particularized basis to suspect him of wrongdoing.

17. Immigration officers detained Petitioner without a judicial warrant and without establishing probable cause to believe that he was subject to mandatory detention or that he was likely to escape before a warrant could be obtained, as required under 8 U.S.C. § 1357(a)(2).

18.Petitioner was not provided with a warrant signed by a neutral magistrate, a written explanation for his arrest, or any notice of the legal basis for his detention. He was not given an opportunity to respond prior to being taken into custody, nor was he afforded a bond hearing following his arrest.

19. Instead, Petitioner was summarily transferred into immigration detention, where he remains confined without any individualized determination that his continued detention is necessary to serve a legitimate governmental purpose.

20. Respondents have failed to comply with governing statutory and regulatory requirements and continue to detain Petitioner in violation of federal law and the Constitution. See 8 C.F.R. § 241.13(i)(2)–(3).

CLAIMS FOR RELIEF

21.The Government is holding petitioner in violation of the Due Process Clause of the U.S. Constitution, the Immigration and Nationality Act, and federal regulations. The factual allegations listed above are incorporated into each of the causes of actions listed below.

FIRST CAUSE OF ACTION:

UNLAWFUL WARRANTLESS ARREST AND DETENTION IN VIOLATION OF THE FOURTH AND FIFTH AMENDMENTS

22. The Fourth Amendment applies to civil immigration enforcement and prohibits unreasonable seizures. A seizure occurs when a reasonable person would not feel free to leave. See INS v. Delgado, 466 U.S. 210, 215 (1984).

23. Under 8 U.S.C. § 1357(a)(2), immigration officers may conduct a warrantless arrest only where (1) there is reason to believe the individual is removable, and (2) there is reason to believe the individual is likely to escape before a warrant can be obtained. Both requirements are mandatory.

24. Respondents violated these statutory and constitutional limits. Petitioner was seized as part of an appearance-based enforcement operation, not based on individualized suspicion. There was no particularized basis to believe he was in violation of immigration law at the time of the stop.

25. Moreover, Respondents lacked any basis to conclude that Petitioner was likely to escape before a warrant could be obtained. Petitioner did not attempt to flee, evade authorities, or engage in any conduct suggesting imminent escape. He had previously complied with immigration requirements and appeared as directed.

26. The warrantless arrest of a compliant individual under these circumstances reflects a complete disregard for the statutory limits imposed by Congress and renders the seizure unreasonable under the Fourth Amendment.

27. As a result, Petitioner's arrest and continued detention violate the Fourth Amendment and constitute a deprivation of liberty without due process of law under the Fifth Amendment.

SECOND CAUSE OF ACTION:

DETENTION WITHOUT A CONSTITUTIONALLY ADEQUATE BOND HEARING VIOLATES DUE PROCESS

28. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. Civil immigration detention is permissible only where it is reasonably related to a legitimate governmental purpose and accompanied by adequate procedural safeguards. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

29. Petitioner has not received a meaningful, individualized bond hearing before a neutral decision-maker at which the government was required to justify his continued detention.

30. No finding has been made that Petitioner poses a danger to the community or presents a flight risk. Instead, he remains detained without any procedural mechanism to challenge his confinement.

31. Even where Congress authorizes detention, constitutional limitations apply. See Demore v. Kim, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring).

32. In Jennings v. Rodriguez, 583 U.S. 281 (2018), the Supreme Court addressed statutory interpretation but expressly left open the constitutional question of whether prolonged detention without adequate procedural safeguards violates due process.

33. Under the balancing framework set forth in Mathews v. Eldridge, 424 U.S. 319 (1976), due process requires additional safeguards where the risk of erroneous deprivation of liberty is high.

34. Here, the private interest—freedom from physical restraint—is fundamental. The risk of erroneous deprivation is substantial in the absence of any individualized hearing. The government's interests can be served through less restrictive means, including supervised release or reasonable bond conditions.

35. Accordingly, due process requires, at a minimum, a prompt individualized bond hearing at which the government bears the burden of justifying continued detention.

THIRD CAUSE OF ACTION:

DETENTION IS NOT REASONABLE RELATED TO A LEGITIMATE GOVERNMENT PURPOSE

36. Civil immigration detention must remain regulatory, not punitive. It is constitutionally permissible only insofar as it reasonably serves legitimate government objectives, such as ensuring appearance at proceedings or protecting the community. See Zadvydas, 533 U.S. at 690.

37. Where detention no longer bears a reasonable relationship to these purposes, continued confinement violates due process.

38. Respondents have made no individualized determination that Petitioner poses a flight risk or danger to the community. Nor have they demonstrated that less restrictive alternatives would be insufficient.

39. In the absence of such findings, Petitioner's continued detention is arbitrary and excessive in relation to any legitimate governmental objective.

40. As a result, his confinement has become punitive in nature and violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;

2) Enjoin Respondents from transferring the Petitioner outside the jurisdiction of the Court pending the resolution of this case;

3) Issue a Writ of Habeas Corpus Ordering Respondents to release Petitioner immediately or, alternatively, grant release under reasonable conditions of supervision as the Court deems appropriate;

4) Declare that Respondents' revocation of Petitioner's prior supervision and continued detention was unlawful, having been carried out without a constitutionally adequate, individualized hearing and in violation of applicable statutes and regulations;

5) Declare that Petitioner's continued detention, absent individualized findings of danger or flight risk, is punitive, arbitrary, and violates the Due Process Clause of the Fifth Amendment; and

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

Respectfully submitted this April 9, 2026

Melvin Javier Garcia Lopez

Melvin Javier Garcia Lopez
12499 Pogo Street
Bristol, FL 32321

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

I, Melvin Javier Garcia Lopez submit this verification. 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.

Dated this April 9, 2026

Melvin Javier Garcia Lopez

Melvin Javier Garcia Lopez
12499 Pogo Street
Bristol, FL 32321