UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRULAN **LETAILLE,**

Petitioner,

v.

PETITION FOR WRIT OF HABEAS CORPUS

Warden, Florida Soft Sided Facility; **TODD LYONS,** in His official capacity as Acting Director of Immigration and Customs Enforcement; **GARRET RIPA,** in his official capacity as the Miami Field Office Director ICE; (DHS) **MARKWAYNE MULLIN,** in his official capacity as Secretary of Department of Homeland Security; **TODD BLANCHE,** in official capacity as Attorney General of the United States.

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

1. This is a petition for a writ of habeas corpus filed on behalf of Brulan Letaille (henceforth "Mr. Letaille" or "Petitioner") seeking relief to remedy his unlawful detention pursuant to 28 U.S.C. § 2241. Respondents are detaining Mr. Letaille purportedly incident to a final order of removal, despite the fact that execution of that order is statutorily barred by Temporary Protected Status ("TPS").

2. Petitioner has been detained since April 12, 2026, following a traffic stop, notwithstanding his valid TPS, under which removal may not be carried out while the status remains in effect.

3. Furthermore, to date, Respondents have not demonstrated that Mr. Letaille's removal is likely in the reasonably foreseeable future. Petitioner has consistently complied with all immigration requirements applicable to TPS beneficiaries, including maintaining lawful TPS, renewing his status, and fully cooperating with United States Citizenship and Immigration Service ("USCIS"). Nothing in the record supports any claim that Petitioner is a danger to the community or a flight risk, and Respondents have identified no statutory basis for continued detention.

4. Mr. Letaille challenges the lawfulness of his detention and any attempt to execute a removal order where (a) TPS statutorily bars removal, and (b) Respondents lack authority under the third country removal regulations ("SLRFFF" regulations) because they have failed to provide legally required notice of any intended third country of removal. Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Letaille from their custody.

PARTIES

5. Mr. Letaille is a citizen and national of Haiti in the Respondents' physical custody. The Respondents have assigned Alien Registration No. A[redacted]-[redacted]

6. The Petitioner brings a suit against Respondent Juan Agudelo, the DHS ICE ERO Miami Field Office Interim Director. In this official capacity, he is

responsible for the ICE Field Office with administrative jurisdiction over the Petitioner and he is a legal custodian of the Petitioner.

7. The Petitioner brings a suit against Respondent Todd M. Lyons, the DHS ICE Acting Director. In this official capacity, he is a legal custodian of the Petitioner.

8. The Petitioner brings a suit against Respondent Markwayne Mullin, the DHS Secretary. In this official capacity, he is a legal custodian of the Petitioner.

9. The Petitioner brings a suit against Respondent Todd Blanche, the Acting Attorney General of the U.S. Department of Justice. In this official capacity, he is a legal custodian of the Petitioner.

10. Respondent, Warden of the Florida Soft Sided Facility, is sued in their official capacity.

11. Respondent Garrett J. Ripa is the Acting Field Office Director for the ICE Miami Office of Enforcement and Removal Operations ("ICE ERO"). In this capacity, he has jurisdiction over Petitioners and is a legal custodian of Petitioners. Mr. Ripa is sued in his official capacity, as well as any other individual officially occupying the office of Miami ICE Field Office Director subsequent to his departure from that office.

JURISDICTION

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241

(habeas corpus), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § 1331 (federal question) and the U.S. Constitution, art. I, § 9, cl. 2 (Suspension Clause). While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, 8 U.S.C. § 1252(a)(l), (b), the federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas corpus claims by aliens challenging the constitutionality of the entire statutory scheme under the Fifth Amendment. This case arises under the United States Constitution; the Immigration and Nationality Act ("INA"), 8 U.S.C. §§1101 et seq., and the Due Process Clause of the Fifth Amendment. This Court has remedial authority under its inherent authority and the All Writs Act, 28 U.S.C. §1651.

13. Furthermore, 28 U.S.C. §2241 authorizes district courts to grant writs of habeas corpus to individuals "in custody in violation of the Constitution or laws or treaties of the United States." Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of their detention; as well as claims by noncitizens seeking to protect their due process rights. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 840-41 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas*, 533 U.S. at 687. Petitioners are currently detained by U.S. Immigration and Customs Enforcement ("ICE") within this judicial district, satisfying the "in custody" requirement at the time of filing. *See Zadvydas; Demore.*

14. This Court further has jurisdiction under Article I, Section 9, Clause 2 of the U.S. Constitution, the Suspension Clause, which guarantees the availability of the writ of habeas corpus except in cases of rebellion or invasion.

15. The claims raised herein are not barred by 8 U.S.C. § 1252, as Petitioners are not challenging the validity of a final order of removal, but rather the legality of detention in violation of federal regulations and the due process under the Fifth Amendment. *See Clark v. Martinez*, 543 U.S. 371 (2005) (extending *Zadvydas* to inadmissible aliens).

16. Interpreting § 1252(g) as barring judicial review of these claims risks conflicting with the Supreme Court's instruction that§ 1252(g) is not a broad jurisdictional limitation on "all claims arising from deportation proceedings." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482, 487 (1999); *see also Grigorian v. US. Atty. Gen.*, No. 1:25-cv-22914 (S.D. Fla. Sept. 9, 2025). Indeed, the Supreme Court has emphasized that 28 U.S.C. § 2241 provides federal courts with jurisdiction to consider challenges to the lawfulness of immigration-related detention. *Zadvydas*, 533 U.S. at 687.

VENUE

17. Venue lies in the United States District Court for the Middle District of Florida, the judicial district where Petitioner is detained. 28 U.S.C. § 1391(e).

FACTUAL AND PROCEDURAL HISTORY

18. Petitioner is a national of Haiti and has been granted Temporary Protected Status ("TPS") pursuant to 8 U.S.C. § 1254a under the Haiti designation since 2010. **See Exhibit A, Petitioner's Employment Authorization Document under TPS.**

19. Petitioner has not been terminated from TPS, and Respondents have acknowledged the extension of Haiti TPS pursuant to a court order in *Miot et al. v. Trump et al.*, No. 25-cv-02471-ACR (D.D.C.). ***See*** **Exhibit B USCIS Update on Termination of TPS for Haiti, Released March 25, 2026.**

20. Petitioner has a valid employment authorization document ("EAD") issued under A12 – TPS. Although the EAD has an expiration date of February 3, 2023, it is extended per Court order. *Id.*

21. Nevertheless, Respondents detained Petitioner on April 12, 2026, and has refused to release him despite his TPS status, the explicit, statutory bar against the execution of his removal, and the lack of a third country of removal.

22. To date, Respondents have not provided Petitioner with notice of any designated country of removal, including any purported third country. Respondents have likewise failed to provide: (1) written notice of intent to remove to a third country; (2) identification of any specific third country; and (3) an opportunity to raise fear-based objections or seek protection with respect to any third country. ***See*** **Exhibit C, Petitioner's Affidavit.**

23. Respondents have not provided Mr. Letaille with any concrete plan or timeline for removal, nor have they demonstrated that his removal is likely in the reasonably foreseeable future.

24. Mr. Letaille is not a danger to the community or a flight risk. He has no pending criminal cases and has complied with renewing and maintaining his TPS.

25. Mr. Letaille has deep roots in the United States. He is married to a United States citizen. Prior to his detention, he was working, paying taxes, and supporting his family.

26. Respondents' continued detention of Mr. Letaille, despite the explicit statutory bar against his removal, is not legally justifiable.

LEGAL FRAMEWORK

27. Pursuant to 28 U.S.C. § 2243, the Court either must grant the instant petition for writ of habeas corpus or issue an order to show cause to Respondents, unless Petitioner is not entitled to relief. If the Court issues an order to show cause, Respondents must file a response "within three days unless for good cause additional time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243 (emphasis added).

28. It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523

(2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

29. This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious."). It also protects noncitizens who have been ordered removed from the United States and who face continuing detention. *Id.* at 690.

30. Congress enacted TPS to prevent the removal of nationals of designated countries where conditions make safe return impossible. 8 U.S.C. § 1254a.

31. The TPS statute expressly provides that the Secretary of Homeland Security **"may grant the alien temporary protected status in the United States and shall not remove the alien from the United States during the period in which such status is in effect."** 8 U.S.C. § 1254a(a)(1)(A) (emphasis added).

32. The Board of Immigration Appeals ("BIA") has confirmed that a grant of TPS prevents DHS from executing a removal order while TPS remains valid. *Matter of Sosa Ventura*, 25 I. & N. Dec. 391, 394 (BIA 2010). The Supreme Court has likewise recognized that TPS confers lawful status and protection from removal for the duration of the designation. *Sanchez v. Mayorkas*, 593

U.S. 409, 412 (2021) (noting "[TPS] protects [foreign nationals] from removal and authorizes them to work here for as long as the TPS designation lasts.")

33. Immigration detention is lawful only insofar as it bears a reasonable relationship to the purpose for which the individual is detained. *Zadvydas*, 533 U.S. at 690 (2001). Because the statute and precedent affirmatively forbid execution of removal, DHS lacks authority to detain a TPS beneficiary for removal purposes.

34. Furthermore, even where a noncitizen is subject to a final order of removal, DHS may remove the individual only in accordance with the country designation framework set forth in 8 U.S.C. § 1231(b)(2). That statute establishes a sequenced and mandatory process for identifying the country of removal, beginning with the noncitizen's designated or country of nationality, and permitting removal to a third country only where removal to the country of nationality is unavailable and statutory predicates are satisfied.

35. Section 1231(b)(2) does not authorize DHS to detain a noncitizen based on speculative or unidentified third-country removal. Absent identification of a specific third country and compliance with required notice and procedural safeguards, DHS lacks any present authority to execute removal, and detention under such circumstances exceeds statutory authority and violates due process.

36. Detention authority under 8 U.S.C. § 1231(a) is derivative of DHS's authority to execute removal under § 1231(b)(2). Where DHS lacks present authority to remove a noncitizen to any country. because removal to the country of nationality is legally barred and no third country has been identified and procedurally authorized, there is no lawful "removal period" and no statutory basis for continued detention. *See Zadvydas*, 533 U.S. at 690 (2001) (detention must bear a reasonable relationship to its purpose).

CLAIMS FOR RELIEF

COUNT I

Unlawful Detention in Violation of the Immigration and Nationality Act

37. Petitioner alleges and incorporates by reference paragraphs 1 through 30 above.

38. The Immigration and Nationality Act ("INA") expressly provides that the Secretary of Homeland Security "shall not remove the alien from the United States during the period in which such status is in effect." 8 U.S.C. § 1254a(a)(1)(A).

39. Petitioner is a current grant holder of Temporary Protected Status, and his TPS has not been terminated in accordance with statute.

40. Because TPS affirmatively bars the execution of any removal order, Respondents lack statutory authority to detain Petitioner for the purpose of effectuating removal.

41. Immigration detention is lawful only insofar as it bears a reasonable relationship to its authorized purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

42. Where removal is statutorily prohibited, detention premised on removal execution is ultra vires, exceeds statutory authority, and violates the Immigration and Nationality Act.

43. Respondents' continued detention of Petitioner, notwithstanding his valid TPS, is therefore unlawful and must terminate.

COUNT TWO
STATUTORY
CLAIM

44. Petitioner alleges and incorporates by reference paragraphs 1 through 37 above.

45. Even where a noncitizen is subject to a final order of removal, DHS may execute removal only in accordance with the country designation framework set forth in 8 U.S.C. § 1231(b)(2).

46. The execution of Petitioner's removal order is legally barred by his grant of Temporary Protected Status. *See* 8 U.S.C. § 1254a(a)(1)(A).

47. Respondents lack a significant likelihood of removal in the reasonably foreseeable future ("SLRFFF") because removal of Petitioner is statutorily

barred. And even if Respondents were to disregard or attempt to circumvent the statutory bar imposed by TPS, they would still lack lawful authority to remove or detain Petitioner absent compliance with the country-designation framework set forth in 8 U.S.C. § 1231(b)(2).

48. Respondents have not identified any third country designated for Petitioner's removal, have provided no advance notice of any such country, and have not afforded Petitioner any opportunity to raise protection-based or fear-based objections with respect to a third country.

49. Section 1231(b)(2) does not authorize detention based on speculative, indeterminate, or hypothetical third country removal.

50. Accordingly, Respondents lack a SLRFFF, and continued detention therefore exceeds statutory authority and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;
b. Issue an order directing Respondents to show cause why the writ should not be granted;
c. Enjoin respondents from transferring Mr. Letaille outside of the jurisdiction of this court pending the adjudication of this matter.
d. Issue a writ of habeas corpus ordering Respondents to release Mr.

Letaille;

e. Declare that Respondents lack authority to execute Petitioner's removal or to detain him for removal purposes while his Temporary Protected Status remains in effect;

f. Enjoin the Respondents from re-arresting or re-detaining Petitioner absent full and strict compliance with federal law;

g. Award Petitioner reasonable costs and attorney's fees; and,

h. Grant any other relief which this Court deems just and proper.

Respectfully Submitted,

s/Alexandra Friz-Garcia, Esq.
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Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

Pursuant to 28 U.S.C. § 2242, undersigned counsel certifies under penalty of perjury that I am submitting this verification because I am the Petitioner's attorney and I have discussed the facts within this Petition with the Petitioner's counsel in stay of removal proceedings before Respondents. Pursuant to these discussions, I have reviewed the foregoing petition and that, to the best of my knowledge, the facts therein are true and accurate, and the attachments to the petition are true and correct copies of the

originals.

Dated: April 27, 2026

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TABLE OF EXHIBITS

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Petitioner's Employment Authorization issued under TPS .....Pg. 1

Exhibit B
USCIS Update on Termination of TPS for Haiti, Released March 25, 2026.....Pg.2-3

Exhibit C
Petitioner's Affidavit.....Pg.4

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

I HEREBY CERTIFY that the following persons may have an interest in the outcome of this case:

1. **Blanche, Todd**, Attorney General of the United States, U.S. Department of Justice
2. **Warden**, Florida Soft Sided Facility "Alligator Alcatraz"
3. **Letaille, Brulan**, Petitioner
4. **Lyons, Todd. M**, Acting Director of ICE, U.S. Department of Homeland Security
5. **Mullin, Markwayne**, Secretary, Department of Homeland Security
6. **Ripa, Garrett**, ICE Field Office Director for the Miami Field Office, Department of Homeland Security
7. **Friz-Garcia, Alexandra**, Esquire, Counsel for Petitioner

Dated: April 27, 2026

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