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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

3:26-cv-1056-JEP-MCR

TAYRON LARQUIN-VARGAS,

Petitioner,

v.

WARDEN, BAKER COUNTY DETENTION CENTER, et al.,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. JURISDICTION

1. This action is brought pursuant to 28 U.S.C. § 2241 challenging Petitioner's unlawful and indefinite post-removal-order detention.
2. Petitioner challenges detention under 8 U.S.C. § 1231(a)(6).

3. Petitioner is detained at Baker County Detention Center within this Court's jurisdiction.

4. This Court has jurisdiction because Petitioner is in custody in violation of the Constitution and laws of the United States.

II. FACTUAL BACKGROUND

5. Petitioner entered the United States in 2006 and later adjusted to lawful permanent resident status.

6. Petitioner was removed on May 11, 2017, and detained for approximately seven months.

7. After release, Petitioner complied with all reporting obligations for years.

8. In 2025, Petitioner was placed on probation and fully complied with all conditions.

9. On January 8, 2026, while complying with probation reporting requirements, ICE officers detained Petitioner without notice or justification.

10. Petitioner was transferred to Baker County Detention Center on January 21, 2026, where he remains detained.

11. Petitioner has four U.S. citizen children.

III. LEGAL ARGUMENT

Although Petitioner is currently detained under 8 U.S.C. § 1231(a)(6), constitutional due process governing arbitrary re-detention without changed circumstances apply with equal force, particularly where ICE has previously determined the Petitioner was neither a flight risk nor a danger to the community.

A. ICE Violated Its Own Regulations

12. ICE must follow 8 C.F.R. § 241.4. It failed to provide meaningful notice, reasons, or opportunity to respond. An agency's failure to follow its own regulations renders its actions invalid.

13. ICE's conduct reflects a legally impermissible approach: detaining Petitioner first and attempting to justify that detention after the fact, rather than providing lawful, individualized reasons at the time of revocation as required by its own regulations.

14. Specifically, ICE must provide: (1) meaningful, individualized notice identifying the actual reasons for revocation; and (2) a prompt and genuine opportunity to respond, including an informal interview.

15. Respondents failed to comply with these mandatory requirements. Petitioner was not provided any meaningful notice of changed circumstances.

16. Nor was Petitioner afforded a meaningful opportunity to respond.

17. Courts in this District have made clear that a notice merely reciting regulatory language is insufficient.

18. In the absence of identified changed circumstances, ICE's decision was arbitrary, procedurally deficient, and unlawful.

19. Because an agency must follow its own regulations, ICE's failure renders detention invalid.

20. This failure is not a technical defect—it goes to the heart of the agency's authority to deprive Petitioner of his liberty.

21. See *Padron Fuentes v. Ripa*, No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026).

B. No Significant Likelihood of Removal

22. Respondents bear the burden of demonstrating that removal is significantly likely.

23. There is no evidence of travel documents, no accepting country, and no removal plan.

24. Cuba's longstanding non-acceptance underscores the absence of a realistic removal pathway.

25. Any suggestion of removal to Mexico is speculative, with no acceptance or documentation.

26. A theoretical or speculative possibility of removal is insufficient to justify continued detention. Respondents cannot meet their burden through conjecture or unsupported assertions.

C. Re-Detention Without Changed Circumstances

27. Petitioner was previously released and complied fully.

28. Respondents identify no material change.

29. In the absence of changed circumstances, re-detention is arbitrary and violates due process.

D. Violation of Zadvydas

30. Under *Zadvydas v. Davis*, detention is not authorized where removal is not reasonably foreseeable.

31. Respondents have failed to demonstrate any realistic prospect of removal.

32. Continued detention is therefore unconstitutional. A speculative or hypothetical possibility of removal is insufficient to justify continued detention under *Zadvydas*.

E. Due Process Violations

33. Petitioner was detained without meaningful notice or opportunity to be heard.

34. This violates the Fifth Amendment.

F. No Legitimate Government Purpose

35. Detention must be tied to removal.

36. Without removal likelihood, detention becomes punitive and unlawful.

VI. LESS RESTRICTIVE ALTERNATIVES

Petitioner has demonstrated compliance under supervision. Less restrictive alternatives are sufficient to meet any government interest.

VII. CONCLUSION

Petitioner has shown that removal is not reasonably foreseeable, that ICE failed to follow its regulations, and that detention is unlawful. The Court should grant the writ and order immediate release.

Respectfully submitted,

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TAYRON LARQUIN-VARGAS

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

TAYRON LARQUIN-VARGAS,

Petitioner,

v.

WARDEN, BAKER COUNTY DETENTION CENTER, et al.,

Respondents.

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS**

(28 U.S.C. § 2241)

I. LEGAL STANDARD GOVERNING POST-REMOVAL DETENTION

Petitioner is detained pursuant to 8 U.S.C. § 1231(a)(6). Under *Zadvydas v. Davis*, detention is not authorized where removal is not reasonably foreseeable. After six

months, the burden shifts to the Government to demonstrate that removal is significantly likely in the reasonably foreseeable future.

The Eleventh Circuit in *Akinwale v. Ashcroft* confirmed that continued detention is not authorized where removal is not foreseeable.

A. *Zadvydas v. Davis*, 533 U.S. 678 (2001)

“Once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.”

B. *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002)

The court recognized that detention becomes unlawful where there is no significant likelihood of removal in the reasonably foreseeable future, consistent with *Zadvydas*.

Once a petitioner demonstrates prolonged detention and lack of removal, the burden shifts to the Government to provide evidence that removal is likely.

The Government cannot justify continued detention through speculation or post hoc reasoning; it must demonstrate a concrete and realistic pathway to removal.

II. REMOVAL MUST BE REALISTICALLY FORESEEABLE

The Government cannot justify detention through speculation. There must be a concrete and realistic pathway to removal, including acceptance by a receiving country and travel documents.

Here, no such evidence exists. There is no indication that Cuba will accept Petitioner, and no third country has agreed to receive him. A speculative possibility of removal is insufficient.

A speculative or theoretical possibility of removal—including unsupported references to third-country removal such as Mexico—does not satisfy the Government’s burden under *Zadvydas*.

III. RE-DETENTION WITHOUT CHANGED CIRCUMSTANCES IS UNLAWFUL

Petitioner was previously released under supervision and complied fully. Re-detention requires a material change in circumstances. Absent such change, detention is arbitrary and violates due process.

C. Padron Fuentes v. Ripa, Case No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026)

“An agency must also follow its own regulations.”

“Providing a notice that simply recites the language of the regulation does not satisfy the Government’s obligation to provide the ‘reasons.’”

D. Beltran v. Ripa, Case No. 2:25-cv-01174-SPC-NPM (M.D. Fla. Jan. 2, 2026)

“Absent a material change in circumstances, the re-detention of noncitizens previously released by DHS violates the INA because it does not serve the purpose of the statute.”

E. Additional Authority on Re-Detention

Fanfan v. Noem, Case No. 3:25-cv-03291-DMS-BJW (S.D. Cal. Dec. 12, 2025)

Doe v. Chestnut, Case No. 1:25-cv-01372-CDB (HC), 2025 WL 3295154 (E.D. Cal. Nov. 26, 2025)

Re-detention under these circumstances—without new facts, without explanation, and without individualized justification—cannot withstand constitutional scrutiny.

IV. FAILURE TO FOLLOW REGULATIONS

ICE must comply with 8 C.F.R. § 241.4. This includes meaningful notice and an opportunity to respond. Failure to follow these requirements renders detention unlawful.

In *Padron Fuentes v. Ripa*, No. 3:26-cv-00134-MMH-PDB (M.D. Fla. Mar. 16, 2026), the Court held that merely reciting regulatory language is insufficient. ICE must provide individualized reasons.

This failure is not a procedural technicality; it goes to the core of the agency's authority to deprive Petitioner of his liberty.

V. DETENTION SERVES NO LEGITIMATE PURPOSE

The sole purpose of detention is to effectuate removal. Where removal is not foreseeable, detention becomes punitive and violates due process.

Respondents cannot meet their burden through conjecture or unsupported assertions.

G. Less Restrictive Alternatives

37. Petitioner has demonstrated compliance under supervision.

38. Less restrictive alternatives are sufficient.

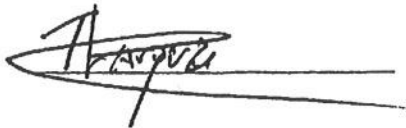
39. Continued detention is excessive.

IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests:

1. Grant the Petition;
2. Order immediate release;
3. Restore Order of Supervision;
4. Grant any further relief deemed appropriate.

Respectfully submitted,

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Tayron Larquin-Vargas

Baker County Detention Center

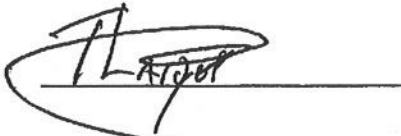
20706 US Highway 90

Sanderson, FL 32087

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Petition for Writ of Habeas Corpus was placed in the U.S. Mail to the Clerk of Court on 14 of April, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Larquin-Vargas', is written over a horizontal line.

Tayron Larquin-Vargas