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6 UNITED STATES DISTRICT COURT
7 MIDDLE DISTRICT OF FLORIDA
8 JACKSONVILLE DIVISION

9 Yoandys Chavez Cruz,

10 Petitioner,

11 v.

12 Markwayne Mullin, Secretary, U.S.
13 Department of Homeland Security
14 Garrett J. Ripa, Miami Field Office
15 Director of Enforcement and Removal
16 Operations, Miami Field Office,
17 Immigration and Customs Enforcement;
18 U.S. Department of Homeland Security;
19 Todd Blanche, U.S. Attorney General;
20 Executive Office for Immigration
21 Review; Warden of Florida Baker
22 Correctional Institute,

23 Respondents.
24

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner, Yoandys Chavez Cruz, A  respectfully
3 submits this Petition for Writ of Habeas Corpus challenging his continued
4 detention by the United States Department of Homeland Security, Immigration
5 and Customs Enforcement ("ICE").
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7 2. On or about October 15, 1996, Petitioner was admitted into the United
8 States with a visa from Cuba and has resided continuously in the United States
9 since that time.

10 3. On or about July 24, 2018, an Immigration Judge entered a final order
11 of removal against Petitioner.

12 4. After ICE was unable to effectuate removal, Petitioner was released
13 from custody under an Order of Supervision pursuant to INA § 241(a)(3), 8 U.S.C.
14 § 1231(a)(3), which he has faithfully complied.
15

16 5. On January 13, 2026, nearly eight years after his release on
17 supervision, ICE re-detained Petitioner without alleging or establishing any
18 violation of the Order of Supervision.

19 6. Petitioner's continued detention is therefore unauthorized under INA
20 § 241(a)(6), exceeds statutory authority, and violates the Due Process Clause of the
21 Fifth Amendment to the United States Constitution.
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7. Petitioner seeks immediate relief from this unlawful detention, including release under the existing Order of Supervision or under reasonable conditions of supervision.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained at Florida Baker Correctional Institute in Sanderson, Florida.

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which Petitioner currently is detained.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

13. This Petition for Writ of Habeas Corpus is brought pursuant to 28 U.S.C. § 2243 to challenge the Respondent's unlawful detention of Petitioner, who has been subject to an Order of Supervision for nearly eight years, has complied with all its terms, and whose detention bears no reasonable relation to a likelihood of removal.

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner Yoandys Chavez Cruz is a citizen of Cuba who has been in immigration detention since January 13, 2026.

16. Respondent Garrett J. Ripa is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations division. As such, Garrett J. Ripa is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

17. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of

1 the Immigration and Nationality Act (INA), and oversees ICE, which is
2 responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority
3 over Petitioner and is sued in her official capacity.

4 18. Respondent Department of Homeland Security (DHS) is the federal
5 agency responsible for implementing and enforcing the INA, including the
6 detention and removal of noncitizens.

7 19. Respondent Todd Blanche is the Attorney General of the United
8 States. He is responsible for the Department of Justice, of which the Executive
9 Office for Immigration Review and the immigration court system it operates is a
10 component agency. He is sued in his official capacity.

11 20. Respondent Executive Office for Immigration Review (EOIR) is the
12 federal agency responsible for implementing and enforcing the INA in removal
13 proceedings, including for custody redeterminations in bond hearings.

14 21. Respondent Warden of Florida Baker Correctional Facility is
15 employed by a private corporation as Warden of Florida Baker Correctional
16 Facility, where Petitioner is detained. He has immediate physical custody of
17 Petitioner. He is sued in his official capacity.

18 **CLAIM FOR RELIEF**

19 **COUNT I**

20 **Unlawful Post-Order Immigration Detention in Violation of the Due Process**
21 **Clause and 28 U.S.C. § 2243**

1 22. Petitioner is in the custody of Respondents pursuant to post-order
2 immigration detention, despite having lived under an Order of Supervision for
3 nearly eight years and having complied with all terms and conditions imposed by
4 the Department of Homeland Security.

5 23. Petitioner was detained without any allegation or finding that he
6 violated the Order of Supervision, failed to report, or posed a danger to the
7 community or a flight risk.

8 24. Immigration detention following a final order of removal is civil in
9 nature and is constitutionally permissible only so long as it is reasonably related
10 to the government's purpose of effectuating removal.

11 25. Petitioner's removal is not significantly likely to occur in the
12 reasonably foreseeable future. Respondents have been unable to effectuate
13 removal for approximately two decades, and no new facts or developments
14 support a conclusion that removal has become practicable.

15 26. Where removal is not significantly likely in the reasonably foreseeable
16 future, continued detention exceeds the authority granted under the Immigration
17 and Nationality Act and violates the Due Process Clause of the Fifth Amendment.

18 27. Respondents' decision to detain Petitioner over seven of supervised
19 liberty, without an individualized determination justifying custody and without
20 evidence of a realistic prospect of removal, is arbitrary and capricious.

21 28. Continued detention under these circumstances constitutes unlawful
22 and indefinite civil confinement, which the Constitution does not permit.

23 29. This Court has jurisdiction under 28 U.S.C. § 2243 to grant habeas
24 relief and to order Petitioner's release from custody where detention is no longer
authorized by statute or the Constitution.

30. Unless the Court grants relief, Petitioner will continue to suffer irreparable harm from unlawful detention that serves no legitimate governmental purpose.

COUNT II

Violation of the Administrative Procedures Act, and the Administrative Procedure Act (APA), 5 U.S.C. §§ 701, et seq.

31. To prevail on a § 2241 habeas petition challenging immigration detention, Petitioner must show by a preponderance of the evidence that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)).

32. Because habeas proceedings are civil in nature, Petitioner bears this burden. *Id.* (quoting *Skarfour v. United States*, 667 F.3d 145, 158 (2d Cir. 2011)); see also *Braden v. 30th Judicial Dist. Court*, 410 U.S. 484, 489-90 (1973). "A court considering a habeas petition must 'determine the facts, and the issue of...justice require.'" *Id.* (quoting 28 U.S.C. § 2243).

33. As in *Salgar v. Noem*, Petitioner challenges his detention on two principal grounds: (1) ICE violated due process by failing to follow its own procedures and regulations in revoking her OSUP; and (2) the detention violates *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L.Ed.2d 653 (2001), and the Immigration and Nationality Act because he is held indefinitely without a reasonably foreseeable removal date.

34. Petitioner's detention violates due process because ICE failed to follow the procedural requirements in its own regulations when revoking his OSUP.

35. Petitioner has been on supervised release since 2018, following a determination that he was nonviolent, posed no danger, was unlikely to violate release conditions, and did not present a flight risk. See 8 C.F.R. § 241.4(d)(1), (e).

36. Under governing regulations, an OSUP may be revoked if the noncitizen violates its conditions. See 8 C.F.R. § 241.4(d)(1), (2)(i).

37. In addition, an OSUP "may be revoked when it is appropriate to enforce a removal order or [if] the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(d)(2)(ii), (iii).

38. Revocation authority is limited to the Executive Associate Commissioner of ICE or, when referral to that official is impracticable, a district director of ICE. 8 C.F.R. § 241.4(c)(2).

39. Upon revocation, the noncitizen must "be notified of the reasons for revocation of his or her release" and afforded a "prompt 'initial informal interview'" to allow the noncitizen an opportunity to respond to and contest the reasons for revocation. 8 C.F.R. § 241.4(d)(1)(iii)(A), (iv).

40. These procedures and safeguards provide protection "where the detention or re-detention of noncitizens is necessarily an action that results in the loss of personal liberty that requires due process protections." *Santamaria Orellana v. Baker*, No. CV-25-1788-TDC, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025).

41. Here, Petitioner contends he was given no explanation for his re-detention, no informal interview, and no opportunity to contest the grounds for revoking his supervision as the regulations expressly require.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

- 1 c. Award Petitioner attorney's fees and costs under the Equal Access to
2 Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other
3 basis justified under law; and
4 d. Grant any other and further relief that this Court deems just and
5 proper.

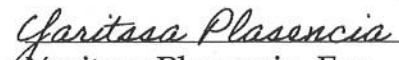
6 DATED this 1st of May, 2026.

7
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**VERIFICATION BY SOMEONE ACTING ON THE PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242**

I, Yaritssa Plasencia, am submitting this verification on behalf of the petitioner because I am the petitioner's attorney. I am acting on behalf of the petitioner, Yoandys Chavez Cruz, based on discussions with his attorney. On the basis of these discussions and reviewing the record, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED this 1st of May, 2026.


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