

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF FLORIDA
(FT. MYERS)

JUAN CARLOS GUILLEN GARCIA,
Petitioner,

vs.

_____, Warden, Glades County Detention Center;
_____, Field Office Director, Miami Field Office, United
States Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, United States
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of Homeland Security;
PAMELA JO BONDI, United States Attorney General.
Respondents.

Civil Action No.: 2:26cv 1540-JES-NPM

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

Petitioner Juan Carlos Guillén García respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued civil immigration detention by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE").

Mr. Guillén García is a native and citizen of Honduras who entered the United States seeking safety and protection. He currently has pending applications for both Asylum and a T-Visa (as a derivative beneficiary) before the immigration court. Despite having absolutely no criminal record and having an active case for protection, he was arrested by ICE on April 15, 2026, while he was at his job. He has since been subjected to a series of disruptive transfers between

facilities in Marathon, Key West, Miramar, and now the Glades County Detention Center in Moore Haven, Florida.

Mr. Guillén García's detention is not only arbitrary but has created a severe and immediate humanitarian crisis for his family. He is the sole provider for his wife and children. His 18-year-old son is scheduled to graduate high school on May 27, 2026—a once-in-a-lifetime event he is now set to miss. His other minor child is suffering severe emotional distress from his absence. Furthermore, Mr. Guillén García's own health has deteriorated in detention.

Immigration detention is intended to be regulatory, not punitive. Yet Mr. Guillén García's confinement, based on no criminal conduct and marked by destabilizing transfers, has become punitive and constitutionally excessive. The Fifth Amendment's Due Process Clause prohibits the government from depriving a person of liberty without adequate justification. ICE has failed to provide any individualized determination that his detention is necessary.

Mr. Guillén García is not a flight risk, as shown by his stable two-year work history and his family's presence, and he is not a danger to the community. Because the government cannot justify his continued incarceration, and because his detention is causing extreme and irreparable harm to his family, this Court should grant the writ of habeas corpus and order Petitioner's immediate release, or at a minimum order an individualized bond hearing at which the government bears the burden of proving that continued detention is necessary.

CUSTODY

Petitioner is in the physical custody of Respondents at GLADES COUNTY DETENTION CENTER, 1279 EAST SR 78, MOORE HAVEN, FL 33471. He is under the direct control of the following officials, named in their official capacities:

- Warden, Glades County Detention Center;
- Field Office Director, ICE Miami Field Office;
- Acting Director, United States Immigration and Customs Enforcement;
- Secretary, Department of Homeland Security;
- Attorney General, United States.

JURISDICTION

1. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).
2. Personal jurisdiction attaches to the named respondents in their official capacities.
3. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution, Article I, Section 9, Clause 2.

VENUE

Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

- Petitioner is detained in Moore Haven, Florida, within the Fort Myers Division of the Middle District of Florida;
- The Facility and the Respondents' custodial officers are located in this District; and
- A substantial part of the events giving rise to the claims occurred in this District.

PARTIES

Party	Description
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	Juan Carlos Guillén García, A-Number  citizen of
Petitioner	Honduras, presently detained at the Glades County Detention Center.

Respondent	
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1	Warden, Glades County Detention Center, named in official capacity.
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Respondent	Field Office Director, ICE Miami Field Office, named in official
2	capacity.

Respondent	Acting Director, United States Immigration and Customs Enforcement,
3	named in official capacity.

Respondent	Secretary, Department of Homeland Security, named in official
4	capacity.

Respondent	
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5	Attorney General, United States, named in official capacity.
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STATEMENT OF FACTS

1. Petitioner Juan Carlos Guillén García is a native and citizen of Honduras, born on



2. Petitioner entered the United States on or about October 11, 2022, and was processed by authorities, as confirmed by his I-94 record.

3. He is pursuing immigration relief, including a pending application for asylum and a derivative T-Visa. His case is active before the Executive Office for Immigration Review (EOIR), with a Master Hearing scheduled.
4. On or about April 15, 2026, Petitioner was arrested by ICE agents in Marathon, Florida, while he was at his place of work. His arrest was not predicated on any criminal conduct.
5. Petitioner has **no criminal record whatsoever**.
6. Following his arrest, Petitioner was subjected to a series of destabilizing transfers between multiple facilities, including locations in Marathon, Key West, and Miramar, before arriving at his current place of detention.
7. ICE has placed Petitioner in immigration detention at the Glades County Detention Center, located at 1279 East SR 78, Moore Haven, Florida 33471, where he remains detained to this day.
8. Petitioner's detention is civil in nature, as immigration detention is not intended to punish but rather to ensure compliance with immigration proceedings.
9. Prior to his detention, Petitioner was gainfully employed in landscaping for two years and was the sole financial provider for his wife and children.
10. His detention has caused an extreme financial and emotional crisis for his family. His 18-year-old son is scheduled to graduate from high school on May 27, 2026, a milestone event that Petitioner is now set to miss, causing profound distress to both his son and the family. His other minor child is also suffering emotionally.
11. Petitioner's health has also been negatively impacted in detention. He takes medication for fatigue and has become ill while incarcerated.
12. Petitioner does not pose a danger to the community, as evidenced by the absence of any

criminal history.

13. Petitioner is also not a flight risk, given his stable work history and deep family ties, and is willing to comply with any conditions of supervision that this Court may impose, including bond or reporting requirements.
14. Nevertheless, Petitioner remains detained by ICE without adequate justification or an individualized bond hearing.
15. As a result, Petitioner continues to suffer the severe deprivation of liberty and family separation, despite the fact that less restrictive alternatives are available.

LEGAL FRAMEWORK

1. **Statutory basis for detention** – 8 U.S.C. § 1226(a) authorizes the discretionary detention of an alien pending a decision on whether the alien is to be removed from the United States. Detention pursuant to this provision is subject to the procedural safeguards required by the Fifth Amendment.
2. **Due Process Clause** – The Fifth Amendment prohibits the government from depriving any “person” within the United States of liberty without due process of law.

See Zadvydas v. Davis, 533 U.S. 678, 693 (2001).
3. **Bond hearing requirement** – 8 C.F.R. § 236.1(d) authorizes an Immigration Judge to conduct custody redetermination hearings. While the regulations place the burden on the alien to show they are not a flight risk or danger, due process demands a meaningful opportunity to be heard when detention becomes prolonged. *See Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) (noting that due process may require a bond hearing for prolonged detention).
4. **Burden of proof** – While the regulatory framework for bond hearings under 8 U.S.C. §

1226(a) typically places the burden on the alien to demonstrate eligibility for release, due process concerns are heightened as detention becomes prolonged. When civil detention stretches on without end in sight, the government's interest in detention weakens while the individual's liberty interest grows stronger.

5. **Irreparable harm** – The Eleventh Circuit recognizes that the deprivation of constitutional rights constitutes irreparable injury. The ongoing separation from family, particularly during a significant life event like a child's graduation, and the deterioration of health constitute severe and irreparable harm.
6. **Balance of equities & public interest** – When the Government is a party, the balance of equities and the public interest merge. The Government has no legitimate interest in detaining an individual who poses no danger to the community and whose appearance can be ensured through bond or alternative conditions. The public interest favors family unity and adherence to due process.
7. ***Mathews v. Eldridge* balancing** – Applying the *Mathews* factors confirms that Petitioner's prolonged detention without a bond hearing violates due process. First, Petitioner has a substantial private interest in his freedom and his relationship with his family; second, the risk of erroneous deprivation is exceptionally high where no individualized custody determination has occurred; third, the Government's interest is minimal. The cost of providing a bond hearing is negligible compared to the severe deprivation of liberty at stake.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. 8 U.S.C. § 1226(a) provides for discretionary detention but does not authorize indefinite detention without a bond hearing. The statutory scheme, read with 8 C.F.R. § 236.1, requires that Petitioner be afforded a prompt bond hearing.
3. Respondents have detained Petitioner since April 15, 2026, without such a hearing, thereby violating the INA and the procedural safeguards it embodies.
4. Accordingly, Petitioner is entitled to an immediate bond hearing consistent with the statutory and regulatory framework.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair procedures. *Zadvydas* holds that noncitizens are “persons” entitled to due process.
3. Prolonged detention without a bond hearing fails to provide the procedural safeguards required by due process, especially where the Government has not demonstrated a flight risk or danger to the community that would justify such extended confinement.
4. Petitioner has therefore suffered an unconstitutional deprivation of liberty and is entitled to relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
3. Declare that Petitioner's continued detention violates 8 U.S.C. § 1226(a), 8 C.F.R. § 236.1, and the Due Process Clause of the Fifth Amendment.
4. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Glades County Detention Center.
5. In the alternative, order a bond hearing to be held as soon as practicable, at which the Government must justify continued detention and at which the judge must consider Petitioner's family ties, his son's graduation, and his ability to pay a bond.
6. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Juan Carlos Guillén García, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: May 5, 2026

/s/ Juan Guillen
Juan Carlos Guillén García
Pro Se