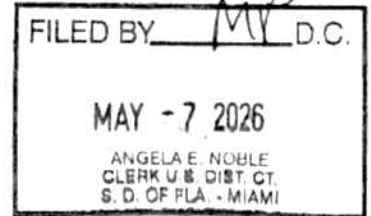


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF FLORIDA



LUIS DAVID FLORES RUIZ
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Pompano Beach Detention Facility;
_____, Field Office Director, Miami Field Office, United
States Immigration and Customs Enforcement; TODD M.
LYONS, Acting Director, United States Immigration and
Customs Enforcement; ALEJANDRO MAYORKAS,
Secretary of Homeland Security; MERRICK B.
GARLAND, United States Attorney General,
Respondents.

Civil Action No.:

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

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

INTRODUCTION

Petitioner LUIS DAVID FLORES RUIZ respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).

Petitioner, a community member with absolutely no criminal history, has been detained since September 12, 2025. His detention has created a severe and immediate humanitarian crisis for his family. He is the father and sole financial provider for his two-year-old daughter, I 

 who is a United States citizen. His partner and his disabled 56-year-old father are also entirely dependent on his support. Depriving a U.S. citizen infant of her father and provider is unconscionable and serves no legitimate governmental interest.

Prior to his detention, Petitioner was a productive and integrated member of his Florida community. He has resided in the United States for over four years, has a stable work history in construction, has consistently filed and paid taxes, and is an active member of his church. He has a pending petition for a U Visa (Form I-918), a form of relief specifically created by Congress to protect victims of crime who cooperate with law enforcement. He was arrested while commuting home from his job, not while fleeing or committing a crime.

The Government has failed to provide Petitioner with any meaningful, individualized custody determination that considers his lack of criminal history, his pending U Visa application, his deep family and community ties, and the devastating impact his detention is having on his U.S. citizen child. This failure violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment. Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is imperative. Petitioner respectfully requests that this Court grant the writ and order his immediate release.

CUSTODY

Petitioner is in the physical custody of Respondents at the facility located at 3900 N Powerline Rd., Pompano Beach, FL 33073. He is under the direct control of:

- Warden, Pompano Beach Detention Facility;
- 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

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. 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.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because:

1. Petitioner is detained in Pompano Beach, Florida, which is within the Southern District of Florida;
2. The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party	Description
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	I, Luis David Flores Ruiz, A-Number A  citizen of Honduras.
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Petitioner	presently detained in Pompano Beach, Florida.
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Respondent	
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1	Warden, Pompano Beach Detention Facility, named in official capacity.
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Respondent

2 Field Office Director, ICE Miami Field Office, named in official capacity.

Respondent Acting Director, United States Immigration and Customs Enforcement,

3 named in official capacity.

Respondent

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

Respondent

5 Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner LUIS DAVID FLORES RUIZ is a native and citizen of Honduras, born on



2. He has resided in the United States for over four years, as evidenced by tax filings for 2022 and 2023 and numerous letters of support from his community.

3. Petitioner has a pending Petition for U Nonimmigrant Status (Form I-918) and related applications (I-192, I-765) filed with U.S. Citizenship and Immigration Services (USCIS).

4. On September 12, 2025, Petitioner was arrested by ICE in Fort Myers, Florida, while he was commuting home from his job in construction.

5. Petitioner has no prior criminal history whatsoever. He has never been convicted of any crime and has no history of violence, DUIs, or domestic disturbances. He is not a danger

to the community.

6. Crucially, Petitioner is the father of a two-year-old daughter, L [REDACTED] who was born in Fort Myers, Florida, on [REDACTED] and is a United States citizen.
7. Petitioner is the sole financial provider for his U.S. citizen daughter, his partner, Katia Nicol Cruz Zelaya, and his 56-year-old disabled father who suffers from a leg impairment.
8. Prior to his detention, Petitioner was gainfully employed in construction, remodeling, and painting, most recently with [REDACTED]. He has a documented history of filing and paying federal taxes.
9. He has exceptionally strong community ties. He is an active member of the [REDACTED] church since January 2025. Numerous letters from his pastor, employer, and community members attest to his strong moral character, work ethic, and dedication to his family. One community member, Miguel Preciado, has offered to serve as a sponsor and ensure his appearance at all future court hearings.
10. Sometime after his arrest, Petitioner was transferred to a facility in Texas for approximately one week before being returned to Florida.
11. Petitioner suffers from medical issues, including anxiety and depression, that have been significantly worsened by his detention and separation from his family.
12. The Government has not afforded Petitioner a meaningful, individualized bond hearing to assess whether his detention is necessary, particularly in light of his lack of a criminal record, his pending U Visa claim, and the extreme hardship his detention is causing his U.S. citizen child.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Petitioner's detention is governed by 8 U.S.C. § 1226. Because Petitioner has not been convicted of any crime, he is not subject to mandatory detention under § 1226(c). His custody is therefore governed by the discretionary standard of § 1226(a), which requires an individualized custody determination and permits release on bond. Respondents' failure to provide such a hearing is a violation of the statute.
2. **Due Process Clause.** The Fifth Amendment prohibits the government from depriving any "person" of liberty without due process of law. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection extends to all individuals within the United States, regardless of immigration status. Detaining a non-criminal father of a U.S. citizen infant without a hearing is a fundamental violation of due process.
3. **Bond-Hearing Requirement.** Due process demands an individualized bond hearing where the Government must prove by clear and convincing evidence that a non-citizen is a flight risk or a danger to the community. Petitioner's clean record, deep community ties, and status as the sole provider for a U.S. citizen child are powerful evidence against any claim of flight risk or danger.
4. **Best Interests of a U.S. Citizen Child.** Federal courts recognize the government's interest in policies that avoid unnecessarily separating U.S. citizen children from their parents. Petitioner's detention directly contravenes this interest by removing the sole financial provider from his infant daughter, causing her extreme hardship. An individualized custody determination must weigh the "best interests of the child" as a significant factor.
5. *Mathews v. Eldridge* Balancing. Applying the three-part test from *Mathews v. Eldridge*,

424 U.S. 319 (1976), confirms the due process violation. First, Petitioner's private interest in his liberty and in the care and custody of his U.S. citizen child is fundamental. Second, the risk of an erroneous deprivation of that liberty is extreme, given that he has been denied a hearing to present evidence of his lack of dangerousness, his pending U Visa claim, and the severe hardship to his family. Third, the governmental interest in detaining a non-criminal applicant for humanitarian relief is minimal compared to the severe harm caused by his detention.

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. Petitioner is being detained without a bond hearing under the incorrect legal standard. As he has not been convicted of any crime, his detention is governed by 8 U.S.C. § 1226(a).
3. Section 1226(a) and its implementing regulations (8 C.F.R. § 236.1, § 1003.19) require that Petitioner be afforded a prompt and individualized bond hearing where his eligibility for release can be assessed.
4. Respondents have detained Petitioner since September 12, 2025, without such a hearing, in direct violation of the INA.
5. Accordingly, Petitioner is entitled to an order requiring Respondents to provide him with an immediate bond hearing consistent with the statutory 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, including a hearing before a neutral decision-maker. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner for a prolonged period without a bond hearing—where the Government has no evidence that he poses a flight risk or a danger, and without considering the severe harm to his U.S. citizen child—constitutes arbitrary detention.
4. Petitioner has therefore suffered an unconstitutional deprivation of his liberty and is entitled to relief.

PRAYER FOR RELIEF

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

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.
3. 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.
4. Declare that Petitioner's continued detention without an individualized bond hearing that properly considers the best interests of his U.S. citizen child violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond

hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary, and at which the Immigration Judge must consider his lack of criminal history, the extreme hardship to his U.S. citizen daughter, his community ties, his pending U Visa claim, his ability to pay, and alternative conditions of release.

7. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Luis David Flores Ruiz, 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 6, 2026

/s/ Luis Flores
Luis David Flores Ruiz
Pro Se