IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ANDRES MIGUEL DOMINGO MIGUEL,

Petitioner,

v.

FACILITY ADMINISTRATOR, Liberty County Jail;
CHRISTOPHER BULLOCK, Field Office Director, U.S. Immigration and Customs Enforcement;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD BLANCHE, Acting Attorney General of the United States,

Respondents.

Case No.: 4:26cv238-MW/MAF

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

EMERGENCY RELIEF REQUESTED

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner Andres Miguel Domingo Miguel, proceeding pro se, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement ("ICE") at the Liberty County Jail in Bristol, Florida, where he has been held without an individualized bond hearing since March 30, 2026. In support of this Petition, Petitioner states as follows:

I. INTRODUCTION

1. Petitioner Andres Miguel Domingo Miguel is a 29-year-old native and citizen of Guatemala who has lived continuously in the United States for seven years. He is [redacted]

[redacted] the sole financial provider for his elderly parents, and operates a small roofing business with his older brother, who is a United States citizen.

2. On May 5, 2019, the Department of Homeland Security ("DHS") released Petitioner from immigration custody on his own recognizance pursuant to an Order of Release on Recognizance (Form I-220A), signed by Acting Patrol Agent in Charge Mark Golden in Alamogordo, New Mexico. That Order classified Petitioner under Section 236(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226(a), and remained in effect, uninterrupted, for nearly seven years.

3. From the date of his release in May 2019 through his re-arrest in March 2026, Petitioner complied with every condition of his release: he provided ICE and the Immigration Court with his address, he reported as directed, and he appeared at every immigration court hearing scheduled in his case. His removal proceedings have been pending continuously since his Master Calendar date of February 14, 2020 — more than six years — and his next preliminary hearing is scheduled before Immigration Judge Benjamin Rosen, Orlando Immigration Court, on June 10, 2026, at 1:00 p.m. by Webex. Petitioner has never missed a hearing.

4. On March 30, 2026, ICE arrested Petitioner in Bay County, Florida, following a state-level traffic stop for driving without a license. Petitioner has no prior criminal convictions of any kind. Since his arrest, ICE has transferred Petitioner from Bay County to Walton County and, finally, to the Liberty County Jail in Bristol, Florida — a facility within the territorial jurisdiction of this Court.

5. Petitioner has now been in ICE custody for forty-five days. During that time, ICE has not afforded him an individualized bond hearing before an Immigration Judge or any other neutral decision-maker. This continued detention — of an individual whom DHS itself previously

released on recognizance under § 1226(a), who has complied with his immigration obligations for nearly seven years, who has substantial family and community ties to the United States, and who has no criminal convictions — violates INA § 236(a), the Fifth Amendment Due Process Clause, and binding Eleventh Circuit precedent.

6. Petitioner respectfully requests that this Court (a) issue a writ of habeas corpus ordering Respondents to release him immediately or, in the alternative, to provide him with an individualized bond hearing before an Immigration Judge forthwith; (b) issue emergency interim relief staying any transfer or removal pending adjudication of this Petition; and (c) grant such other and further relief as this Court deems just and proper.

II. JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction over this Petition under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause); and the Fifth Amendment to the United States Constitution.

8. Venue is proper in the Northern District of Florida, Tallahassee Division, because Petitioner is detained at the Liberty County Jail, 12499 Pogo Street, Bristol, Liberty County, Florida 32321, which is located within this District and Division. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) (the proper respondent in a habeas action is the immediate custodian, and the proper venue is the district of confinement).

9. The REAL ID Act of 2005, codified at 8 U.S.C. § 1252(a)(5) and (b)(9), does not strip this Court of jurisdiction over Petitioner's claims. Petitioner does not challenge a final order of removal — no such order has been entered. Petitioner challenges only the lawfulness of his

detention, which the Supreme Court has held remains reviewable in habeas. See Demore v. Kim, 538 U.S. 510, 517 (2003); Jennings v. Rodriguez, 138 S. Ct. 830, 840–41 (2018).

III. PARTIES

10. Petitioner Andres Miguel Domingo Miguel is a native and citizen of Guatemala, born [redacted] and is currently detained at the Liberty County Jail in Bristol, Florida.

11. Respondent Facility Administrator of the Liberty County Jail is the immediate physical custodian of Petitioner and is sued in his or her official capacity.

12. Respondent Christopher Bullock is the Field Office Director of U.S. Immigration and Customs Enforcement responsible for Petitioner's detention. He is sued in his official capacity.

13. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is sued in his official capacity.

14. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security, the agency with statutory authority over Petitioner's detention. He is sued in his official capacity.

15. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice, which oversees immigration adjudications through the Executive Office for Immigration Review. He is sued in his official capacity.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. There is no statutory exhaustion requirement for habeas claims under 28 U.S.C. § 2241. See Skinner v. Wiley, 355 F.3d 1293, 1295 (11th Cir. 2004). To the extent any judicially created exhaustion doctrine applies, it is satisfied or excused here because (a) Petitioner has not

been afforded any bond hearing to exhaust; (b) the unlawfulness of detention without a bond hearing is purely a legal question this Court can decide; and (c) requiring further administrative process would be futile and would prolong an already unconstitutional deprivation of liberty.

V. STATEMENT OF FACTS

A. Petitioner's Lawful Release on Recognizance in 2019

17. Petitioner entered the United States on or about May 4, 2019, near El Paso, Texas. On May 5, 2019, DHS personally served Petitioner with a Notice to Appear (Form I-862) charging him as removable under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i).

18. On the same date, DHS issued a Notice of Custody Determination (Form I-286) determining that Petitioner would be "Released . . . On your own recognizance." That custody determination was made under the authority of Section 236 of the INA and Part 236 of Title 8, Code of Federal Regulations — that is, under § 1226(a), not under § 1225(b).

19. Also on May 5, 2019, DHS issued an Order of Release on Recognizance (Form I-220) ("the I-220A Order"), expressly stating that Petitioner had been "placed in removal proceedings" and was being "released on [his] own recognizance" "[i]n accordance with section 236 of the Immigration and Nationality Act." The I-220A Order imposed standard conditions: to report for all immigration hearings, to refrain from changing residence without permission, to obey all laws, and to assist DHS in obtaining travel documents. Petitioner signed the I-220A Order and was released.

20. DHS's own contemporaneous records confirm Petitioner's release. The Notice to EOIR: Alien Address (Form I-830) issued the same day reflects that Petitioner was "Released from

DHS custody" on an "Order of recognizance (Form I-220A)." Petitioner's biographical record sheet likewise lists the case disposition as "Notice to Appear Released (I-862)."

B. Petitioner's Compliance with Immigration Obligations for Nearly Seven Years

21. From May 5, 2019 through March 29, 2026, Petitioner complied with every condition of his release. He maintained the address he reported to DHS, he kept DHS and the Immigration Court informed of his contact information, and he appeared at every immigration court hearing in his case.

22. Petitioner's removal case has been pending in immigration court since his Master Calendar date of February 14, 2020 — over six years. His case has not been administratively closed or dismissed. According to the Executive Office for Immigration Review's Automated Case Information system, Petitioner's next preliminary hearing is scheduled for June 10, 2026, at 1:00 p.m. by Webex before Immigration Judge Benjamin Rosen of the Orlando Immigration Court. Petitioner has every intention of appearing at that hearing, as he has at every prior hearing in his case.

C. Petitioner's Family and Community Ties to the United States

23. Petitioner has lived continuously in the United States for seven years. He resides in Lake Worth, Florida, and has been a stable, working member of his community.

24. Petitioner's father is a lawful permanent resident of the United States. He recently suffered a stroke and is in fragile health. Petitioner's mother also lives in the United States and suffers from diabetes. Petitioner is the principal financial provider for both parents.

25. Petitioner's older brother is a United States citizen. Together, Petitioner and his brother operate a small roofing and construction business that supports both of their households and provides for their parents.

26. Petitioner is also [redacted]

D. ICE's Re-Arrest of Petitioner and His Continued Detention Without a Bond Hearing

27. On March 30, 2026, ICE arrested Petitioner in Bay County, Florida, following a state-level traffic stop in which he was charged with driving without a valid driver's license. Petitioner has no criminal convictions in the United States or in any other country.

28. Following his arrest, ICE transferred Petitioner first to a facility in Walton County, Florida, and then to the Liberty County Jail in Bristol, Florida, where he remains in custody as of the date of this filing — forty-five days after his initial ICE arrest.

29. In the forty-five days since his arrest, ICE has not afforded Petitioner an individualized bond hearing before an Immigration Judge. ICE has not made any determination, on an individualized record, that Petitioner is either a flight risk or a danger to the community. ICE has simply continued to hold him.

30. ICE's detention authority over Petitioner arises under § 1226(a). Petitioner is not subject to mandatory detention under § 1226(c): he has no qualifying criminal convictions; he was not taken into custody upon release from any criminal sentence; and he was not classified by DHS as an "arriving alien" under § 1225(b). To the contrary, DHS's own 2019 release documents (the Notice of Custody Determination, the I-220A Order, and the Notice to EOIR: Alien Address) all

confirm that DHS exercised its discretionary authority under § 236(a) to release Petitioner on recognizance. That § 236(a) classification is the controlling instrument that governs Petitioner's detention today.

VI. GROUNDS FOR RELIEF

CLAIM ONE — Violation of INA § 236(a), 8 U.S.C. § 1226(a):

Detention Without an Individualized Bond Hearing

31. Section 236(a) of the INA authorizes the Attorney General to detain or release a noncitizen in removal proceedings, and provides that the Attorney General "may release the alien on . . . bond . . . or conditional parole." 8 U.S.C. § 1226(a)(2). Implementing regulations vest the Immigration Judge with authority to make an independent custody determination upon request. 8 C.F.R. §§ 236.1(d), 1003.19, 1236.1(d).

32. Petitioner is, and has been since 2019, a § 236(a) detainee. He is not — and has never been — an "arriving alien," mandatory-detention case under § 236(c), or post-final-order § 1231 detainee. DHS's release of Petitioner on recognizance under § 236(a) in 2019 is the operative classification, and it has never been revoked, modified, or replaced by any other statutory authority for detention.

33. Under § 236(a), Petitioner is entitled to an individualized bond determination by an Immigration Judge. ICE's failure to provide such a hearing — for forty-five days and counting — violates the statute and its implementing regulations.

CLAIM TWO — Violation of the Fifth Amendment Due Process Clause:

Detention Without a Constitutionally Adequate Bond Hearing

34. The Fifth Amendment forbids the federal government from depriving any person — citizen or noncitizen — of liberty without due process of law. "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).

35. Civil immigration detention is permissible only where it bears a reasonable relationship to a legitimate governmental purpose. Id. at 690–91. The two recognized purposes — preventing flight and protecting the community — both require an individualized determination, on an adequate record, that detention actually serves one of those purposes as to the particular detainee. Demore v. Kim, 538 U.S. 510, 527–28 (2003).

36. The procedural protections required by due process are determined by the balancing test of Mathews v. Eldridge, 424 U.S. 319 (1976). All three Mathews factors strongly favor Petitioner: (a) his private liberty interest is at its zenith because he is held in physical confinement; (b) the risk of erroneous deprivation is acute because he has been afforded no individualized hearing whatsoever; and (c) the government's burden in providing such a hearing is minimal — Immigration Judges conduct bond hearings as a matter of course.

37. The Eleventh Circuit has recognized that prolonged civil detention without a bond hearing raises serious due process concerns. See Sopo v. U.S. Att'y Gen., 825 F.3d 1199 (11th Cir. 2016), vacated on other grounds, 890 F.3d 952 (11th Cir. 2018). The principle underlying Sopo — that the longer civil detention continues without an individualized hearing, the more constitutionally suspect it becomes — remains persuasive and has been reaffirmed by district courts in this Circuit.

38. Here, Petitioner has been detained for forty-five days without any individualized hearing. Given that DHS itself previously determined, on a contemporaneous record, that he posed neither a flight risk nor a danger warranting detention — a determination that has been borne out by nearly seven years of perfect compliance — the continued absence of a hearing is constitutionally intolerable.

CLAIM THREE — Violation of Applicable Regulations and Right to Custody Redetermination

39. DHS's implementing regulations expressly provide for custody redetermination by an Immigration Judge for § 236(a) detainees. See 8 C.F.R. §§ 236.1(d)(1), 1003.19(a), 1236.1(d)(1). These regulations have the force of law. Petitioner has had no opportunity to invoke or benefit from them.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court enter an Order:

a. Assuming jurisdiction over this Petition;

b. Granting the Petition for Writ of Habeas Corpus;

c. Ordering Respondents to immediately release Petitioner from custody under reasonable conditions of supervision or, in the alternative, to provide him with an individualized bond hearing before an Immigration Judge forthwith;

d. Enjoining Respondents from transferring Petitioner outside this District pending adjudication of this Petition;

e. Enjoining Respondents from removing Petitioner from the United States pending adjudication of this Petition; and

f. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: May 14, 2026

ANDRES MIGUEL DOMINGO MIGUEL
Pro Se Petitioner
A-[redacted]
Liberty County Jail
12499 Pogo Street
Bristol, FL 32321

VERIFICATION

I, Andres Miguel Domingo Miguel, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the Petitioner in the above-captioned matter; that I have read the foregoing Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241; and that the factual allegations contained therein are true and correct to the best of my personal knowledge, information, and belief.

Executed at Bristol, Florida, on May 14, 2026.

Andres Domingo

ANDRES MIGUEL DOMINGO MIGUEL
Pro Se Petitioner

CERTIFICATE OF SERVICE

I, Andres Miguel Domingo Miguel, hereby certify that on May 14, 2026, I caused a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241, together with the Verification and this Certificate of Service, to be served upon the following parties by depositing the same in the United States Mail, postage prepaid, first-class certified mail with return receipt requested:

1. Clerk of Court, United States District Court for the Northern District of Florida, Tallahassee Division, 111 North Adams Street, Suite 322, Tallahassee, FL 32301-7717 (original for filing);
2. Civil Process Clerk, Office of the United States Attorney, Northern District of Florida, 111 North Adams Street, 4th Floor, Tallahassee, FL 32301;
3. United States Attorney for the Northern District of Florida, 21 E. Garden Street, Suite 400, Pensacola, FL 32502-5675;
4. Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001;
5. Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5900, Washington, DC 20536-5900.

ANDRES MIGUEL DOMINGO MIGUEL
Pro Se Petitioner
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