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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

ABEL ALFARO GONZALEZ

A Number: A 

PETITIONER,

CASE NO. 3:26-CV-1297-JEP-LL

Vs.

**WARDEN RONNIE WOODALL, BAKER CORRECTIONAL INSTITUTION,
IN HIS OFFICIAL CAPACITY,**

**FIELD OFFICE DIRECTOR, (ICE) ENFORCEMENT AND REMOVAL
OPERATIONS MIAMI FIELD OFFICE, IN HIS/HER OFFICIAL CAPACITY,**

KEN CUCCINELLI, ACTING SECRETARY OF HOMELAND SECURITY, IN HIS OFFICIAL CAPACITY,

JAMES UTHMEIER, ATTORNEY GENERAL OF FLORIDA, IN HIS OFFICIAL CAPACITY,

RESPONDENTS'

PETITION FOR WRIT OF HABEAS CORPUS AND

MOTION FOR IMMEDIATE RELEASE

COMES NOW Petitioner, Abel Alfaro Gonzalez ("Petitioner"), in custody at Baker Correctional Institution 20706 US-90 Sanderson, FL 32087, respectfully moves this Court for Immediate Release pursuant Under 28 U.S.C. § 2241 of the Immigration and Nationality Act (INA) and 8 C.F.R. § 241.13

In support of this Motion, Petitioner states the following:

I. INTRODUCTION

1. Petitioner respectfully states that this Court has jurisdiction to review the legality of his continued detention under 28 U.S.C. § 2241. Federal courts retain authority to examine whether immigration detention is statutorily authorized and constitutionally permissible, particularly where the government asserts mandatory detention without a lawful basis. Petitioner is not subject to mandatory detention, and his continued custody is therefore unlawful. As set forth below, Petitioner falls within the class of individuals who must be detained, if at all, under 8 U.S.C. § 1226(a) not under any mandatory detention provision making him eligible for bond, conditional parole, or supervised release.

II. JURISDICTION AND VENUE

2. Venue is proper in this District because Petitioner is detained within its jurisdiction. This Court has federal habeas jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's continued detention, and Petitioner is "in custody" for purposes of seeking such relief.

III. PARTIES

3. Petitioner is an immigration detainee currently held at the Florida Baker Correctional Institution, identified by name and A-Number as set forth in the caption. The proper Respondents include The Immigration and Customs Enforcement Field Office Director with authority over Petitioner's custody, the Warden of the detention facility where Petitioner is confined, the Secretary of the Department of Homeland Security, and the Attorney General of the United States.

IV. PROCEDURAL HISTORY & DETENTION TIMELINE

4. Petitioner was taken into immigration custody on or about March 5, 2026, and has remained detained since that date, at the Florida Baker Correctional Institution, located at 20706 US-90 W, Sanderson, Florida 32087. The Petitioner's removal proceedings remain pending, and despite Petitioner's continued cooperation, he remains confined at this facility without any lawful basis for mandatory detention.

5. Petitioner has lived in the United States since approximately 2005. He is married to Violeta Martinez Morales and is the father of two minor U.S. citizen Children, A [REDACTED] born in the United States [REDACTED] and E [REDACTED] [REDACTED] born in the United States on [REDACTED]. His ongoing detention is depriving his American children of their father's presence, support and care. (*See Exhibit A*)

6. The petitioner has multiple active and pending applications before USCIS, including an Application for Cancellation of Removal (Form EOIR-42B), a scheduled merits hearing on September 8, 2026, and additional forms of relief currently pending, such as Form I-765 (Application for Employment Authorization) and Form I-914 (T Nonimmigrant Status). The petitioner is a man who has consistently followed all legal procedures and has demonstrated full compliance with every requirement placed upon him. However, his continued detention severely impedes his ability to actively prepare for his immigration proceedings and to consult meaningfully with his attorney. The facility where he is currently held does not provide a private attorney-client phone line, preventing confidential communication protected under the attorney-client privilege, a fundamental component of due process. This lack of access

constitutes a clear and ongoing violation that directly undermines his ability to prepare and present his case. (*See Exhibit B.*)

7. The petitioner has maintained steady employment for approximately eighteen years and has filed federal income taxes for roughly fifteen years, demonstrating long-standing stability, responsibility, and compliance with U.S. law. He is a productive and contributing member of his community, consistently supporting his family and fulfilling his civic obligations. He also possesses strong community ties, as evidenced by multiple letters of support from family members, his employer, and community members, all attesting to his good moral character, reliability, and integrity. His continued detention, however, has eliminated his ability to work and provide for his family, creating significant financial hardship and placing an undue burden on his wife and children, who now must shoulder both household responsibilities and the ongoing cost of his legal representation. This hardship is compounded by the fact that detention prevents him from meaningfully preparing his case or consulting with counsel, further undermining the fairness of his proceedings. (*See Exhibit C*)

8. The petitioner is not a flight risk. He has maintained long-term, stable employment, and his current employer has confirmed in writing that they intend to re-hire him immediately upon his release from immigration custody, further demonstrating his strong ties to the community and his commitment to lawful conduct. Throughout his years of employment, the petitioner has also volunteered significant hours of unpaid labor to assist in building homes for local families, for which he has received multiple certificates of appreciation recognizing his service and dedication to the community. These facts, together with the character reference letters submitted by friends, family members, former employers, and community leaders (see attached exhibits), provide compelling evidence of his good moral character, reliability, and deep

community integration, all of which weigh heavily against any suggestion that he would abscond. (*See Exhibit D*)

V. STATEMENT OF FACTS

9. Petitioner is currently detained under the authority of the Department of Homeland Security pursuant to 8 U.S.C. § 1225(b)(2). However, under the federal class-action ruling issued on December 18, 2025 in *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. 2025), Petitioner is legally detained, if at all, under 8 U.S.C. § 1226(a). The court held that individuals in Petitioner's position are not subject to mandatory detention and instead fall within the certified Bond-Eligible Class, entitling them to an individualized custody redetermination and consideration for release on bond or conditional parole. Despite this binding clarification, Immigration and Customs Enforcement have not reclassified Petitioner's custody and has failed to provide any custody redetermination hearing as required under § 1226(a).

10. Further, the petitioner is not a flight risk. He has lived in the United States since 2005, maintains a stable residence with his spouse and children, and has an active pending immigration case with a scheduled merits hearing, giving him every incentive to appear and comply with all legal requirements. He is likewise not a danger to the community; the record reflects no significant criminal history, full completion of all DUI-related requirements, ongoing rehabilitation and treatment, and strong family and community support attesting to his good moral character. His continued detention, however, is causing severe and irreparable harm. He is separated from his minor children, his mental-health treatment has been disrupted, and his ability to prepare his legal defense is impaired, particularly because the facility does not provide a

private attorney-client phone line, preventing confidential communication protected under the attorney-client privilege. Detention has also eliminated his ability to work, depriving his family of their primary source of income and placing a substantial financial burden on his wife and children, who must now shoulder both household responsibilities and the ongoing cost of his legal representation. These harms are immediate, compounding, and cannot be remedied after the fact.

11. The petitioner is also a diabetic, and his medical condition has been repeatedly jeopardized during his detention. On multiple occasions, he has been transported to the hospital due to dangerously elevated insulin levels. Although his treating physician has prescribed a specific medication regimen, the detention facility has repeatedly altered his prescription without the doctor's authorization, and staff frequently miss or skip required doses, placing him at significant medical risk. The facility has also failed to provide any diabetic-appropriate diet, instead serving meals that are incompatible with his medical needs and have caused severe insulin spikes, resulting in episodes of collapse, fainting, and other acute medical symptoms. These conditions create an ongoing and unacceptable risk of serious illness or even death, and they reflect a level of medical neglect that violates the petitioner's constitutional right to adequate medical care while in government custody.

12. Despite Petitioner's full cooperation, the Department of Homeland Security has been unable to effectuate his removal to Mexico. To date there has not been a custody review conducted. Under 8 C.F.R. §§ 241.4 and 241.13, ICE is legally required to conduct timely custody reviews at the 90-day and 180-day intervals and to make a formal determination as to whether removal is significantly likely in the reasonably foreseeable future. Despite these mandatory obligations, no custody review has been conducted since March 5, in direct violation

of the governing regulations. ICE's failure to provide the required Post-Order Custody Review (POCR), Continued Detention Review, or written determination constitutes a clear regulatory violation, depriving the petitioner of the procedural protections guaranteed by federal law. This failure also violates the constitutional principles articulated in *Zadvydas v. Davis*, which hold that detention beyond six months is presumptively unlawful unless the government can demonstrate that removal is reasonably foreseeable. By refusing to conduct the mandated reviews, ICE has denied the petitioner the opportunity to be considered for release, has failed to assess whether continued detention is justified, and has violated both due process and the statutory framework governing post-order detention.

13. These events collectively demonstrate that there is no significant likelihood of removal in the reasonably foreseeable future. The obstacles to repatriation are political, not personal; structural, not discretionary. They arise from international conditions and governmental dysfunction, not from any lack of cooperation by Petitioner. These facts form the basis for the legal arguments that follow.

VI. ARGUMENTS

14. The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that the government may not detain a noncitizen indefinitely once removal is no longer reasonably foreseeable. After the presumptively reasonable six-month period, the burden shifts to the government to demonstrate a significant likelihood of removal in the reasonably foreseeable future. Where, as here, geopolitical conditions, diplomatic breakdown, and administrative incapacity make repatriation unattainable, continued detention violates both the statute and the Constitution.

15. On December 18, 2025, the U.S. District Court for the Central District of California issued a class-wide ruling in *Lazaro Maldonado Bautista et al. v. Santacruz*, holding that individuals in Petitioner's position, noncitizens who entered without inspection and were automatically classified under § 1225(b)(2) are not subject to mandatory detention. Instead, they fall within the Bond-Eligible Class and must be treated as detained under 8 U.S.C. § 1226(a). Petitioner squarely fits within this class. The Department of Homeland Security's continued reliance on § 1225(b)(2) is legally erroneous and directly contradicts the binding class-wide determination. Under § 1226(a), Petitioner is entitled to an individualized custody redetermination, including consideration for release on bond or conditional parole. Immigration and Customs Enforcement has failed to provide such a hearing, failed to reclassify Petitioner's custody, and continues to detain him under a statutory framework that no longer applies. This failure renders Petitioner's detention unlawful as a matter of statutory authority.

16. The regulations impose mandatory duties on The Department of Homeland Security when a detainee asserts that removal is not reasonably foreseeable. The Department of Homeland Security must evaluate the claim, consider evidence, and issue a written determination. Its failure to do so violates the regulatory scheme and deprives Petitioner of the procedural protections designed to prevent unlawful prolonged detention.

17. The Due Process Clause prohibits arbitrary and indefinite civil detention. When detention no longer serves its intended purpose, facilitating removal, it becomes punitive and unconstitutional. Here, Petitioner's continued confinement is not tied to any legitimate governmental objective. Removal is not reasonably foreseeable, The Department of Homeland Security has failed to conduct the required custody reviews, and Petitioner is being held under a statutory provision that does not apply to him. The government's failure to follow its own

regulations, its inability to effectuate removal, and its refusal to provide a custody redetermination collectively render Petitioner's detention arbitrary, excessive, and unconstitutional under the Fifth Amendment.

18. Given the government's inability to effectuate removal, its failure to comply with *Zadvydas*, its disregard of the *Maldonado Bautista* class ruling, and its violation of the regulatory framework governing continued detention, Petitioner is entitled to relief. At minimum, The Department of Homeland Security must provide an individualized custody redetermination under § 1226(a). Where removal is not reasonably foreseeable, immediate release under appropriate conditions of supervision is required.

VII. PRAYER FOR RELIEF

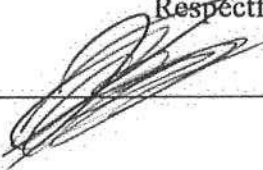
WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering Petitioner's immediate release from immigration detention under appropriate conditions of supervision, as removal is not reasonably foreseeable under *Zadvydas v. Davis*, 533 U.S. 678 (2001).
2. Declare that Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and is instead properly detained, if at all, under 8 U.S.C. § 1226(a), consistent with the class-wide ruling in *Maldonado Bautista v. Santacruz*.
3. Order the Department of Homeland Security and U.S. Immigration and Customs Enforcement to provide Petitioner with an immediate, individualized custody redetermination hearing before a neutral decision-maker, with the burden placed on the government to justify continued detention.

5. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because it is arbitrary, punitive, and no longer serves any legitimate governmental purpose.

7. Award any further relief that this Court deems just and proper, including but not limited to declaratory relief, injunctive relief, and any orders necessary to ensure compliance with federal law and constitutional protections.

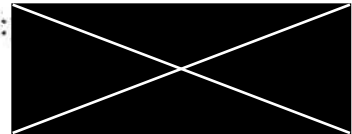
Respectfully submitted,



Petitioner

Abel Alfaro Gonzalez

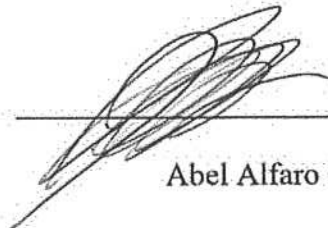
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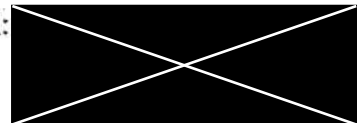
Date: 05/14/2026

CERTIFICATE OF SERVICE

I certify that on this 14th day of May, 2026, I mailed a copy of this Petition for Writ of Habeas Corpus and Motion for Immediate Release to: Field Office Director U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) 2805 SW 145th Avenue Miramar, FL 33027 ; Ken Cuccinelli Acting Secretary of Homeland Security U.S. Department of Homeland Security 2707 Martin Luther King Jr. Ave SE Washington, DC 20528; Office of the Attorney General The Capitol, PL-01 400 S. Monroe Street Tallahassee, FL 32399-1050; and Warden Ronnie Woodall Baker Correctional Institution 20706 U.S. Highway 90 West Sanderson, FL 32087-2359


Abel Alfaro Gonzalez

Email:



Date: 05/14/2026