UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MAY 21 2026 AM 10:59
FILED - USDC - FLMD - FTM

RAUL MARTINEZ-GONZALEZ,
Petitioner,

v.

2:26 cv 1730-SPC-KRH

Markwayne Mullin
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY
Respondents.

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

INTRODUCTION

1. Petitioner Raul Martinez-Gonzalez respectfully files this emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging his continued immigration detention by U.S. Immigration and Customs Enforcement ("ICE").
2. Petitioner's prior habeas petition was dismissed without prejudice as premature because the statutory removal period had not yet matured.
3. Since that dismissal, Petitioner's circumstances have materially changed and now present a serious medical emergency requiring immediate judicial intervention.
4. Petitioner is currently suffering from a severe throat infection and fungal condition requiring hospitalization and surgical intervention.
5. Petitioner was transported from Alligator Detention Center to the medical unit after doctors discovered a significant infection in his throat requiring emergency treatment.
6. Petitioner underwent surgery involving removal of an infected gland from his throat and continues to suffer from an active fungal infection.
7. Petitioner remains seriously ill and is expected to undergo additional medical procedures.
8. Continued detention under these circumstances places Petitioner at substantial risk of worsening infection, permanent injury, and further medical deterioration.
9. Petitioner respectfully submits that continued detention violates the Due Process Clause of the Fifth Amendment because ICE is unable to safely justify continued confinement while Petitioner suffers from an active and worsening medical condition.

PETITIONER INFORMATION

1. Name: **Raul Martinez-Gonzalez**
2. Date of Birth: [redacted] **(50 Years Old)**
3. Marital Status: **Single**
4. Country of Citizenship: **Cuba**
5. A-Number: [redacted]
6. Date of Entry: **August 13th, 2006 (Entry at Border)**
7. Immigration History:

- Final Order of Removal issued **April 3, 2013**
- Previously detained approx. **4 months**
  Released under **Order of Supervision**

8. Arrest Date (Current Detention): **March 13, 2026**
9. Family:
   - Partner – U.S. Citizen
   - Three U.S. citizen children:
     - K[redacted] (Age 2)
     - R[redacted] (Age 7)
     - M[redacted] (Age 17)

JURISDICTION

10. This Court has jurisdiction under 28 U.S.C. §2241 because Petitioner is in custody under authority of the United States.

FACTUAL BACKGROUND

11. Petitioner was previously detained following a final order of removal issued in 2013.
12. ICE attempted to remove Petitioner but failed and ultimately released him under an Order of Supervision.
13. For more than ten years, Petitioner fully complied with ICE supervision requirements and remained law-abiding.
14. On March 13, 2026, ICE re-detained Petitioner despite no supervision violation.
15. Since his detention, Petitioner's health has severely deteriorated.
16. Petitioner developed a severe throat infection requiring hospitalization and emergency medical care.
17. Medical personnel removed an infected gland from Petitioner's throat.
18. Petitioner continues to suffer from an active fungal infection in his throat.
19. Petitioner remains in ICE custody despite ongoing infection and anticipated additional surgery.
20. Petitioner's family fears for his health and safety if detention continues.

GROUNDS FOR HABEAS RELIEF

Ground One –Continued Detention Violates Due Process Because of Serious Medical Risk

21. Civil immigration detention must comply with the Fifth Amendment.
22. Detention becomes unconstitutional where continued confinement places a detainee at substantial risk of serious harm.
23. Petitioner is suffering from an active throat infection and ongoing fungal disease requiring continuing treatment and possible surgery.
24. Continued detention under these circumstances is excessive, punitive, and medically dangerous.

Ground Two (ICE Previously Failed to Remove Petitioner)

25. ICE previously detained Petitioner after his 2013 removal order.
26. ICE failed to effectuate removal and released Petitioner under supervision.
27. ICE has not shown that removal is now realistically foreseeable.
28. Continued detention therefore serves no legitimate immigration purpose.

Ground Three (Removal Is Not Reasonably Foreseeable)

29. Petitioner complied with supervision requirements for over ten years.
30. Petitioner committed no violation prior to re-detention.
31. ICE detained Petitioner despite his longstanding compliance and family/community ties.
32. Continued detention while Petitioner suffers from severe medical complications is arbitrary and fundamentally unfair.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release under appropriate supervision;
3. Alternatively, order ICE to immediately provide constitutionally adequate medical care and conduct an individualized custody review considering Petitioner's current medical condition; and
4. Grant any additional relief the Court deems just and proper.

Declaration Under Penalty of Perjury

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of material fact may serve as the basis for prosecution for perjury.

Name: Raul Martinez Gonzalez

Date: 05-10-2026.

A-Number: A-[redacted]

Raul

(Signature of Petitioner)