UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED BY MP D.C.
JUL 08 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

KARL CIUS,

Petitioner,

v. Case No.

WARDEN, KROME NORTH SERVICE PROCESSING CENTER;
TODD M. LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;
and other appropriate federal officials,

Respondents.

_____/

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

I. INTRODUCTION

Petitioner Karl Cius respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued immigration detention.

Petitioner is a citizen of The Bahamas who entered the United States through the K-1 fiancé visa process and subsequently married his United States citizen spouse. Petitioner is the father of a United States citizen child, C[redacted] who has been diagnosed with Autism Spectrum Disorder and speech delay and receives ongoing developmental and behavioral-health services.

Petitioner remains detained despite substantial humanitarian considerations, significant family ties, a stable release plan, and a clarified criminal-history record that does not reflect felony convictions, violent convictions, weapons convictions, or domestic-violence convictions. Continued detention imposes severe hardship upon Petitioner's family and particularly upon his young autistic child, whose treatment providers have documented the significance of Petitioner's absence from the household.

Petitioner presently lacks access to certain immigration records, including the Notice to Appear, Form I-213, and other documents maintained by the Department of Homeland Security. Those records are within the possession and control of Respondents. Petitioner respectfully reserves the right to supplement or amend this Petition after review of any records produced by Respondents in response to this action.

Petitioner seeks meaningful judicial review of his continued detention and requests such relief as this Court deems just and proper.

II. JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is presently detained within the Southern District of Florida.

III. PARTIES

1. Petitioner Karl Cius is currently detained at Krome North Service Processing Center.
2. Respondents are the federal officials responsible for Petitioner's custody and detention.

IV. FACTUAL BACKGROUND

A. Family and Immigration History

3. Petitioner entered the United States through the K-1 fiancé visa process.
4. Petitioner subsequently married his United States citizen spouse, Filisha Vixamar.
5. Petitioner and his wife share a United States citizen child, C[redacted]
6. Petitioner filed for adjustment of status following his marriage.
7. USCIS later administratively closed the adjustment application because removal proceedings were pending before the Immigration Court.
8. USCIS did not issue a merits denial finding Petitioner inadmissible.

B. Child's Medical and Developmental Needs

9. Petitioner's son, C[redacted], has been diagnosed with Autism Spectrum Disorder and speech delay.
10. Medical records establish that C[redacted] receives ongoing developmental services and requires substantial supervision and support.
11. ABA treatment records identify Petitioner as one of the child's caregivers.
12. Behavioral-health providers documented that Petitioner's prolonged absence from the household constituted a significant environmental change affecting the child.
13. Treatment records further document behavioral concerns requiring continued intervention and support.

C. Detention and Custody Proceedings

14. Petitioner is presently detained by immigration authorities.
15. On March 27, 2026, an Immigration Judge denied bond and found Petitioner to be a danger to the community.
16. Petitioner continues to seek lawful review of his detention and custody status.

D. Criminal History Clarification

17. Petitioner has obtained a Florida criminal-history report.
18. The available record does not reflect felony convictions.
19. The available record does not reflect violent convictions.

20. The available record does not reflect domestic-violence convictions.
21. The available record does not reflect weapons convictions.
22. Drug-possession and drug-paraphernalia charges from July 2025 were dropped and abandoned.
23. The available record primarily reflects licensing-related driving offenses and one misdemeanor conviction for resisting an officer without violence.
24. Petitioner has also obtained an official criminal-history certificate from the Royal Bahamas Police Force reflecting no criminal convictions within The Bahamas.

V. LEGAL FRAMEWORK

25. This Petition is brought pursuant to 28 U.S.C. § 2241, which authorizes federal courts to review the legality of federal detention.
26. The Due Process Clause of the Fifth Amendment to the United States Constitution requires that immigration detention remain fundamentally fair and reasonably related to legitimate governmental purposes.
27. Petitioner respectfully submits that continued immigration detention should be supported by an individualized assessment of the facts and circumstances of the particular case.
28. Petitioner further submits that custody determinations should meaningfully consider relevant humanitarian factors, family circumstances, the actual criminal-history record, and available alternatives to detention.
29. Petitioner presently lacks access to certain records maintained by the Department of Homeland Security, including the Notice to Appear, Form I-213, and other detention-related records. Those records are within the possession and control of Respondents.
30. Petitioner respectfully reserves the right to supplement, amend, or otherwise address any additional allegations, evidence, or records produced by Respondents during the course of these proceedings.

VI. GROUNDS FOR RELIEF

GROUND ONE

FAILURE TO MEANINGFULLY CONSIDER HUMANITARIAN CIRCUMSTANCES

31. Petitioner incorporates and realleges all preceding paragraphs as if fully set forth herein.
32. Petitioner's continued detention imposes extraordinary hardship upon his United States citizen child.
33. C[redacted] has been diagnosed with Autism Spectrum Disorder and speech delay and receives ongoing developmental and behavioral health services.
34. Medical and behavioral-health providers have documented C[redacted] developmental needs and ongoing treatment requirements.
35. ABA treatment records identify Petitioner as one of the child's caregivers.
36. Providers have further documented that Petitioner's prolonged absence from the household constituted a significant environmental change affecting the child.
37. Petitioner respectfully submits that these humanitarian circumstances warrant meaningful consideration in any custody determination.

GROUND TWO

CONTINUED DETENTION IS NOT ADEQUATELY SUPPORTED BY THE CLARIFIED CRIMINAL RECORD

38. Petitioner incorporates and realleges all preceding paragraphs as if fully set forth herein.
39. Petitioner has obtained a Florida criminal-history report.
40. The available record does not reflect felony convictions.
41. The available record does not reflect violent convictions.
42. The available record does not reflect domestic-violence convictions.
43. The available record does not reflect weapons convictions.
44. Drug-possession and drug-paraphernalia charges from July 2025 were dropped and abandoned.
45. The available record primarily reflects licensing-related driving offenses and one misdemeanor conviction for resisting an officer without violence.
46. Petitioner has also obtained an official criminal-history certificate from the Royal Bahamas Police Force reflecting no criminal convictions within The Bahamas.
47. Petitioner respectfully submits that the actual record should be carefully considered in evaluating whether continued detention remains justified.

GROUND THREE

FAILURE TO MEANINGFULLY CONSIDER LESS RESTRICTIVE ALTERNATIVES

48. Petitioner incorporates and realleges all preceding paragraphs as if fully set forth herein.
49. Petitioner has a stable residence available upon release.
50. Petitioner's wife and child reside in Florida.
51. Petitioner has significant family and community ties.
52. Petitioner is willing to comply with reporting requirements, supervision conditions, electronic monitoring, or any other reasonable conditions deemed appropriate.
53. Petitioner respectfully submits that less restrictive alternatives should be meaningfully considered.

GROUND FOUR

REQUEST FOR MEANINGFUL INDIVIDUALIZED CUSTODY REVIEW

54. Petitioner incorporates and realleges all preceding paragraphs as if fully set forth herein.
55. Petitioner respectfully submits that meaningful review of his continued detention requires consideration of the complete evidentiary record, including humanitarian evidence, family circumstances, his role as caregiver to a United States citizen child with Autism Spectrum Disorder, and the clarified criminal-history information now available.
56. Petitioner further submits that any continued detention should be supported by a complete and individualized assessment of the actual record rather than generalized conclusions regarding criminal history.

25. Respondent has strong family ties and a stable residence available immediately upon release.
26. Respondent is willing to comply with reporting requirements, electronic monitoring, ISAP supervision, or any other reasonable conditions imposed by the Court or the Department of Homeland Security.

IV. RESPONDENT DOES NOT PRESENT A DANGER TO THE COMMUNITY

27. The newly available evidence demonstrates that Respondent's criminal-history record is significantly narrower than a generalized characterization of criminal history may suggest.
28. Respondent's record does not reflect violent felony convictions, domestic-violence convictions, or weapons convictions.
29. Respondent's strong family ties, caregiving responsibilities, and stable release plan further mitigate any remaining concerns.
30. Reasonable conditions of release are available to address any concerns regarding custody.

V. RESPONDENT IS NOT A FLIGHT RISK

31. Respondent's wife and child reside in Florida.
32. Respondent intends to continue pursuing available immigration relief.
33. Respondent has a stable residence available upon release.
34. Respondent has every incentive to appear for future proceedings and comply with all conditions imposed by the Court.

VI. REQUEST FOR RELIEF

WHEREFORE, Respondent Karl Cius respectfully requests that this Court:

A. Grant this Motion for Custody Redetermination;

B. Schedule a new custody redetermination hearing;

C. Consider the newly available evidence submitted with this Motion;

D. Release Respondent under reasonable conditions of supervision; and

E. Grant such other and further relief as the Court deems just and proper.

57. Petitioner respectfully requests that Respondents be required to justify continued detention based upon the full evidentiary record.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner Karl Cius respectfully requests that this Court:

A. Accept jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;

B. Issue an Order directing Respondents to show cause why Petitioner's continued detention is lawful;

C. Require Respondents to produce and identify the records, reports, and evidence upon which Petitioner's continued detention is based;

D. Conduct such review of Petitioner's custody status as the Court deems appropriate;

E. Grant such relief as this Court deems just and proper, including meaningful individualized consideration of Petitioner's humanitarian circumstances, family ties, release plan, and clarified criminal-history record; and

F. Award such other and further relief as the Court deems appropriate.

Respectfully submitted,

K. Cius

KARL CIUS
Petitioner, Pro Se

A# [redacted]

Krome North Service Processing Center
18201 S.W. 12th Street
Miami, Florida 33194

Date: July 2 / 2026