FILED
JUL 27 2026
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

Yaniel Garcia Gonzalez
Mahoning County Jail
110 Fifth Avenue
Youngstown, OH 44503

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

YANIEL GARCIA GONZALEZ,	§	A# [redacted]
Petitioner,	§	
v.	§	CIVIL ACTION NO. _____
Warden,	§	4:26 CV 01746
Mahoning County Jail;	§	
Field Office Director,	§	
U.S. Immigration and Customs Enforcement,	§	JUDGE POLSTER
Detroit Field Office;	§	MAG. JUDGE HENDERSON
United States Attorney for the	§	
Northern District of Ohio;	§	
Secretary, U.S. Department of	§	
Homeland Security	§	
	§	
Respondents.	§	

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

This Petition challenges the continued civil immigration detention of Yaniel Garcia Gonzalez, a Cuban national inspected and paroled into the United States through the CBP One process, who has been detained continuously since December 14, 2025, without any individualized determination on the merits that his continued physical confinement is necessary. Petitioner respectfully seeks his immediate release under appropriate conditions of supervision.

I. INTRODUCTION

I, Yaniel Garcia Gonzalez, A# [redacted], respectfully submit this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. I have been detained continuously since December 14, 2025, and in ICE custody since December 15, 2025. I am currently confined at the Mahoning County Jail in Youngstown, Ohio, after having been transferred to detention facilities in multiple states. Throughout this entire period, no neutral decisionmaker has ever conducted an individualized hearing on the merits of whether I present a danger to the community or a flight risk, or whether conditions of supervision could adequately protect any legitimate governmental interest. I respectfully request that this Court order my immediate release under reasonable conditions of supervision.

II. PRIOR HABEAS PROCEEDING AND SCOPE OF THIS PETITION

I previously filed a petition for a writ of habeas corpus in this Court, which was denied in *Garcia Gonzalez v. Raycraft*, Case No. 4:26-cv-00703 (N.D. Ohio, June 22, 2026). I disclose that prior proceeding as required. This Petition does not ask this Court to reconsider that judgment or to disagree with its conclusions on the prior record. This Petition rests on the present and cumulative duration of my detention and the continued absence of any individualized merits determination. I do not characterize the previously existing I-485 application, parole documentation, sponsorship, or criminal dismissal as newly arising facts. I do not renew the statutory argument that 8 U.S.C. § 1225(b)(1)(B)(ii) itself provides a bond-hearing right. I present only an as-applied constitutional challenge to whether continued detention for this cumulative duration, without any individualized merits review, is consistent with the Fifth Amendment as applied to my present circumstances.

A prior judgment does not necessarily resolve the constitutionality of detention for all future periods, but renewed review must rest on a materially developed custody record rather than

disagreement with the earlier decision. The prior Court did not make an individualized finding that I present a danger to the community or a flight risk. No such determination has ever been made by any decisionmaker. This Petition asks the Court to evaluate my continued detention on the present record, including the total duration of confinement and the individual circumstances that no custody proceeding has ever been required to weigh.

III. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241. This Petition challenges only the constitutionality of my present physical detention. It does not seek review of any removal order, credible-fear determination, asylum merits decision, or adjustment-of-status adjudication. Section 2241 provides the procedural vehicle for the present challenge to physical custody, subject to the limitations recognized by controlling law. Venue is proper in this district because I am currently confined at the Mahoning County Jail in Youngstown, Ohio, within the Northern District of Ohio. *Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004). I respectfully request that this Court require prompt notice of any proposed transfer outside this district and preserve jurisdiction over this Petition notwithstanding any post-filing change in confinement location.

IV. EXHAUSTION

I requested a custody redetermination before the Immigration Court. The Immigration Judge denied that request on jurisdictional grounds, concluding that the court lacked authority to grant bond because of my classification as an arriving alien under 8 U.S.C. § 1225(b)(1)(B)(ii). The denial was not based on any individualized evaluation of whether I present a danger or a flight risk. The Immigration Judge did not consider my family ties, immigration history, pending applications for relief, absence of any criminal conviction, willingness to comply with supervision, or the availability of conditions of supervision as an alternative to detention. That jurisdictional

ruling left no Immigration Court or Board forum authorized to provide a bond hearing or an individualized bond determination on the merits. This Petition does not seek judicial review of a discretionary parole determination. It presents an independent constitutional challenge to the continuation of physical detention without any neutral individualized custody determination. The constitutional claim presented here cannot be adjudicated by the Immigration Court as a challenge to the governing detention statute. Requiring further administrative proceedings that cannot provide the relief sought would be futile.

V. FACTUAL BACKGROUND

I am a native and citizen of Cuba, born on [redacted]. On January 12, 2024, I was inspected and paroled into the United States at the San Ysidro port of entry in California through the CBP One application process. My Form I-94 reflects that I was inspected and paroled into the United States with the notation "DT." Following a positive credible-fear determination, my asylum claim was referred for full consideration before an Immigration Judge. That proceeding remains pending. In March 2025, I submitted a Form I-485 application for adjustment of status under the Cuban Adjustment Act of 1966, Pub. L. No. 89-732, codified at 8 U.S.C. § 1255 note. That application is currently pending before U.S. Citizenship and Immigration Services, as reflected in the attached USCIS receipt notice. My Cuban nationality, inspection and parole into the United States, and more than one year of physical presence provide a substantial statutory basis for that application, subject to USCIS's determination of all remaining admissibility, eligibility, and discretionary requirements.

On December 14, 2025, at approximately 6:00 p.m., I was arrested by local police in Saginaw, Michigan. My coworker and I had stopped to pick up cardboard boxes from the side of a road near a trash container, believing they had been discarded. When the property owner arrived, direct

communication was not possible due to a language barrier. Once communication was facilitated through translation, I immediately offered to return the materials or pay for them, and the materials were returned at the scene. Nevertheless, the officer transported me to the police station, stating that a report had been filed and that a hearing would be held the following morning. On December 15, 2025, before any court hearing occurred, I was transferred to ICE custody at approximately 5:00 a.m. A warrant was later issued based on my failure to appear at a hearing I could not attend because I had already been transferred into federal immigration custody. I retained counsel, appeared through counsel in those proceedings, and the case was dismissed in April 2026. No criminal conviction resulted from this incident. Since December 15, 2025, I have been continuously held in ICE custody and transferred to detention facilities in multiple states. I am currently detained at the Mahoning County Jail, 110 Fifth Avenue, Youngstown, Ohio 44503, Floor 6, Pod S10, Bed 2. Throughout my entire confinement, no neutral decisionmaker has conducted an individualized hearing on the merits of whether I present a danger to the community or a flight risk, or whether release under conditions of supervision could adequately protect any legitimate governmental interest.

VI. THE FIFTH AMENDMENT REQUIRES INDIVIDUALIZED PROCESS BEFORE PROLONGED CIVIL DETENTION

The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. That guarantee applies to all persons within the United States, including noncitizens, without regard to immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I cite *Zadvydas* for the general principle that civil immigration detention implicates a fundamental liberty interest and must remain connected to a legitimate nonpunitive purpose. Its six-month presumption under 8 U.S.C. § 1231(a)(6) does not govern this case, which arises under a different statutory provision

and procedural posture. The constitutional process required is informed by the balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976): the private interest affected; the risk of erroneous deprivation under the existing procedures and the probable value of additional safeguards; and the governmental interest. *Landon v. Plasencia*, 459 U.S. 21, 34–35 (1982), applied the *Mathews* framework in the immigration context and confirms that the process constitutionally required depends on the particular circumstances presented. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court declined to decide the constitutional challenges to prolonged immigration detention and remanded those questions for consideration on their own terms. *Johnson v. Arteaga-Martinez*, 596 U.S. 573 (2022), likewise distinguished statutory interpretation from any independently presented constitutional claim. Under the particular circumstances alleged here, continued detention for this cumulative duration without any individualized merits review raises a substantial as-applied due-process question.

VII. SECTION 1225(b)(1)(B)(ii) DOES NOT AUTHORIZE DETENTION OF UNLIMITED DURATION WITHOUT CONSTITUTIONAL LIMIT

The government's statutory authority for my detention rests on 8 U.S.C. § 1225(b)(1)(B)(ii), which provides that a noncitizen who receives a positive credible-fear determination "shall be detained for further consideration of the application for asylum." That provision authorizes detention during the asylum adjudication process. It does not, by its terms, authorize detention of unlimited duration regardless of how long that process extends, and it does not eliminate the constitutional limits that govern all civil detention.

The statutory text of § 1225(b)(1)(B)(ii) contemplates detention during "further consideration" of an asylum claim, a phrase that implies an ongoing and active adjudicative process, not an indefinite holding pattern. When the process of "further consideration" extends beyond a period that can

reasonably be described as the pendency of a defined proceeding, and begins to resemble open-ended confinement of uncertain duration, the statutory authorization must be read against the constitutional background established in *Zadvydas v. Davis*, 533 U.S. 678 (2001): that civil detention must remain reasonably related to a legitimate regulatory purpose and must be capable of being tested through meaningful process. A statute that authorizes detention pending a proceeding does not, by extension, authorize detention for any length of time that proceeding happens to last, without any opportunity for individualized review.

In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention under 8 U.S.C. § 1226(c) for noncitizens with qualifying criminal convictions, relying heavily on the assumption that such detention would be brief, typically lasting only weeks or a few months. The Court's tolerance for mandatory, no-hearing detention in *Demore* was expressly premised on that brevity. My detention has now exceeded seven months, with no clearly identifiable near-term completion date. Moreover, I have no criminal conviction; the criminal matter arising from my December 2025 arrest was dismissed. The two factual predicates on which *Demore* rested, a qualifying criminal record and an expectation of brief confinement, are both absent here.

In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court held that § 1225(b) does not itself create a statutory right to periodic bond hearings. Critically, however, the Court expressly declined to resolve the constitutional questions and remanded them for further consideration. The Court confirmed that as-applied constitutional challenges to prolonged detention remain available independent of how the statutory text is construed. That is precisely the claim this Petition presents: not a statutory bond-hearing right, but an as-applied Fifth Amendment challenge to whether my continued detention, for this duration, without any individualized review of my specific circumstances, is constitutionally permissible.

My claim is not that every person detained under § 1225(b)(1)(B)(ii) is automatically entitled to release or a bond hearing after a fixed period. My claim is that when detention extends substantially beyond the period the statute contemplated, when no criminal record supports categorical confinement, and when no neutral decisionmaker has ever evaluated whether physical detention rather than supervised release is actually necessary in the individual case, the statutory label alone cannot sustain continued confinement consistent with the Fifth Amendment. Continued reliance solely on the statutory classification, without any procedure for considering whether supervised release would adequately serve the government's interests in my specific case, creates the substantial as-applied due-process concern this Petition asks the Court to remedy.

VIII. APPLICATION OF THE MATHEWS FRAMEWORK TO THE PRESENT RECORD

Applied to the present record, the *Mathews* factors support, at minimum, a meaningful opportunity to contest whether my continued physical confinement is necessary.

The private interest at stake is physical liberty. I have been detained continuously since December 14, 2025, a period exceeding seven months. That confinement has separated me from my wife and sponsor, disrupted my ability to participate meaningfully in my pending immigration proceedings, and limited my access to the documentation and support necessary to develop my pending applications for relief. My Form I-485 application is currently pending before USCIS. These are practical limitations caused by detention that affect my ability to prepare and respond promptly in a pending immigration-benefit proceeding. The risk of erroneous deprivation is substantial. No decisionmaker has ever evaluated, based on evidence and under any standard of proof, whether I actually present a danger to the community or a flight risk in light of my individual record. The specific facts that define my situation have never been weighed by any neutral custody officer: I

was inspected and paroled through an official port of entry after using the CBP One process; my asylum claim was referred following a positive credible-fear determination; I submitted a Form I-485 application for adjustment of status under the Cuban Adjustment Act in March 2025, which remains pending before USCIS; no criminal conviction resulted from the criminal matter arising from my December 2025 arrest, which was dismissed; I have a verified lawful permanent resident spouse who is prepared to provide housing, transportation, and supervision support; and I have strong concrete incentives to appear and comply, because abandoning my pending proceedings would forfeit my adjustment application, my asylum claim, and my ability to remain in the United States with my spouse. None of that individual record has been presented to or evaluated by any neutral custody decisionmaker.

The governmental interest is substantial. The government has legitimate interests in ensuring appearance at immigration proceedings and in protecting public safety. The question under *Mathews* is whether those interests require continued physical confinement of this particular person when electronic monitoring, verified residence with a lawful permanent resident sponsor, regular reporting obligations, and the concrete incentive structures created by my pending applications for relief are available as alternatives. An individualized procedure would require the government to explain why continued physical detention, rather than supervised release, remains necessary in my particular circumstances. The administrative burden of providing that opportunity must be balanced against the fundamental liberty interest at stake and the substantial risk of erroneous continued confinement. That complete absence of individualized merits review throughout more than seven months of detention is the constitutional defect this Petition asks the Court to remedy.

IX. THE CUMULATIVE DURATION AND TRAJECTORY OF MY DETENTION REQUIRE JUDICIAL SCRUTINY

I have been continuously detained since December 14, 2025. My asylum claim is pending before an Immigration Judge. The prior Court concluded that my detention was authorized under § 1225(b)(1)(B)(ii) because I had received a positive credible-fear determination and my asylum proceedings remained pending. That ruling assumed, at least implicitly, that detention would remain connected to an active and ongoing adjudicative process of defined scope. That assumption is no longer adequate to describe the actual duration or trajectory of my confinement. My asylum proceedings have not concluded. If the Immigration Judge issues a decision, I retain the right to appeal an adverse determination to the Board of Immigration Appeals, and those appellate proceedings could extend the duration of detention further. At no point during this entire process has any neutral decisionmaker been required to evaluate whether my continued physical confinement, as opposed to supervised release, is actually necessary given my individual circumstances. The fact that detention may be statutorily authorized at each stage of the asylum adjudication process does not answer the constitutional question of whether detention of this cumulative duration, without any individualized merits review, remains consistent with the Fifth Amendment as applied to me. My Form I-485 application is a separate application that remains pending before USCIS, which generally retains jurisdiction over adjustment applications filed by arriving aliens in removal proceedings, subject to the applicable regulatory exceptions and the particular procedural posture of the case. That application exists independently of the asylum outcome and must be adjudicated through a separate process. The combined procedural posture of my case means that continued categorical detention, without any individualized assessment of whether physical confinement is necessary, may extend for a substantial and presently uncertain

additional period. My detention has also involved transfers to facilities in multiple states. I offer those transfers solely to explain their concrete effect on communication with counsel, family support, access to documents, and continuity in preparing my immigration case. Each relocation has created practical obstacles to developing the individual record that any meaningful custody proceeding would require. The civil immigration detention framework must remain connected to a legitimate nonpunitive regulatory purpose. The government has never identified, through any individualized proceeding, what specific regulatory purpose my physical confinement serves that could not equally be served by release under supervision. I have been detained for more than seven months. No neutral officer has ever been required to weigh my individual circumstances against the government's interest in continued confinement. That absence of individualized process, sustained across the entire period of my detention and continuing today, is the constitutional defect this Petition asks this Court to remedy.

X. MY INDIVIDUAL CIRCUMSTANCES DO NOT SUPPORT CONTINUED PHYSICAL CONFINEMENT

My individual record does not demonstrate that I present a danger to the community. The local criminal matter connected to my arrest arose from a misunderstanding involving materials located beside a trash container. The materials were returned immediately, I retained counsel after learning of the proceedings, and the case was dismissed without a conviction. No neutral custody decisionmaker has ever identified any evidence establishing that I pose a threat to public safety.

My record also does not demonstrate that I am a flight risk. I entered through an official port of entry after using the CBP One process, was inspected and paroled, and have pursued relief through the immigration system. Before my detention, I filed Form I-485 under the Cuban Adjustment Act, and that application remains pending before USCIS. My asylum proceedings also remain pending.

These applications give me strong reasons to remain available, attend every hearing and appointment, and comply with all reporting requirements.

My wife is a lawful permanent resident of the United States and is prepared to provide a verified residence, transportation, financial support, and assistance with compliance. If released, I am willing to accept GPS monitoring, electronic monitoring, frequent reporting, travel restrictions, home visits, and any other reasonable condition imposed by the Court or ICE. These circumstances provide concrete and verifiable alternatives to incarceration. Yet no decisionmaker has ever compared those alternatives with the asserted need for continued physical detention. An individualized review would permit that assessment based on evidence rather than categorical assumptions.

XI. VERIFIED RELEASE PLAN

A comprehensive and verified release plan is available that addresses every legitimate governmental interest in ensuring my appearance and protecting the community. My sponsor is my wife, Anisleidy Cuesta Aguilar. She is a lawful permanent resident of the United States and resides at [redacted] We are married and she is fully committed to supporting my compliance with every condition of release. She will provide stable housing at her verified address, transportation to every hearing, appointment, ICE check-in, and USCIS obligation, financial support for my daily needs, and active oversight to ensure that I comply with every requirement imposed by this Court or by ICE. She has knowledge of my immigration proceedings, is aware of her responsibilities as a sponsor, and is prepared to assist me in maintaining contact with my counsel and with the relevant government agencies throughout the pendency of my case.

If released, I will immediately report my residential address to ICE and to this Court and will notify ICE of any change of address within 24 hours. I will comply with GPS monitoring or electronic monitoring if required. I will appear at every in-person and telephonic check-in without exception, on every scheduled date and at every location required. I will appear at every immigration hearing connected to my pending asylum proceedings, at every USCIS appointment or interview connected to my pending Form I-485 application, and at every other obligation connected to my immigration case. I will respond to all communications from ICE, USCIS, and the Immigration Court within the time required. I will submit to home visits at any time if required. I will comply with any travel restriction, reporting requirement, or other condition the Court or ICE may impose, without exception. I understand that release would not terminate my immigration proceedings. My incentives to remain available and comply are concrete, specific, and strong. My pending asylum claim, my pending Form I-485 application under the Cuban Adjustment Act, my marriage to a lawful permanent resident of the United States, and my desire to obtain lawful permanent residence and remain in this country all depend entirely on my continued active participation in and full compliance with my immigration case. Abandoning my proceedings or failing to appear would forfeit every one of those interests permanently. A person in my situation, with two pending applications for immigration relief and a spouse who is a lawful permanent resident, has every practical reason to appear and none to flee. The combination of a verified lawful permanent resident sponsor at a fixed address, GPS or electronic monitoring, strict reporting requirements, the availability of home visits, travel restrictions, and the concrete incentive structures created by my pending applications for relief provides the government with every tool necessary to ensure my appearance. Physical confinement is not necessary to protect those interests. It is the least

restrictive means, not the appropriate one, when all of the above conditions can be imposed as a condition of supervised release.

XII. PRAYER FOR RELIEF

For the foregoing reasons, I respectfully request that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order my immediate release from immigration detention under reasonable conditions of supervision, reporting, or electronic monitoring, or any other alternative to detention the Court deems appropriate;
3. In the alternative, order Respondents to provide a prompt constitutionally adequate individualized custody hearing before a neutral decisionmaker;
4. Grant such other and further relief as is just and proper.

XIII. DECLARATION UNDER PENALTY OF PERJURY

I, Yaniel Garcia Gonzalez, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Date: 07/21/2026

Signature: YGG

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus through USPS to the following:

United States District Court

Attn: Clerk of Court

Thomas D. Lambros Federal Building & US Courthouse

125 Market Street

Youngstown, Ohio 44503

I declare under penalty of perjury that the foregoing is true and correct.

Date: 07/21/2026

Signature: YGG