UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

FILED BY D.C.
JUN 22 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. LAUD.

Daniel Cuervo Gonzalez,
A# [redacted]
Petitioner,

v.

Case No. _____

U.S. Department of Homeland Security,
Immigration and Customs Enforcement (ICE),
Warden, Broward Transitional Center,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241(PRO SE PETITIONER)

I.INTRODUCTION

Petitioner Daniel Cuervo Gonzalez respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge the legality of his ongoing civil immigration detention. Petitioner has been deprived of his liberty for more than six months while his immigration proceedings remain pending. Despite this, he continues to be detained without any individualized or updated determination justifying the necessity of his custody. Under these circumstances, the continuation of his detention raises serious concerns under the Due Process Clause of the Fifth Amendment and exceeds the limits of reasonable civil detention permitted by the Constitution and laws of the United States.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is currently held in federal immigration custody and challenges the legality of his continued detention as violative of the Constitution and laws of the United States. Habeas corpus relief under § 2241 is available to individuals who are "in custody" under federal authority and who seek review of the lawfulness of that custody.

Venue is proper in the Southern District of Florida because Petitioner is detained at the Broward Transitional Center ("BTC") in Pompano Beach, Florida, which lies within this District. Petitioner's immediate custodian is therefore subject to this Court's jurisdiction.

III. PARTIES

- Petitioner: Daniel Cuervo Gonzalez, A# [redacted] detained at BTC.
- Respondents: DHS, ICE, and the Warden of BTC.

IV. FACTUAL BACKGROUND

A. Detention History

Petitioner, a citizen of Cuba, entered the United States on February 12, 2024, and was subsequently placed in immigration proceedings.

On November 21, 2025, Petitioner was detained by U.S. Border Patrol agents during an immigration enforcement operation and has remained in the custody of U.S. Immigration and Customs Enforcement (ICE) since that date, under continuous detention for a period exceeding six months.

B. Procedural History / Prior Proceedings

Petitioner filed a Petition for Writ of Habeas Corpus before this Honorable Court challenging the legality of his immigration detention. (DE [1]).

On April 29, 2026, this Court denied the Petition .See Order,

Case No.0:26-cv-60566-AHS, determining that Petitioner was detained pursuant to 8 U.S.C. § 1225(b)(2) and that such detention did not violate the Constitution or federal law. (DE [11]).

The Court further concluded that Petitioner's detention approximately five months at the time of the decision fell within the constitutionally permissible parameters under the applicable jurisprudence.

Petitioner subsequently filed a Motion for Reconsideration, asserting that he had been admitted into the United States. (DE [12]).

The Government did not file a response to the Motion for Reconsideration despite having been ordered to do so. (DE [14]).

On June 9, 2026, this Court denied the Motion for Reconsideration .See Order,

Case No.0:26-cv-60566-AHS, determining that Petitioner had not been admitted into the United States but had instead been released on parole. (DE [12-1]).

The Court also referenced the Eleventh Circuit's decision in *Hernandez Alvarez v. Warden*, 2026 WL 1243395 (11th Cir. May 6, 2026), although it concluded that the argument had not been timely raised.

C. Immigration Proceedings

On May 18, 2026, a final order of removal was issued against Petitioner.

On June 10, 2026, Petitioner timely filed an appeal before the Board of Immigration Appeals (BIA), which remains pending.

D. Current Custody Status

Petitioner remains in ICE custody while his appeal before the BIA is pending.

Petitioner has not received any recent individualized determination or review regarding the necessity of his continued detention.

Petitioner has submitted information related to the circumstances of his detention during the course of the prior proceedings.

Petitioner remains detained at the Broward Transitional Center (BTC) at the time of the filing of this Petition.

V. LEGAL FRAMEWORK AND CLAIMS

A. Legal Authority

This Petition is brought pursuant to 28 U.S.C. § 2241, which authorizes federal courts to review the legality of detention when it is alleged to violate the Constitution or laws of the United States.

The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law, and these protections apply to individuals held in civil immigration detention.

B. Need for an Individualized Custody Review

Petitioner has remained in immigration custody for a period exceeding six months while his appeal before the Board of Immigration Appeals (BIA) remains pending. Despite the length of his detention, he has not received any recent individualized determination regarding the necessity of continued custody under the current circumstances of his case.

C. Eleventh Circuit Authority and Right to Custody Review

The recent Eleventh Circuit authority in *Hernandez Alvarez v. Warden*, 2026 WL 1243395 (11th Cir. May 6, 2026), recognizes the importance of a meaningful custody determination consistent with due process principles in the context of immigration detention.

This authority reinforces that detention cannot rest solely on an initial classification but requires an updated assessment of the detainee's current circumstances.

D. Circumstances of Detention

Petitioner has submitted information related to the circumstances of his detention during the course of the proceedings, which is included in the documents attached to this Petition. These circumstances are relevant to evaluating the reasonableness of continued detention under due process principles.

E. Applicable Constitutional Principles

Although Petitioner is not subject to a final order of removal and therefore is not detained under 8 U.S.C. § 1231, the constitutional principles established in *Zadvydas v. Davis*, 533 U.S. 678 (2001), are instructive regarding the limits of prolonged civil detention without adequate justification.

F. Due Process Violation

Under the totality of the circumstances of this case, the continued detention of Petitioner without a recent individualized assessment of the necessity of his custody constitutes a deprivation of liberty incompatible with the Fifth Amendment's due process guarantees.

Accordingly, Petitioner respectfully requests the intervention of this Honorable Court and the relief sought in this Petition.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1.Order Petitioner's release from immigration custody under reasonable conditions of supervision as the Court deems appropriate;

or, in the alternative,

2.Order the Government to provide Petitioner with an individualized custody hearing before a neutral decisionmaker within a reasonable period of time, at which the Government must demonstrate, by clear and convincing evidence, that continued detention is necessary to ensure Petitioner's appearance and/or the safety of the community;

and/or

3.Order any additional relief that this Court deems just and proper.

VII. VERIFICATION

I, Daniel Cuervo Gonzalez declare under penalty of perjury under the laws of the United States of America that the facts stated in this Petition are true and correct to the best of my knowledge and belief.

Executed on this ___ day of 06/18, 2026.

Daniel Cuervo Gonzalez

A# [redacted]

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of 06/18, 2026, I placed in the institutional mail system at the Broward Transitional Center a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus**, including all attached exhibits, to be mailed to the following:

Clerk of Court U.S. District Court Southern District of Florida

299 E Broward Boulevard

Fort Lauderdale, FL 33301

U.S. Attorney's Office – Southern District of Florida

500 E Broward Boulevard,

Suite 700 Fort Lauderdale, FL 33394

Respectfully submitted,



Daniel Cuervo Gonzalez

Petitioner, Pro Se

Broward Transitional Center

3900 N Powerline Road

Pompano Beach, FL 33073