

FILED
2/24/2025
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

AO 742 (REV. 09/2017) Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Western District of ~~Florida~~

LOPEZ SANTOS OSCAR
Petitioner

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
Respondent

3:25-CV-191-MMH-SJH

Case No. **A**



Supplied by Clerk of Court

(Name of warden or custodian of person in custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: **LOPEZ SANTOS OSCAR**
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: **BAKER COUNTY JAIL**
(b) Address: **1 SHERIFF DRIVE - MCCLAMET FL 32063**
(c) Your identification number: (A Number)
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain
ICE DETENTION
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
☒ Being held on an immigration charge
☐ Other - explain:

Decision or Action You Are Challenging

5. What are you challenging in this petition?
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain):

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
REFUSAL TO RELEASE ME FROM IMMIGRATION DETENTION
- (b) Docket number, case number, or opinion number: None
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
REFUSAL TO RELEASE ME FROM IMMIGRATION DETENTION
- (d) Date of the decision or action:

Your Earlier Challenges of the Decision or Action

7. **First appeal**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
☐ Yes ☐ No
- (a) If "Yes," provide:
- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:
- (b) If you answered "No," explain why you did not appeal:
8. **Second appeal**
After the first appeal, did you file a second appeal to a higher authority, agency, or court?
☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petitioner's Waiver of Habeas Corpus Under 28 U.S.C. § 2254

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☒ Yes ☐ No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 11.26.2024
- (b) Date of the removal or reinstatement order: 10.6.2019
- (c) Did you file an appeal with the Board of Immigration Appeals? ☐ Yes ☒ No

Please Sign

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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AO 232 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 1221

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of 8 U.S.C. § 1231(a)(6)

~~PLE~~

(a) Supporting facts: *Be brief. Do not cite cases or law.*

I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future. See attached memorandum with additional specific facts. Question (b) below is not applicable.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Violation of the due process clause of the Fifth Amendment to the U.S. Constitution.

(a) Supporting facts: *Be brief. Do not cite cases or law.*

ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period. See attached memorandum with additional specific facts. Question (b) below is not applicable.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts: *Be brief. Do not cite cases or law.*

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

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AO 232 (Rev. 09-17) Petition for a Writ of Habeas Corpus (468, 28 U.S.C. § 1254)

GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*)

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

- 14 If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: This is not applicable to this matter.

Request for Relief

15 State exactly what you want the court to do: Order my immediate release from ICE custody



Please

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AO 232 (Rev. 09/17) Petitioner's Affidavit Under Penalty of Perjury (2017) (S.C. 1-2231)

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

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 a material fact may serve as the basis for prosecution for perjury.

Date: 02-09-2025

Daniel Lopez
Signature of Petitioner

Signature of Attorney or other authorized person, if any.

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