

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

Julio Cesar Fernandez Tamayo

Petitioner

v.

Respondent

(name of warden or authorized person having custody of petitioner)

FILED BY g D.C.

JUN 05 2025

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Case No.

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: JULIO CESAR FERNANDEZ TAMAYO
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: KROME NORTH SERVICE PROCESSING CENTER
(b) Address: 18201 SW 12TH STREET, MIAMI, FL 33194
(c) Your identification number: A
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
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: 1670 NW 37 AVENUE
(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)☐ 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: KROME DETENTION CENTER -
18201 SW 12 STREET, BLD G1 STE C, MIAMI, FL 33194(b) Docket number, case number, or opinion number: A [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The Immigration Judge ordered removal on February 13, 2025. The Petitioner/Detainee has not been removed from the facility.

(d) Date of the decision or action: 02/13/2025**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: The decision of the Immigration Judge to be removed from the U.S.A. was not appealed. The order of the Immigration Judge is requested to be imposed. If the Petitioner/Detainee could not travel back to the native country, it is kindly requested to that he be released.

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: The Petitioner/Detainee did not appeal because he wanted the order of the immigration Judge to be imposed and for him to be released from the detention center.

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:

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(b) If you answered "No," explain why you did not file a third appeal: The Petitioner/Detainee did not appeal because he wanted the order of the immigration Judge to be imposed and for him to be released from the detention center.

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

If "Yes," provide:

(1) Name of court: Krome Detention Center

(2) Case number: A 

(3) Date of filing:

(4) Result: Order of Removal

(5) Date of result: 02/13/2025

(6) Issues raised: On February 13, 2025, the Immigration Judge ordered removed and the Petitioner/Detainee is still detained. The Petitioner/Detainee wishes to be released from prison with an Order of Supervision as soon as possible.

(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 or a Section 2254 to petition 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:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: The Respondent continues to be detained months after the Immigration Judge ordered removed on February 13, 2025. It is requested that he is released from the Detention Center and to be placed under the Order of Supervision.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
 (b) Date of the removal or reinstatement order: 02/13/2025
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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:

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(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:

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.

GROUND ONE: The Immigration Judge ordered removed on February 13, 2025. The Respondent continues to be detained and has not been removed or released from the Detention Center.

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

The Immigration Judge ordered removed on February 13, 2025 and the Petitioner/Detainee is still detained even months after. It is respectfully requested that the Petitioner/Detainee be released under the Order or Supervision.

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

☐ Yes

☒ No

GROUND TWO:

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

(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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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:

Request for Relief

15. State exactly what you want the court to do: To release the Petitioner/Detainee as soon as possible and place him under the Order of Supervision.

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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:

05/22/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any



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