

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

Rosmeri Adaluz Miranda-Lopez

Petitioner

v.

Kimberly Dean, ICE Orlando Field Officer Director

Case No.

(Supplied by Clerk of Court)

Respondent

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

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

Personal Information

1. (a) Your full name: Rosmeri Adaluz Miranda-Lopez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Department of Homeland Security; Immigration and Customs Enforcement
(b) Address: In-custody via ankle monitor
(c) Your identification number: [REDACTED]
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: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): In-custody via ankle monitor since May 30, 2025 with an order to turn herself in to ICE Orlando on June 12, 2025 and to shortly thereafter be deported as early as June 14, 2025

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): Administrative agency decision to accelerate deportation of a noncitizen with a pending U-Visa Application and pending employment authorization despite deferred action status

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: United States Department of Homeland Security, Immigration and Customs Enforcement; 9495 Delegates Dr., Orlando, FL 32837

(b) Docket number, case number, or opinion number: File No.: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Deportation of noncitizen with pending U-Visa Application and pending employment authorization

(d) Date of the decision or action: May 30, 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: Petitioner was already denied I-256 Stays, for which there is no administrative appeal and ICE has now refused to consider her request for a Stay pending the U-Visa Application and employment authorization.

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

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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: May 30, 2025

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

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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: _____

Motion to Stay Deportation (accompanying this Petition)

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

Middle District of Florida

(c) Date of filing: **June 9, 2025**

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

N/A

(e) Result: **N/A**

(f) Date of result: **N/A**

(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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Denial of Due Process

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

Petitioner has a pending U-Visa Application and employment authorization, both of which grant her deferred action. Additionally, Petitioner is within 30-60 days of receiving employment authorization based on her pending U-Visa Application for which, according to USCIS's December 20, 2024 Bona Fide Determination Notice, she will receive favorable consideration. Nevertheless, ICE has placed an ankle monitor on her, ordered her to turn herself in on June 12, 2025, and stated that she will be deported by June 14, 2025.

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

☐ Yes

☐ No

GROUND TWO: Abuse of Discretion

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

On December 20, 2024, USCIS sent Petitioner a Bona Fide Determination Notice permitting her to apply for employment authorization and receive deferred action pursuant thereto while her U-Visa Application is pending. Although these applications can take years, Petitioner's application was so strong that she received the Bona Fide Determination Notice within mere months. Rather than follow its own administrative process, ICE has ordered Petitioner's accelerated deportation.

(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: Based on the foregoing, Petitioner respectfully requests Petitioner be released from ICE custody and a stay of deportation be entered so that the matter may be properly resolved according to the administrative process and the legal process that is due.

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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: June 9, 2025

Rosmeri Miranda Lopez
Signature of Petitioner

s/ Richard J. Diaz
Signature of Attorney or other authorized person, if any

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