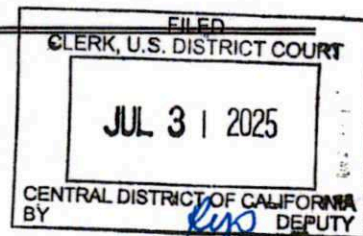


filed by

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

UNITED STATES DISTRICT COURT
for theGilberto J. Cedeño Zaldivar
Petitioner

v.

Case No. 5:25-W-01991-JFW-PVC
(Supplied by Clerk of Court)Department of Homeland Security
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: Gilberto J. Cedeño Zaldivar
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Adelanto ICE Processin Center
(b) Address: 10250 Rancho Road
Adelanto, CALIFORNIA 92301
(c) Your identification number: A [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): _____

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)

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

- ☐ 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: _____

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

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

(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

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

(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) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: _____

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

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

☐ Yes

☐ No

April 15, 2025

4/15/2025

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

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: _____

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

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: four Amendment
Petitioner was illegally detained
by I.C.E without no administration warrant

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 Do not cite cases or law.):

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

☐ Yes

☐ No

GROUND TWO: fift amendment
Petitioner due process rights was violated

(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: Six Amendment
Petitioner have already spent time
with it time served in prison from october.
10/16/2016 until 4/15/2025

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

Petitioner rights are violated by double jeopardy
asct clause

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

☐ Yes

☐ No

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

GROUND FOUR: Petitioner is a Political Refugee
Legally admitted in U.S.A on 5/19/1989
by de Miami International Airport and has been
Permanent Resident since that date.

(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: Petitioner prayed for
immediate release from this unlawful detention

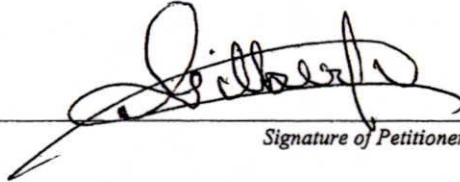
AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: July 27, 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

REPULICA OF CUBA
REGISTERED OF THE CIVIL STATE
BIRTH CERTIFICATE

No. of Application



LAW NO. 61

FROM 11/24/1982

INSCRIPTION: DATE OF BIRTH REGISTERED IN THE CIVIL STATE OF : MARIANAO
Page/Folio DAY/ MONTH/ YEAR
223/325  Municipality: MARIANAO Providence: LA HABANA

Information on Inscription

Name and Surname: GILBERTO JUAN CEDENO ZALDIVAR

Place of Birth: : MARIANAO DATE OF BIRTH:  SEX: Male

Name and surname of the father: GILBERTO CEDENO GARCIA

NATURAL DE: ALTO SONGO

Name and Surname of the mother: RAMONA ZALDIVAR CLARO

NATURAL DE: BAYAMO

PATERNAL GRANDPARENTS: ALIPIO AND DELIA

MARTERNAL GRANDPARENTS: BENJAMIN AND EDILDA

REGISTRATION UNDER PRACTICED: THE PARENTS

OBSERVATIONS:

Register of the Civil State of: PLAYA C. DE LA HABANA

I, Anthony Ramirez, Notary for the State of Florida, do here by Certify that the above is an accurate translation of the Spanish language to the English version, and that I am capable of said, translation.

My Commission expires on: August 05, 2016

Seal:

Signature of Notary: 



Anthony Ramirez
COMMISSION # EE 222455
EXPIRES: AUG. 05, 2016
WWW.AARONNOTARY.com

MINISTERIO DE JUSTICIA		No. DE LA SOLICITUD PAGADA		No. DE ORDEN	
REGISTRO DEL ESTADO CIVIL		CERTIFICACION DE NACIMIENTO			
<input type="checkbox"/> EXENTA		<input checked="" type="checkbox"/> GRAVADA			
PARA SER UTILIZADA EN:		Abonados los derechos que establece la ley 1264 de 14 de Enero de 1974.			
		PARA SERVIR EFECTO EN:			
		<input checked="" type="checkbox"/> CUBA <input type="checkbox"/> OTROS PAISES			
TOMO		FOLIO		FECHA DEL ASIENTO	
223		325		Día Mes Año	
				MARIANO	
NOMBRE(S) Y APELLIDOS		GILBERTO JUAN CEDENO Y ZALDIVAR			
LUGAR DE NACIMIENTO		SEXO		FECHA DE NACIMIENTO	
MARIANO		VARON		Día Mes Año	
NOMBRE(S) Y APELLIDOS DEL PADRE		Gilberto Cedeno y Garcia			
NATURAL DE		Alto Songo			
NOMBRE(S) Y APELLIDOS DE LA MADRE		Ramona Zaldivar y Claro			
NATURAL DE		Bayamo			
ABUELOS PATERNOS		Alipio y Delia			
ABUELOS MATEROS		Benjamin y Edilda			
INSCRIPCION PRACTICADA EN VIRTUD DE:					
OBSERVACIONES:					
CERTIFICACION					
El Encargado del Registro del Estado Civil de: <u>MARIANO</u>					
CERTIFICA: Que los anteriores datos concuerdan fielmente con los que aparecen consignados en la inscripción a que se hace referencia.					
<u>Mariano</u> , 24 de <u>Octubre</u> de 19 <u>79</u>					
CONFECCIONADO POR:		CONFRONTADO POR:		ENCARGADO DEL REGISTRO:	

I, the undersigned Petitioner, Gilberto J. Cedeño Zaldivar, DOB [REDACTED], Citizen of Cuba, was legally admitted as a Cuban Political Refugee CU-6 on May 19, 1989 at the Miami International Airport as part of a rescue program for political prisoners established by President Ronald Reagan. I was sentenced for "Enemy Propaganda," a charge stemming from expressing my political opinion about the dictatorship in fliers and other written materials. I was sentenced to 6 years in prison.

After I ended my term of conviction as a Political Prisoner, the totalitarian and evil Communist Party, which still rule my country since 1959, called me for an interview with them. The subject of the interview was 2 letters the US government had sent to my home inviting me to enjoy "The Rescue Program." I was interviewed by an agent of the repressive police of the security of the state. The officer advised me to accept the invitation and threatened me with further detention and repression if I remained in Cuba. Political prisoners in Cuba usually have more than one imprisonment. The Cuban law allows the oppressive dictatorship to arrest and convict a person if they suspect that person could or may commit a crime. Please notice that the victim of the regime does not have to commit any crimes. It is enough if the representatives of the regime believe the person may commit a crime some time in the future. Opposing the dictatorship and its gang of criminals that hide under the name of "Cuban Communist Party" is considered a crime and is severely punished. When it comes to people who they know oppose their chaotic dictatorship is just a matter of time for the government agents to arrest and torture them all over again. Especially during times of social unrest.

The officer made clear they did not want me in Cuba for being against the tyranny and that I'd better took this opportunity and left. I decided to leave to avoid further trouble.

Probably because of all the suffering I had experienced in Cuba as a victim more of the methods of repression over the people of Cuba, as well as all the humiliation and punishment I received as a political prisoner for 6 years – which was brutal and merciless – is that I became an easy prey of the drugs. In Cuba, the regime tries to break your spirit of freedom with the most horrible methods and that leaves a deep mark on you. I still do not understand why I was not taken to "the stick" and was shot dead. Over there they do not call it "the wall" or "the firing squad." They tie you up to a pole and 4 police officers shoot you at the same time of the day when they fire a cannon from an old Spanish castle. When you are detained in that prison you never know when you will be next to be tied to "the stick" and shot dead. Because, with these criminals, everything is arbitrary and capricious. I never returned to my country even when my dear mother passed away in 2001.

After several years in the United States I was introduced to the world of drugs. Drugs gave me a temporary relief from my emotional pain, but I became addicted and addiction led me down a bad path. I came to America looking for freedom only to find another type of chains, this time of the chemical sort.

I cannot and do not deny my mistakes and poor choices. I regret having made those choices because the end result is that I spent 10 years in prison, away from my wife and son.

But those 10 years in prison helped me a great deal. They helped me to clean my system and to change my perspective in life. They showed me the value and importance of a life without drugs.

I have to say sincerely and to honor the truth that I am very regretful for my conduct in the past when I was using drugs and involved in deals like the one that brought me to prison. I did that just to be able to pay for my addiction. God is my witness that this 65 years old man that I am now does not have anything to do with the young man I used to be in those difficult years. Now, I just want to spend the rest of the lifetime God allow me to have on this Earth in peace and harmony with society and the law.

Evidence of Rehabilitation

I was in prison for 10 years. In prison is easier to find drugs than on the streets. There are all kinds of drugs inside those walls. I, however, stayed away from them including cocaine, that was my drug of choice before I was arrested and sentenced, and the most common drug in prison.

Prison is a very stressful place. Being restrained of liberty is very stressful and leads to periods of emotional downs. You are in prison but you have to still deal with problems at home. Aside from having to deal with your own emotions and suffering you have to deal with different kinds of conflicts in prison. Both inmates and prison officers and sometimes officials bully you. I am a diabetic and I had to deal with the miseries of this ailment without enjoying the accommodations a diabetic person needs. In prison they give you basic attention, so that, hopefully, you do not die while you are in their custody. I did not have an easy time in prison at all. It truly was a tough time. That is probably the idea. After all it is a punishment, not a paid vacation from society.

Nevertheless, I always behaved well in prison and never used any drugs. I have been away from drugs for over 10 years now even when I had easy access to them. God helped me to make that choice one day at a time for a whole decade.

I also found a spiritual way to give me emotional support in the teachings of "The Master Path of the Light and Sound," led by Mr. Gary Olsen from Temecula, California.

About the only Conviction the Court needs to Consider

What I am asking the court is to Cancel my deportation which could be only based on my conviction under *Fla. Stat. §893.13 (b) (a)*, and which, under the Controlled Substance Act (CSA), is a federal misdemeanor.

I Am No Longer a Danger to the Community

Please see (fotocopias del documento que está en la propiedad) attached. Please notice that for me incurring again in (ejemplos de crímenes), would mean (las sentencias)

I am 65 years old right now. Getting a 20 years long sentence means that I will most likely be in prison for the rest of my life. If I make it alive out of prison I will most certainly be deported to Cuba. How am I going to survive in Cuba when I am 85-90 years old or even older?



I am determined to do not repeat my past mistakes. In prison I could have been not only a drug user but also a drug dealer and I could have made very good money. I knew how all that works and could have left prison with tens of thousands of dollars in my account. But I am truly done with that life.

Sometimes my family deposits \$50 in my books and if that is all I have I accept it. With my diabetes and all the troubles I have had for all this past decade I do not need to get in any further trouble. Besides, I am now seeking something higher that could go with me to eternity. Unfortunately, you cannot take money with you when you leave this sphere of existence. In my practice we believe in the law of Karma and that we will only take to the next phase of existence the good and bad we did.

I hope that that great judge that God is for all of us assist you with the decision you will make in my case, and that he bless you and your family and the United States of America.

Since May 19, 1989 I adopted the United States of America as my second country -Land, "*Ubi bene Ibi Patria*" Thanks.

Respectfully submitted and signed this day of, , 2025

Gilberto J. Cedeño Zaldivar
A # 
Adelanto ICE Processing Center
10250 Rancho Road
Adelanto, CA 92301


Gilberto J. Cedeño Zaldivar A
Case 5:25-cv-01991-JFW-PVC Document 1
Adelanto ICE Processing Center
10250 Rancho Road Adelanto, CALIFORNIA 92301 #24

Filed 07/31/25 Page 24 of 25 Page ID

Legal Mail



US POSTAGE

NEW X



Office of the Clerk

UNITED STATES DISTRICT COURT
Central District of CALIFORNIA
First Street Courthouse
350 West 1st Street
Los Angeles, California 90012



