

## UNITED STATES DISTRICT COURT

for the

FILED BY *AMO* D.C.

Rafael Cendan

*Petitioner*Cristi Noem, Sec.D.H.S.  
Charles Parra, Field Director at Krome,  
Jose Sierra, Field Manager,  
Mr. Rivas, Deportation Officer For Cubans*Respondent*

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

Case No.

*(Supplied by Clerk of Court)*

OCT 03 2025

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

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

## Personal Information

1. (a) Your full name: Rafael Cendan
- (b) Other names you have used: Rafael Cendan Morejon
2. Place of confinement:
  - (a) Name of institution: Krome Service Processing Center
  - (b) Address: 18201 NW 12 Street  
Miami Florida. 33194
  - (c) Your identification number: A# [REDACTED]
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:  
Department of Homeland Security at KSPC
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): Deported to Cuba but deferred under CAT; convention against torture on 08-28-2025. On 09-08- taken to San Isidro frontier to be deported to Mexico. Not accepted by Mexico border due to disability, mobility impairment wheelchair dependent. On 09-13-2025 taken back to Krome.

## 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): having an active case in the 11th circuit court of appeals, case# 22-10089. An oral argument is scheduled for 01-12-2026 by Holland & Knigh law firm who represents the appellant, Rafael Cendan who seeks a new trial pursuant to case previously heard on this court. #16-21775.

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

(a) Name and location of the agency or court: Krome Service Processing Center 18201 N.W. 12 st. Miami Florida. 33194

(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): entitlement to file stay of deportation or removal, laws of. immigration statue 8 C.F.R.241.6

(d) Date of the decision or action: when denied filing of I-246 and sent to Mexico on 09-08-2025

**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: Department Of Homeland security officials Mr. Sierra Field Mnager at Krome and Mr.Jose Rivas,deportation officer of Cuban nationals.

(2) Date of filing: 09-05-2025 and 09-06-2025.

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

(4) Result: neither grievance where responded by time of deportation 09-08-2025.

(5) Date of result: upon my return from Mexico frontier,09-14-2025,I responses given.

(6) Issues raised: wanting to file a I-246 the proper immigration form according to immigration statue rule 8 C.F.R 241.6 which states"anyone ordered deportation or removal from the UNITED STATES MAY FILE an I-246 form requesting a stay of removal".In both grievances this was explained in detail and my Intentions of wanting file stay of deportation or removal.Both grievances # 600300721 and # 600300691 where shuffle and derail by red herring the legality of a formal grievance to a request, another example of the machination and derailing practice of grievances by ICE.This

(b) If you answered "No," explain why you did not appeal: when grievance process is machinated and practice of red herring is customary,then grievance procedure is non existing. leaving no other alternative but to seek relief through other available court venues.

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: N/A

(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: Same reasons as described

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: it would be useless. It is a customary practice to ignore the grievance procedure here at Krome Service Processing Center. Same reason as stated above on line

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: \_\_\_\_\_  
(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: no, it is not the proper WRIT. 28 U.S.C. 2241 believe is proper.  
(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: IT IS NOT THE APPROPRIATE WRIT.  
\_\_\_\_\_  
\_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: 12-30-2025  
(b) Date of the removal or reinstatement order: \_\_\_\_\_  
(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: N/A

(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: Verbally in person to Mr.Rivas,deportation officer,Cuba

(b) Name of the authority, agency, or court: Department of Homeland Security officials at krome,

Mr.Jose Sierra,Field Manager and deportation officer Mr.Rivas,both ICE officer working for D

(c) Date of filing: verbally,09-15-25 and by grivevance on 09-5&09-06-25 to accept a I-246 fo

(d) Docket number, case number, or opinion number: grieve-1#600300721 & 2#600717691

(e) Result: grieves were machinated,diverted by red-herring and converted to rqquests not offic

(f) Date of result: results of the grievances a customary practice by ICE were not found til 09-14

(g) Issues raised: on all three ocassions,verbal and by 2 filed grievances;The petitioner Mr.

clearly stated wanting to deliver a form he had prepare,I-246 for a stay of deportation or remov

as stated in the immigration laws,statute 8 C.F.R. 241.6;"ANUONE ORDER DEPORTED OR

REMOVE FROM THE UNITED STATES may file a stay of deportation or removal I-246 FORM

Furthermore it states,the completed form in request for a stay should be deliver to deportation

officer ir field manager officer.Petitioner follow all rules,but ICE officials ignored all requests ar

deied the petitioner of his due process rights.

**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:** I am entitle by immigration laws to apply for a stay of deportation or removal.

Petitioner, Mr. Cendan follow all rules in requesting his entitlement of requesting a stay. The D.H.S. bypass and violated their own rules. In doing so they prejudice the petitioner, who was Mexico, a strange country, with no passport or papers, no money, with a mobility impairment not wall

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

Petitioners medical records clearly state all of his medical chronic issues, unable to walk, blind in right eye, Post Traumatic Stress Disorder as a result of his enlistment of voluntary service in the United States Army. the medical records from medical dept. of D.H.S. well documented all medical chronic ailments, as well as disabilities described above. Furthermore there is documentation of Psychiatric treatment and psychological treatment as well as psychotropic medication daily need.

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

Yes

No

**GROUND TWO:** petitioner also suffered injuries that are the result of gross negligence in handling the boarding of the airplane loading up petitioner at San Diego California and again coming of at Fresno Texas, BY THE NEGLIGENT method used by ICE officials and their private security company hired by ICE security purposes in the airplane. petitioner suffer shoulder and spinal i

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

A.I.P. The security company hired by D.H.S. and ICE at Krome took pictures of injuries upon arrival on 09-13-2025. Lt. Ms. Williams took pictures of my left eye and left cheekbone black blue marks, also of back of neck, cervical spine area had signs of redness and scratches. Pictures of both areas were taken by Lt. Ms. Williams on the evening of arrival at Krome on 09-13-2025. Lt. Ms. Williams stated, "I am taking pictures of these injuries and documenting it," I don't want part

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

Yes

No

**GROUND THREE:** Petitioner Mr. Cendan has a pending appeal in the 11th Cir. Case # 22-10089.

An oral argument has been scheduled for above case # ON 01-12-2026. The Law Firm Holland & Knight is representing petitioner Mr. Cendan, the plaintiff the civil action 1983 case # cited above. The outcome of this case is extreme importance. the best interest of democrat society is justice.

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

That is why a stay of deportation and removal, that was attempted to get through all available avenues within the D.H.S. and ICE officials and was negated and ignored by all ICE official at Krome detention facility is being requested in the UNITED STATES DISTRICT COURT SOUTHERN DISTRICT Miami Division. A stay of deportation or removal is hereby formally requested until the final decision of the 11th Cir. appeal is rendered.

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

Yes

No

**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?

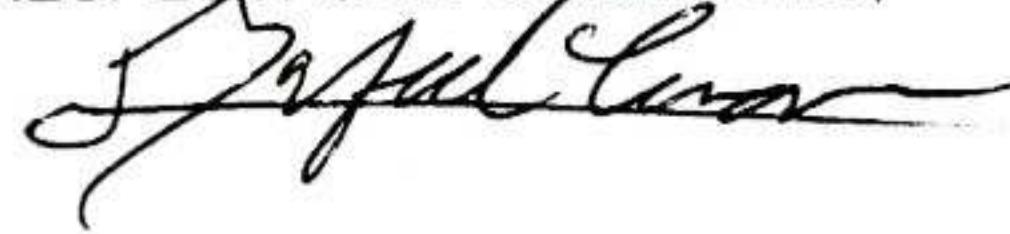
Yes       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Ground one. The fact that my due process would be violated aswell as the decision pending of the United States Court of Appeal, Eleventh Circuit is of no concern to DEPARTMENT OF HOMELAND SECURITY. The only thing on there objective is deportation and removal with no regards to due process of law, or constitutional violations.

**Request for Relief**

15. State exactly what you want the court to do: I am requesting that this honorable court issue a temporary stay of deportation or removal until the final decision of 11th circuit is ordered, I respectfully request that this court grants a MITTIMUS ORDER in writing ordering a stay of deportation or removal on petitioner Rafael Cendan Morejon, #012912121 UNTIL FINAL DECISION OF 11TH CIRCUIT on case #22-10089 and allow the petitioner achieve the due process of Law. Petitioner hereby prays this honorable court grant this writ an issue a Mittimus written order directing the Department of Homeland Security and all ICE officials mention in this 28 U.S.C.2241 referred to as Respondents to keep the petitioner safe and provide medical attention to treat and correct any and all injuries suffered during airplane handling of petitioner. And put a stop to any future deportation or removal to any other country out of the U.S. FURTHERMORE TO KEEP PETITIONER AT kROME facility where he can continue to get psychiatric attention and medication

RESPECTFULLY SUBMITTED,



**Declaration Under Penalty Of Perjury**

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

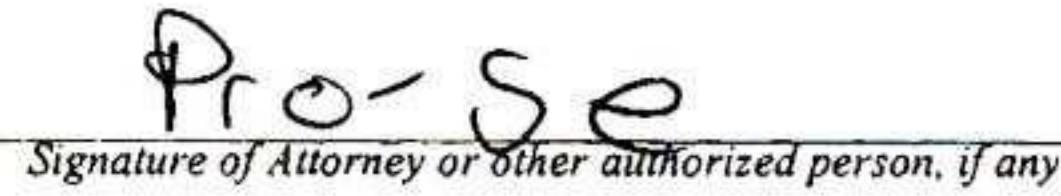
10-02-2025

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: 10-02-2025



*Signature of Petitioner*



*Signature of Attorney or other authorized person, if any*

## CERTIFICATE OF SERVICE

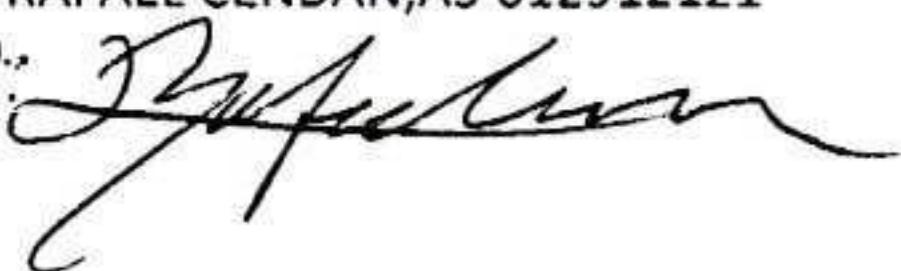
I CERTIFIED THAT A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT TITLE 28 U.S.C.2241 HAS BEEN PLACED IN THE HANDS OF U.S. MAIL OFFICIAL AT KROME TO MAILOUT BY U.S.MAIL,AND IN PERSON TO THE IN HOUSE RESPONDENTS.

DATE EXECUTED

10-02-2025

Name RAFAEL CENDAN,A3 012912121

Sign:



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT MIAMI DIVISION

400 N.MIAMI AVENUE,RM.8N09

MIAMI,FL.33128

KRITI NOEM,SECRETARY FOR D.H.S.

WASHINGTON D.C.20528

MR.CHARLES PORRA,FIELD OFFICE DIRECTOR AT KROME

18201 S.W.12 STRET.

MIAMI,FL.33194

MR.JOSE SIERRA,FIELD MANAGER AT KROME

18201 S.W. 12 STREET.

MIAMI,FL.33194

MR.RIVAS,DEPORTATION OFFICER FOR CUBANS AT KROME

18201 S.W. 12 STREET.

Miami, FL 33194

UNNOTARIZED OATH

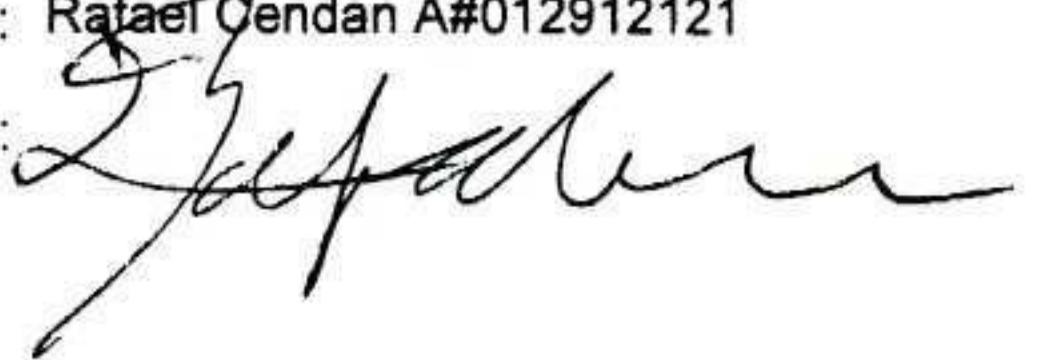
I, Rafael Cendan certify under penalty of perjury 28 U.S.C. 1746 THAT ALL STATEMENTS AND FACTS STATED ON THIS DOCUMENT TITLE HABEAS CORPUS 28 U.S.C. 2241 ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATE EXECUTED

OCTOBER 2nd,2025

NAME: Rafael Cendan A#012912121

SIGN:



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

**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.  
  
If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.