

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

UNITED STATES DISTRICT COURT  
for the  
Southern District of Florida

FILED BY APM D.C.  
NOV 24 2025  
ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - FT. LAUD.

Wosbely Isaac Vasquez Gonzalez

Petitioner

v.

Executive Office Immigration Review,  
Broward Transitional Center, and  
US Department of Homeland Security


Respondent

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

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: Wosbely Isaac Vasquez Gonzalez  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Broward Transitional Center,  
(b) Address: 3900 N. Powerline Road  
Pompano Beach, Florida 33073  
(c) Your identification number: 
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)


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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: Executive office for immigration review

3900 N. Powerline Road, Pompano Beach, Florida 33073

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Denial of Bond (bail) - The Board Immigration Appeals determined that I fall into the category of an "applicant for admission" and therefore, the Immigration Court, has no jurisdiction to consider my bond application.

This effectively means my INDEFINITE detention.

(d) Date of the decision or action: September 5, 2025- Matter of Jonathan Javier YAJURE HURTADO

**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

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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: October 30, 2025
- (b) Date of the removal or reinstatement order: -not applicable-
- (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: \_\_\_\_\_
- (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. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Violation of Clear Congressional Delegation

~~Both INA § 236(a) and 8 C.F.R. §1236.1(d) explicitly delegate authority to Immigration Judges to "release the alien, and determine the amount of bond, if any". By refusing to exercise jurisdiction, the BIA's ruling is in direct contradiction to the statutes and violates basic principles of statutory interpretation.~~

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 Do not cite cases or law.):*

~~I have been living in the United States since 2015.  
I have completed high school,  
I have been working at a steady job since 2019,  
I live with my parents and my sister who is a US citizen,  
I pay taxes, and I have an asylum application pending.~~

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

Yes  No

**GROUND TWO:** Failure to Apply Constitutional Avoidance

~~The Immigration Judge and the BIA have failed to choose an interpretation that avoids serious constitutional problems. In *Zadvydas v. Davis*, the Supreme Court applied this principle to avoid indefinite detention by reading implicit time limits into detention statute~~

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

~~I have been living in the United States since 2015.  
I have completed high school,  
I have been working at a steady job since 2019,  
I live with my parents and my sister who is a US citizen,  
I pay taxes, and I have an asylum application pending.~~

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

Yes  No

**GROUND THREE:** Creation of Indefinite Detention Without Due Process

~~The BIA ruling means I will be permanently detained without hearings~~

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

~~I have been living in the United States since 2015.  
I have completed high school,  
I have been working at a steady job since 2019,  
I live with my parents and my sister who is a US citizen,  
I pay taxes, and I have an asylum application pending.~~

(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:

**Request for Relief**

15. State exactly what you want the court to do:

**Please order the Immigration Court to conduct a bond hearing so that I may have the opportunity to apply for release on reasonable terms so that I can effectively continue to pursue my Immigration applications**

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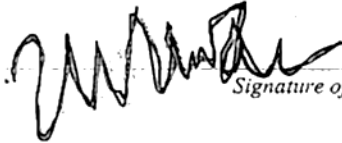
**Declaration Under Penalty Of Perjury**

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

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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: 11/24/2025



*Signature of Petitioner*

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