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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

Diego Rafael Medina Rodriguez

Petitioner


Case No. 3:25-cv-1516-JEP-SJH
(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: Diego Rafael Medina Rodriguez
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Florida Baker Correctional Institute
(b) Address: 20706 US 90 W
SANDERSON, FL 32087
(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): post-order immigration detention

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 prisoner 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: N/A

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. § 2254

(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: N/A _____

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: N/A _____

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: 05/23/2025 _____
- (c) Did you file an appeal with the Board of Immigration Appeals? _____

Yes No

A9 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: 06/17/2025

(2) Case number: 

(3) Result: Withdrawn

(4) Date of result: 09/18/2025

(5) Issues raised: N/A

The Immigration Judge erred by failing to properly consider and adjudicate the respondent's eligibility for withholding of removal under INA and protection under CAT.

The decision reflected legal and factual error because the Immigration Judge did not adequately analyzed or apply the correct legal standards governing these forms of relief.

(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: N/A

(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: I have remained in ICE custody well beyond the reasonable six-month period following entry of a final removal order, with no significant likelihood of removal in the future. This continued detention violates the Due Process Clause of the Fifth Amendment.

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 Do not cite cases or law.):

I was ordered removed on May 23, 2025. The BIA appeal was withdrawn on September 18, 2025. Despite over six months of detention, ICE has not shown that removal is reasonably foreseeable.

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

Yes No

GROUND TWO: The Continued detention violates procedural and substantive due process, as ICE has failed to conduct an individualized custody review and has not provided a constitutionally justification for ongoing detention.

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

ICE has not conducted any meaningful post-order custody review or demonstrated that removal is significantly likely in the reasonably foreseeable future.

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

Yes No

GROUND THREE: N/A

(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

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

GROUND FOUR:

(a) Supporting facts (*Bc 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: I respectfully requests that this Court grant the writ and order release from ICE custody under appropriate conditions of supervision, or in the alternative, direct ICE to conduct an immediate custody review with due process and Zadvydas v. Davis.

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: 11/25/2025


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Certificate of Service: Delivered by Mail

1. Diego Rafael Medina Rodriguez

(Write your name)

I certify that on the date below I placed a copy in of this document and all attachments in first-class mail to the recipients below:

ICE Field Office
Office of the Principal Legal
Adviser, Orlando
500 North Orange Avenue
Suite 5000
Orlando, FL 32801

U.S. Attorney for the Northern District of
Florida
111 North Adams Street
4th Floor U.S. Courthouse
Tallahassee, FL 32301

Warden, Detention Center

North Florida Detention Center
20706 US Hwy 90 West, Sanderson, FL 32087

(insert the address of the detention center where you are being held above)

Signed:

→ Diego Medina

Date: 25 / 11 / 2025

Day / Month / Year