

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

UNITED STATES DISTRICT COURT
for the

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

DEC 12 2025

YOANDRI RODRIGUEZ VIDAL

Petitioner

v.

Senior Warden Adam R. Gonzales

Respondent

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

NATHAN OCHSNER
CLERK OF COURT

B - 25 - 324

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: Yoandri Rodriguez Vidal
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: PORT ISABEL SERVICE DETENTION CENTER
(b) Address: 27991 BUENA VISTA BLVD. LOS FRESNOS, TX 78566
3. (c) Your identification number: AC [REDACTED]
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: Miami Immigration Court

333 south Miami ave, suite 700 Miami Florida 33130

(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: January 12, 2009

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: AUGUST 13, 2025
- (b) Date of the removal or reinstatement order: January 12, 2009
- (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: _____

(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: Yoandri Rodriguez Vidal has lived under an ICE order of supervision since January 12, 2009, He have always complied with ICE reporting requirements check-ins, and conditions imposed by ICE.

He has strong family ties in the U.S. that will provide stable housing, emotional support and ongoing assistance He is not a danger to the community, has no pending criminal matters, and has fully complied with all conditions

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 Do not cite cases or law.*):

imposed following his prior sentence. For more than 15 years, he has complied with this country laws.

He completed his sentence, has fully rehabilitated, and has not had any further criminal issues since his release.

He have worked and contributed the best of self to this country,he was taken into custody while fully complying with the requirements of Order of Supervision. During detention at the ICE facility in Aurora he was never

given an opportunity to have case reviewed.nor was provided the option to appear before an immigration

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

Yes

No

GROUND TWO: judge.he was transferred between facilities four different times, despite having an attorney actively working on his case. Throughout these transfers, he was kept for four days without sleep, without the ability

to shower.and without proper access to hot meals. country of origin, Cuba, will not accept him return, and ICE is attempting to deport

to Mexico even though he have never left the United States. I am afraid to go to Mexico because I have heard

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

of the extreme violence, including killings and torture committed by cartels.This country has been my home since

2000. Although I made a mistake when I was a minor, I have since dedicated myself to rehabilitation and to

contributing positively to this nation.Granted the stay would allow me to continue supporting myself contributing

positively to society, and remaining with my family. my removal would impose unnecessary hardship on his U.S.

citizen and lawful permanent resident relatives who rely on emotionally and financially. my daughter is at college

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

Yes

No

GROUND THREE: im his bigger monetary support. currently maintains valid employment and has been consistently working to support her with collage money.His employment underscores his commitment to being a productive

member of society. The Applicant has extensive family ties in the United States. Multiple relatives have expressed their unwavering support for him, attesting to his good moral character and their willingness to ensure he continues

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

to comply with all ICE reporting requirements. he's not pose a danger to the community. his single criminal

conviction is over a decade old, and he has demonstrated complete rehabilitation. His history of consistent

compliance with ICE supervision over the past [16+] years.he was denied meaningful review of

case access to an immigration judge, and humane treatment while in custody.violated constitutional standards.

we have all make mistakes in our youth, aim extremely sorry but when i was previously convicted

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

Yes

No

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GROUND FOUR: I am in the State of Florida for possession of cocaine. I fully served my sentence and has taken for his past mistakes. Critically, since his release, he has not engaged in any further criminal conduct I have attending all scheduled ICE check-ins without fail. I have a long-standing record of compliance reflects reliability, accountability, rehabilitation, and respect for the laws of the United States.

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

I respectfully request the opportunity to remain in this country which I deeply value, and to continue complying with all laws while staying with my daughter and my family. I have never committed any crime and I am a law-abiding individual. I am genuinely afraid to be sent to any other country, as I have never left the United States I simply ask that my case be reviewed and that I be granted a second chance to continue my life here. My ongoing detention constitutes unlawful deprivation of liberty, not justified by any legitimate governmental interest and is a violation of the fifth amendment

(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 review my case, and im asking for second opportunity. grant the writ of habeas corpus, order my immediate release under reasonable conditions of supervision, enjoin from further detention absent a demonstrable & immediate plan for removal to cuba.

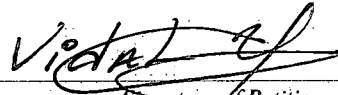
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Declaration Under Penalty Of Perjury

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: 12/08/2025


Signature of Petitioner

Signature of Attorney or other authorized person, if any

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Signature of Petitioner

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