

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

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# UNITED STATES DISTRICT COURT

for the

(11 TH CIRCUIT)

Eduardo Vega Hernandez

Petitioner

v.

U.S. Immigration And Customs Enforcement

DHS - ICE - ERO

Respondent

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

Case No.

3:26-cv-00008-MMH-MCR  
(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: Eduardo Vega Hernandez
- (b) Other names you have used: Eduardo Francisco Vega Hernandez
2. Place of confinement:
  - (a) Name of institution: North Florida Detention Facility
  - (b) Address: 20706 US Highway90 West
  - (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:

ICE Detention
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): DETAINEE PENDING FINAL REMOVAL ORDER.

### 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)

- 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: **U.S. Immigration and Customs Enforcement**
  - (b) Docket number, case number or opinion number: \_\_\_\_\_
  - (c) Decision or action your are challenging (for disciplinary proceedings, specify the penalties imposed)  
U.S. Immigration and Customs Enforcement refusing to release me from immigration detention.
  - (d) Date of the decision or action: **06/26/2025**

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**
- Did you appeal the decision, file a grievance or seek administrative remedy?
- Yes       No
- (a) If yes, provide:
    - (1) Name of the authority, agency, or court: \_\_\_\_\_
    - (2) Date of filing: \_\_\_\_/\_\_\_\_/20\_\_
    - (3) Docket number, case number, or opinion number: \_\_\_\_\_
    - (4) Result: \_\_\_\_\_
    - (5) Date of result: \_\_\_\_/\_\_\_\_/20\_\_
    - (6) Issues raised: \_\_\_\_\_
  - (b) If no, explain why you did not: \_\_\_\_\_

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: \_\_\_\_\_
    - (2) Date of filing: \_\_\_\_/\_\_\_\_/20\_\_
    - (3) Docket number, case number, or opinion number: \_\_\_\_\_
    - (4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_/\_\_\_/20\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If no, explain why you did not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: \_\_\_/\_\_\_/20\_\_

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

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_/\_\_\_/20\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) If no, explain why you did not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. Motion under 28 U.S.C. §2255**

In this petition, are you challenging the validity of your conviction or sentence 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: \_\_\_/\_\_\_/20\_\_

(4) Result: \_\_\_\_\_  
\_\_\_\_\_

(5) Date of result: \_\_\_/\_\_\_/20\_\_

(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: \_\_\_/\_\_\_/20\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_/\_\_\_/20\_\_

(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: **05/13/2025**

(b) Date of the removal or reinstatement order: **06/26/2025**

(c) Did you file an appeal with the board of immigration appeals?

Yes  No

If yes provide:

(1) Name of court: \_\_\_\_\_

(2) Case Number: \_\_\_\_\_

(3) Date of filing: \_\_\_/\_\_\_/20\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_/\_\_\_/20\_\_

(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:

(1) Kind of petition, motion, or application \_\_\_\_\_

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**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 8 U.S.C. § 1231(a)(6)

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

I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future. See attached memorandum with additional specific facts. Question (b) below is not applicable.

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

Yes  No

**GROUND TWO:**

(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:** Violation of due process clause of the first amendment to the U.S. Constitution.  
VIOLATION OF DUE PROCESS CLAUSE OF THE FIRST AMENDMENT TO US CONSTITUTION.

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

ICE is depriving me of my right to liberty. I have been by ICE for prolonged periods. See attached memorandum with additional specific facts. Question (b) below is not applicable.

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

Yes  No

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**GROUND FOUR:**

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

I HAVE EXCEEDED THE (180) DAYS PERIOD TO BE IN CUSTODY WITHOUT A RESOLUTION AND SHOULD BE ABLE TO BE RELEASED WHILE MY CASE IS RESOLVED.

(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: ORDER my immediate release from ICE CUSTODY AND TO CONTINUE WHATEVER PROCEEDINGS ARE PENDING ON SUPERVISED AND MONITORED FREEDOM

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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:

12/28 / 2025

  
\_\_\_\_\_  
Signature of Petitioner

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

