

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

# UNITED STATES DISTRICT COURT

for the  
Middle District of Florida



JAN 6 2026 PM 2:21  
FILED - USDC - FLMD - JAX

Jorge Leonard Garcia (A ) by Yasuney Leonard as Next Friend )

Petitioner )

v. )

Warden, Baker County Detention Center )


Respondent )

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

Case No. **3:26-cv-11-WWB-PPB**  
(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: Jorge Leonard Garcia
- (b) Other names you have used: None
2. Place of confinement:
  - (a) Name of institution: Baker County Detention Center
  - (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):

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**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):

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

- (a) Name and location of the agency or court: ICE Miami Field Office / Baker County Detention Center
- (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: June 03,2025

**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: Board of Immigration Appeals (BIA)
- (2) Date of filing: August 11,2025
- (3) Docket number, case number, or opinion number:
- (4) Result: Pending
- (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

(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

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:

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

"Not applicable; Petitioner is challenging immigration detention, not a criminal conviction.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

- Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: June 03,2025  
(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: August 11,2025  
(2) Case number:  
(3) Result: Pending  
(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:

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

---

- (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.

**GROUND ONE:** Violation of the 5th Amendment Due Process Clause (Prolonged Detention)

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

---

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 Do not cite cases or law.)*:

Petitioner has been in ICE custody since June 3, 2025. Although he was initially arrested for theft, he is now being held solely on an immigration hold. He has been detained for over six months. His appeal, filed August 11, 2025, is still pending. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), his continued detention without a bond hearing is unconstitutional because there is no significant likelihood of his removal in the reasonably foreseeable future.

(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:**

(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 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

---

**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:

I request that the Court issue a Writ of Habeas Corpus ordering the immediate release of Jorge Leonard Garcia from custody, or in the alternative,

order an immediate bond hearing where the government must prove why his continued detention is necessary

AO 242 (12/11) 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: 01/02/2026

*Signature of Petitioner*



Next Friend / Daughter of Petitioner

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

Allegations: Admits All; | Charges: Sustains All;  
Designated Country: CUBA |

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]  
Event: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act  
Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]  
In the Matter of:  
Respondent: JORGE LEONARD GARCIA currently residing at:  
[REDACTED]  
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:  
1. You are not a citizen or national of the United States;  
2. You are a native of CUBA and a citizen of CUBA;  
3. You entered the United States at or near San Diego, on or about unknown date;  
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
3900 N POWERLINE RD, POMPANO BEACH, FLORIDA 33073. BROWARD TRANSITIONAL CENTER  
(Complete Address of Immigration Court, including Room Number, if any)

on JULY 02, 2025 at 0800 to show why you should not be removed from the United States based on the

charge(s) set forth above. G D06910 PEDERSEN - SDDC  
(Signature and Title of Issuing Official)

Date: May 31, 2025 MIAMI, FL  
(City and State)

EOIR - 1 of 3