

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

DANIEL REYES ACOSTA

Petitioner

v.

WARDEN DAVID HARDIN, MIAMI FIELD OFFICE
DIRECTOR GARRETT RIPA, ICE DIRECTOR TODD
LYONS, AND PAMELA JO BONDI

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: DANIEL REYES ACOSTA
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: GLADES COUNTY DETENTION CENTER
(b) Address: 1279 EAST SR 78 NA MOORE HAVEN, FL 33471

(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): _____

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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: KROME IMMIGRATION COURT
18201 S.W. 12TH ST MIAMI, FL 33194

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

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

IMMIGRATION COURT'S DENIAL OF A BOND HEARING AND WRONGLY DESIGNATION AS MANDATORY
DETENTION UNDER SECTION 235.

(d) Date of the decision or action: 12/19/2025

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: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not appeal: APPEAL SHOULD NOT BE REQUIRED
BECAUSE THE IMMIGRATION JUDGE'S DECISION VIOLATES A FEDERAL COURT ORDER.

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: _____

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(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 or a Section 2254 to petition 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: _____

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- (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: 11/18/2025

(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: _____

(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: _____

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(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: I AM DETAINED UNDER 1226(A), NOT 1225(B), BECAUSE I WAS NOT "ARRIVING" OR "SEEKING ADMISSION" WHEN I WAS ARRESTED BY ICE SINCE I AM NOT A RECENT ENTRANT. MY CONTINUED DETENTION WITHOUT A BOND HEARING VIOLATES THE IMMIGRATION AND NATIONALITY ACT AND THE FIFTH AMENDMENT OF THE CONSTITUTION. SEE EXHIBIT A

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 Do not cite cases or law.)*:

I ENTERED THE U.S AT PASO DEL NORTE TX ON 02/08/2022, I WAS RELEASED BY ICE ON FORM I-220A SINCE THEN I HAVE BEEN RESIDING IN THE U.S. AND COMPLIED WITH ALL CHECK-INS AND HAVE NO CRIMINAL RECORD. ON 11/18/2025 I WAS ARRESTED AGAIN BY ICE AGENTS IN A TRAFFIC STOP. I HAVE A PENDING ASYLUM APPLICATION BEFORE THE IMMIGRATION COURT. I AM THE FATHER OF A US CITIZEN CHILD.

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

☐ Yes☒ No

GROUND TWO: Violation of Procedural Due Process - Failure to Provide a Bond Hearing or Notice of Revocation of Release.

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

I was released under Form I-220A (Order of Release on Recognizance) and remained in full compliance with ICE check-ins and reporting requirements. On 11/18/2025 ICE agents detained me again without prior notice explanation, or opportunity to respond. I was never served with a written Notice of Custody Determination (Form I286), nor was I given a bond hearing before an immigration judge, as required under 8 C.F.R. § 236.1(d)(1). Because I have no criminal history and am pursuing a pending asylum claim, my detention is arbitrary and punitive. The Fifth Amendment guarantees a meaningful opportunity to contest deprivation of liberty. ICE's failure to provide a hearing or written reason for my re-detention violates procedural due-process protections.

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

☐ Yes☐ No

GROUND THREE: Unlawful Prolonged and Indefinite Detention in Violation of *Zadvydas v. Davis* and the Fifth Amendment

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

I am a citizen of Cuba detained by ICE at GLADES COUNTY DETENTION CENTER since 11/18/2025 after previously being released under Form I-220A. I have a pending asylum application and have cooperated fully with ICE. I have no criminal record. ICE has provided no projected date of removal, and at this time the United States has no regular repatriation program with Cuba. Therefore my detention is effectively indefinite, because there is no significant likelihood of removal in the reasonably foreseeable future. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), immigration detention may not continue indefinitely when removal is not reasonably foreseeable. My ongoing confinement violates that decision and the Due-Process Clause of the Fifth Amendment.

(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.)*:

(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: Appeal should not be required because the IJ's decision violates the federal court order in Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al., 5:25-cv-01873-SSS-BFM, Dkt. 81 & 82 (Nov. 25, 2025)
An appeal would be futile because the Board of Immigration Appeals cannot decide Constitutional issues.

Request for Relief

15. State exactly what you want the court to do: I respectfully request this Court:

1. Order my immediate release from ICE custody under reasonable conditions of supervision; or in the alternative,
2. Order U.S. Immigration and Customs Enforcement (ICE) to provide me with a prompt bond hearing before an immigration judge where the government must show that my detention is lawful and necessary.
3. Grant any other relief that this Court deems just and proper.

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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:

09/01/26

x Dawson A

Signature of Petitioner

[Signature]
Signature of Attorney or other authorized person, if any