

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

FERNANDO RODRIGUEZ DELGADO

*Petitioner*

v.

WARDEN RONNIE WOODALL, 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: FERNANDO RODRIGUEZ DELGADO  
(b) Other names you have used: \_\_\_\_\_
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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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: Immigration and Customs Enforcement(ICE), Immigration Court  
2805 SW 145th Ave Miramar, FL 33027; 500 N. Orange Ave, Suite 1100 Orlando, FL 32801

(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.

Unlawful Prolonged and Indefinite Detention in Violation of Zadvydas v. Davis and the Fifth Amendment

(d) Date of the decision or action: 05/28/2025

**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: No appeal available (Ice custody Review).

Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

(Bond Request)

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: 05/28/2025
- (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: The appeal is dismissed
- (4) Date of result: 09/30/2025
- (5) Issues raised: \_\_\_\_\_

the Immigration Judge concluded he was required to grant DHS' motion or that his decision did not mention the respondent's interests. DHS misrepresented its reasons for seeking dismissal.

The dismissal prejudiced Respondent's ability to pursue his asylum application lacks merit.

\_\_\_\_\_

\_\_\_\_\_

- (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: CUSTODY REDETERMINATION
- (b) Name of the authority, agency, or court: U.S. Immigration and Customs Enforcement (ICE) MIAMI

- (c) Date of filing: 06/27/2025
- (d) Docket number, case number, or opinion number: 
- (e) Result: DENIED
- (f) Date of result: 07/10/2025
- (g) Issues raised: CUSTODY REDETERMINATION AND REQUEST FOR CREDIBLE FEAR
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**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 EAGLE PASS TX ON 04/18/2022, 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 05/28/2025 I WAS ARRESTED AGAIN BY ICE AGENTS AT THE IMMIGRATION COURT AFTER THE IJ DISMISSED MY CASE. ON 06/27/2025 I REQUESTED A CUSTODY DETERMINATION AND ON 07/10/2025, IT WAS DENIED. ON 12/30/2025 THE IJ DENIED MY BOND REQUEST.

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

☐ Yes

☒ No

**GROUND TWO:** MY DETENTION HAS BECOME UNCONSTITUTIONALLY PROLONGED AND VIOLATES THE FIFTH AMENDMENT OF THE CONSTITUTION.

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

I HAVE BEEN IN ICE CUSTODY SINCE 05/28/2025. I FILED AN APPEAL FOR THE DISMISSAL OF MY CASE AND IT WAS DISMISSED BY BIA ON 09/30/2025. I REQUESTED A CUSTODY DETERMINATION ON 06/27/2025 AND IT WAS DENIED ON 07/10/2025. I REQUESTED A BOND BEFORE AN IJ AND IT WAS DENIED ON 12/30/2025. 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. My ongoing confinement violates that decision and the Due-Process Clause of the Fifth Amendment.

(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

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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.  
No appeal available (Ice custody Review).

**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:

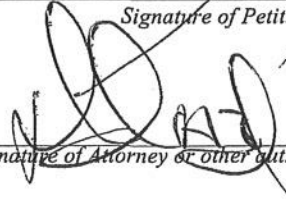
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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

01/21/2026

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

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