

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No.

Jose Henry Espinal Maldonado,

Petitioner,

v.

The United States Department of Homeland Security,

(DHS), Kristi Noem, The United States Department of


Immigration and Customs Enforcement (ICE), Todd

Lyons,

Respondents.

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241

Personal Information

1. (a) Petitioner's full name: Jose Henry Espinal Maldonado
(b) Other names Petitioner has used: none.
2. Place of Confinement:
 - (a) Name of Institution: The South Florida Detention Facility Alligator Alcatraz)
 - (b) Address: 54575 Tamiami Trail E. Ochopee, Florida 34141
 - (c) Petitioner's Identification Number: 

3. Petitioner is currently being held on orders by: Federal authorities State authorities other: Petitioner is being held by: United States Immigration and Customs Enforcement (ICE), and the U.S. Department of Homeland Security.

4. Petitioner is currently being held due to:

A pretrial detainee (waiting trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime. If 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. _____.

Decision or Action You Are Challenging

5. What is being challenged in this petition:

How the 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: The Petitioner is in removal proceedings

Detainer

The validity of the conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other:

6. Provide more information about the decision or action that is being challenged:
- (a) Name and location of the agency or court: The U.S. Department of Homeland Security, and The U.S. Department of Immigration and Customs Enforcement.
 - (b) Docket number, Case number, or opinion number: no court case number nor dockets are available, nor have been provided.
 - (c) Decision or action that is being challenged: (for disciplinary proceedings specify the penalties imposed): no hearings held, nor decisions issued.
 - (d) Date of the decision or action: no decision nor access to the court

Petitioner's Earlier Challenges to the Decision or Action

7. First Appeal: Did Petitioner appeal the decision, file a grievance, or seek an administrative remedy? ___ yes ___ **X** 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:
- 7. Other:

(b) If Petitioner answered "No" explain why Petitioner did not appeal:

Second Appeal: After the first appeal, was there a second appeal to a higher authority, agency or court? ___ yes ___ **X** no. There was no first nor second appeal.

8. If "yes" provide:

___ name of the authority, agency or court:

___ date of filing:

___ Docket number, case number, or opinion number:

___ Result:

___ Date of result:

___ Issues raised:

If "no" explain why you did not file a second appeal:

9. Third appeal: After the second appeal, was there a third appeal to a higher authority, agency, or court? ___ yes ___ **X** no

If "yes" provide:

___ name of the authority, agency or court:

___ date of filing:

___ Docket number, case number, or opinion number:

___ Result:

___ Date of result:

___ Issues raised:

If "no" explain why you did not file a third appeal: There were no first, second, nor third appeals filed.

10. Motion under 28 U.S.C. Section 2255

In this petition are you challenging the validity of your conviction or sentenced as imposed? ___ yes ___ **X** no.

If "yes" answer the following: (a) have you already filed a motion under 28 U.S.C. Section 2255 that challenges the conviction or sentence? ___yes
__X__ no.

If "yes" provide:

__ Name of court:

__ Case number:

__ Date of filing:

__ Result:

__ Date of result:

__ Issues raised:

11. Has Petitioner ever filed a motion in a United States Court of Appeals under **28 U.S.C. Section 2244(b) (3) (A)** seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? ___ yes __X__ no.

If "yes" provide:

__ Name of court:

__ Case number:

__ Date of filing:

__ Result:

__ Date of result:

__ Issues raised:

12. Explain why the remedy under 28 U.S.C. Section 2255 is inadequate or ineffective to challenge the conviction or sentence: because this involves an immigration case.

13. Appeals of Immigration Proceedings:

Does this case concern immigration proceedings? yes ___ no.

If "Yes" provide:

(a) Date Petitioner was taken into immigration custody: December 29, 2025

(b) Date of the removal or reinstatement order: no orders issued, as no access to the courts has been provided to Petitioner.

(c) Did you file an appeal with the Board of Immigration Appeals? ___ yes
 no.

If "yes" provide:

___ date of filing

___ Case number:

___ Result:

___ Date of result:

___ Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals? ___ yes
 no.

If "yes" provide:

___ name of court

___ date of filing

___ Case number

Result

Date of result

Issues raised

14. **Other appeals**: Other than the appeals listed above, have other petitions, applications, or motions been filed 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 Petitioner's Challenge in this Petition

15. 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 separate memorandum.

Ground One:

(a) Supporting facts: (be brief – do not cite cases or law): The Petitioner was taken into custody on or about December 29, 2025, due to operating a motor vehicle without a driver license. The Petitioner was arrested and is being held at The South Florida Detention Facility (Alligator Alcatraz). The Petitioner calls his relatives and reports his location and his Alien number that is used for immigration proceedings. However, he does not appear of record, when searching in the Immigration and Customs Enforcement (ICE) detainee locator, internet portal. Further, he does not appear in the immigration court system at all. When attempting to file an attorney Notice of Appearance (Eoir28) The alien number does not appear in the court portal. Further, to counsel's best knowledge, he has not been served with a Notice to Appear document, (DHS Form I-862). Because the immigration court portal is not available to him, and because he has not been placed in proceedings in that system, then he is being denied access to legal representation before the immigration court.

(b) Did you present Ground One in all appeals that were available to you? ___ yes
X no.

Request for Relief:

16. State exactly what you want the court to do: We want the court to order that he be released from detention on his own recognizance, on conditional release, or alternatively on a low bond. The Petitioner has not to date been informed of the charges alleged against him. He has not been provided with access to the courts, and he has not been allowed to be heard by a judge. Therefore, he has not been provided with notice of

the charges alleged against him, and he has not been provided with an opportunity to be heard by a court. He has been detained for almost a month in very poor conditions. His rights to due process, notice and an opportunity to be heard, are being violated being that he cannot be found within the Immigration Customs Enforcement system, nor within the Immigration court system.

17. Petitioner qualifies to be released on conditional release or a low bond, being that he has committed no crimes, is not a flight risk, and has family in South Florida.

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 attorney for the petitioner, I have read this petition, 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: January 21, 2026

Respectfully Submitted,

By: **Juan C. Perez Esq. /s/**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Habeas Corpus has been delivered via the court's e-portal, and via U.S. mail, and/or hand delivery to The U.S. Department of Homeland Security (DHS), Kristi Noem, The U.S. Department of Immigration and Customs Enforcement (ICE), Todd Lyons, on or about January 21, 2026.

A handwritten signature in black ink, appearing to be 'Juan C. Perez', written over a circular scribble.

Juan C. Perez, Esq. /s/ /