

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

EDUARDO ALVARADO REYES

Petitioner

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
U.S. DEPARTMENT OF HOMELAND SECURITY;
WARDEN, BAKER COUNTY DETENTION CENTER*Respondent*

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

Case No.

3:26-cv-128-JEP-PDB
(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 ALVARADO REYES
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: BAKER COUNTY DETENTION CENTER
 - (b) Address: 20706 US HIGHWAY 90 W
SANDERSON, FL 32087
 - (c) Your identification number: 
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): _____

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: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT(b) Docket number, case number, or opinion number: None(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):U.S. IMMIGRATION AND CUSTOMS ENFORCEMENTREFUSAL TO RELEASE ME FROM IMMIGRATION DETENTION. CONTINUED(d) Date of the decision or action: 10/24/2025**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: _____

(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

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

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: _____
- _____
- _____
- _____

- (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: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
- ☐ Yes ☐ No

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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: _____

(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: MOTION TO RECONSIDER(b) Name of the authority, agency, or court: UNITED STATES DEPARTMENT OF THE OFFICE OF
IMMIGRATION REVIEW ATLANTA, GA(c) Date of filing: 01/06/2026(d) Docket number, case number, or opinion number: (e) Result: PENDING

(f) Date of result: _____

(g) Issues raised: MOTION TO RECONSIDER MOTION TO REOPEN DENIED 12/10/2025

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)**UNLAWFUL CONTINUED IMMIGRATION DETENTION IN VIOLATION OF THE DUE PROCESS CLAUSE**

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 Do not cite cases or law.):

PETITIONER IS SUBJECT TO A FINAL ORDER OF REMOVAL, BUT REMOVAL IS NOT REASONABLY FOREESEEABLE PETITIONER WAS RE-DETAINED ON OCTOBER 24, 2025. AFTER YEARS OF COMPLIANCE UNDER AN ORDER OF SUPERVISION. PETITIONER HAS REMAINED IN CONTINUED IMMIGRATION DETENTION WITHOUT NOTICE OF REMOVAL DATE.

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

☐ Yes

☒ No

GROUND TWO: Violation of the due process clause of the Fifth Amendment to the U.S. Constitution.**ARBITRARY RE-DETECTION WITHOU ANY MATERIAL CHANGE IN CIRCUMSTANCES**

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

PETITIONER WAS PREVIOUSLY RELEASED UNDER AN ORDER OF SUPERVISION AND COMPLIED WITH ALL ICE SUPERVISION REQUIREMENTS FOR YEARS. PETITIONER NEVER MISSED A CHECK IN, NEVER ABSCONDED, AND HAS NO NEW CRIMINAL INCIDENTS OR SUPERVISION VIOLATION DESPITE FULL COMPLIANCE AND NO CHANGE IN CIRCUMSTANCES, ICE RE-DETAINED PETITIONER ON OCTOBER 24, 2025 DURING A CHECK IN WITHOUT AN EXPLANATION.

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

☐ Yes

☒ No

GROUND THREE: CONTINUED IMMIGRATION DETENTION CAUSES IRREPARABLE HARM DUE TO PETITIONER SERIOUS MEDICAL CONDITIONS.

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

PETITIONER POSES NO FLIGHT RISK OR DANGER TO THE COMMUNITY, PETITIONER HAS SERIOUS DIABETES, HAD COLON CANCER SURGERY THAT NEEDS CONSTANT MEDICAL APPOINTMENTS PETITIONER ALSO HAS A VENOUS (PERIPHERAL) INSUFFICIENCY. CONTINUED DETENTION PLACES PETITIONER AT RISK OF SERIOUS IRREPARABLE HARM

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

☐ Yes

☒ No

GROUND FOUR: CONTINUED DETENTION SERVES NO LEGITIMATE GOVERNMENTAL PURPOSE AND EXCESSIVE IN RELATION TO ITS CIVIL OBJECTIVE.

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

PETITIONER HAS SERIOUS MEDICAL ISSUES THAT REQUIRES CONSTANT MEDICAL ATTENTION AND HAS AN INFLAMED PROSTATE THAT REQUIRES TO BE SEEN BY HIS PHYSICIAN. LESS RESTRICTIVE ALTERNATIVES TO DETENTION WERE PREVIOUSLY UTILIZED SUCCESSFULLY. CONTINUED DETENTION HAS NO FORESEEABLE END.

(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: PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT GRANT THIS WRIT OF HABEAS CORPUS AND ORDER. PETITIONER'S IMMEDIATE RELEASE FROM ICE CUSTODY. PETITIONER'S FURTHER REQUESTS ANY OTHER RELIEF THE 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:

1/16/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any

A. Indefinite Post-Removal-Order Detention Violates Due Process

1. Immigration detention is civil and may not be punitive.
2. Detention is constitutional only when it bears a reasonable relation to its purpose.
3. When removal is not reasonably foreseeable, continued detention loses its justification.
4. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that indefinite postremoval-order detention violates due process. “Once a noncitizen’s order of removal becomes administratively final, the Government “shall” remove the person within 90 days” *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1313 (11th Cir. 2019) (quoting 8 U.S.C. § 1231(a)(1)(A)).
5. “The Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

B. 8 U.S.C. § 1231(a)(6) Does Not Authorize Indefinite Detention

1. Petitioner is detained under 8 U.S.C. § 1231(a)(6). Once detention exceeds six months, the burden shifts to the Government to rebut the showing that removal is not reasonably foreseeable. *Zadvydas* held that this statute contains an implicit temporal limitation.
2. Detention is permitted only for a period reasonably necessary to secure removal. Six months is the presumptively reasonable period. As the Eleventh Court recognized, “[t]he Supreme Court’s stated rationale for establishing a presumptively reasonable ‘6-month period’ for detention pending removal supports our conclusion that this period commences at the beginning of the removal period.” *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 n.3 (11th Cir.2002).

C. Re-Detention Without Changed Circumstances Is Arbitrary and Unlawful

1. Petitioner was previously released and complied with supervision for years.
2. Absent a material change in circumstances, the re-detention of noncitizens previously released by DHS violates the INA because it does not serve the purpose of the statute. See *Beltran v. Ripa* No. 2:25-cv-01174-SPC-NPM (United States District Court Middle District of Florida, Ft Myers Division Jan.2, 2026).