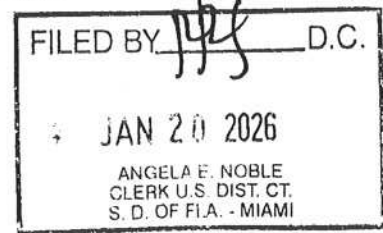


AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of FloridaClemente Matos Rojas
Filed by Maribel Hernandez Llanes, Next Friend

Petitioner

v.

U.S. Department of Homeland Security; Immigration
and Customs Enforcement Florida Soft Side South

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: Clemente Matos Rojas
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Florida Soft Side South
(b) Address: 54575 Tamiami Trl E, Ochopee, FL 34141

(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE
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: Miami Immigration Court,
Executive Office for Immigration Review. 333 S Miami Ave, Miami, FL 33130
(b) Docket number of criminal case: _____
(c) Date of sentencing: 01/06/2026
☒ 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: Miami Immigration Court, Executive Office for Immigration Review333 South Miami Avenue, Suite 700, Miami, FL 33130 . Immigration Judge Daniel J. Dowell(b) Docket number, case number, or opinion number: 

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

Immigration Judge Daniel J. Dowell dismissed Mr. Matos Rojas,s asylum and removal proceedingsThere is no active immigration case or order of removal.Despite this, ICE arrested him at the courthouse and continues to detain him without any lawful basis.(d) Date of the decision or action: 01/06/2026**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: Mr. Clemente Matos Rojas is in federal civil detention by ICE. He has not been charged with or convicted of any crime.

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: Mr. Clemente Matos Rojas is in federal civil immigration detention by ICE. He has not been charged with or convicted of any crime.

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: Mr. Clemente Matos Rojas is in
federal civil immigration detention by ICE. He has not been charged with or convicted of any crime.

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:

- (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: 01/06/2026

(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: Unlawful Detention After Dismissal of Asylum Case

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

On January 6, 2026, Immigration Judge Daniel J. Dowell of the Miami Immigration Court dismissed Mr. Clemente Matos Rojas's asylum and removal proceedings.

Matos Rojas's asylum and removal proceedings. Mr. Matos Rojas appeared in court without an attorney and had no meaningful opportunity to defend himself. There is no active immigration case and no order of removal.

Despite this dismissal, ICE arrested Mr. Matos Rojas at the courthouse and continues to detain him at the Florida Soft Side South. Detaining a person without a pending removal case or order violates the Due Process Clause of the Fifth Amendment

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

☐ Yes☒ No**GROUND TWO:** Arbitrary Civil Detention Without Individualized Justification(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Mr. Matos Rojas has no criminal history, appeared voluntarily at his first immigration court hearing, is married to a Lawful Permanent Resident, has a U.S. citizen stepson, and holds valid work authorization through 2030.

ICE has made no individualized finding that he is a danger to the community or a flight risk. His continued detentio is therefore arbitrary, excessive, and punitive, in violation of 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:** Serious Medical Conditions Requiring Release(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Mr. Matos Rojas suffers from Benign Essential Hypertension (ICD-10 I10), Type 2 Diabetes Mellitus (ICD-10 E11.9), and Obstructive Sleep Apnea (ICD-10 G47.33). These conditions require daily prescription medication, dietary management, and ongoing medical monitoring. Continued detention places him at significant risk of medical complications and supports release or non-custodial supervision.

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

☐ Yes☒ No

GROUND FOUR: Unconstitutional Medical Harm and Due Process Violations

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

Since being detained, Mr. Matos Rojas's blood pressure has increased, he has been diagnosed as prediabetic and he has been placed on a special medical diet while receiving blood pressure medication. ICE's continued detention under these circumstances constitutes unconstitutional medical diet while receiving blood pressure medication. ICE's continued detention under these circumstances constitutes unconstitutional medical harm and deliberate indifference in violation of the Due Process Clause of the Fifth Amendment.

(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: There were no administrative or judicial appeals available. The Immigration Judge dismissed Mr. Clemente Matos

Matos Rojas's asylum and removal case on January 6, 2026, and ICE detained him after the dismissal.

Because there is no active removal proceeding and no removal order, there was no appeal to file or exhaust.

Request for Relief

15. State exactly what you want the court to do: Order the immediate release of Clemente Matos Rojas from ICE custody. In the alternative, order a prompt bond hearing at which the government bears the burden to justify continued detention. And grant 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:

January 15, 2026

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: 01/15/2026

Signature of Petitioner



Next Friend of Clemente Hatos Rojas

Signature of Attorney or other authorized person, if any

SIGNATURE PAGE : NEXT FRIEND

Petitioner: Clemente Matos Rojas

A-Number: 

I, Maribel Hernandez Llanes, declare under penalty of perjury that I am the lawful wife of Clemente Matos Rojas and that I am filing this Petition for Writ of Habeas Corpus as his Next Friend because he is currently detained by U.S. Immigration and Customs Enforcement and is unable to file this petition on his own.

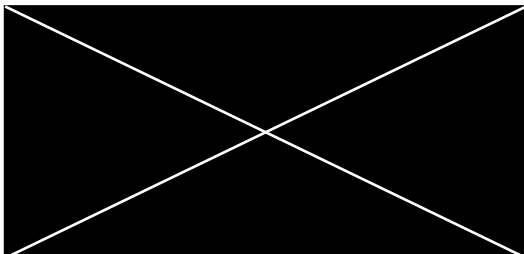
I declare that the foregoing is true and correct.

Executed on this 15 day of January, 2026, in Lakeland, Florida.

 01/15/2026

Maribel Hernandez Llanes

Next Friend of Clemente Matos Rojas



Clemente Matos Rojas A  ICE Detainee

INDEX OF EXHIBITS

Petitioner: Clemente Matos Rojas

A-Number: 

Exhibit A — Proof of ICE Custody

Records show that Clemente Matos Rojas is currently detained by the U.S. Immigration and Customs Enforcement (ICE) at the Florida Soft Side South. .

Exhibit B — EOIR Case Dismissal

EOIR Automated Case Information reflecting that Mr. Matos Rojas's asylum and removal proceedings were dismissed on January 6, 2026, with no future hearings scheduled.

Exhibit C — Immigration Court Record

Record of the Master Calendar Hearing held on January 6, 2026 before Immigration Judge Daniel J. Dowell at the Miami Immigration Court, located at 333 South Miami Avenue, Suite 700, Miami, Florida 33130, confirming dismissal of the asylum and removal case.