

JAN 26 2026 PM 2:12
FILED - USDC - FLMD - JPM

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

UNITED STATES DISTRICT COURT

for the
Middle District of FloridaDeinier Martinez Espinosa A [REDACTED] azaro Livey
Ramirez Espinosa, as a next friend

Petitioner

v.

Warden of the Baker Correctional Institute, U.S.
Attorney General, Field Office Director, ICE
Enforcement and Removal Operations (Jacksonville)

Respondent

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

Case No.

3:26-cv-149-JEP-MCR
(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: Deinier Martinez Espinosa
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Baker County Detention Center
(b) Address: 20706 US 90 W, Sanderson, FL 32087.

(c) Your identification number: A [REDACTED]
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):

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)

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- ☐ 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, Miami, FL.

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



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

The Immigration Judge's (IJ) order granting DHS's motion to dismiss the removal proceedings.

(d) Date of the decision or action: June 25, 2025

Your Earlier Challenges of the Decision or Action7. **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:

Board of Immigration Appeals (BIA).

(2) Date of filing: July 2, 2025

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



(4) Result: pending.

(5) Date of result:

(6) Issues raised:

The Immigration Judge (IJ) erred by finding DHS established "good cause" to dismiss the case.

The court failed to consider the serious risk of detention and the inability to pursue a pending asylum claim caused by the dismissal.

DHS did not establish its authorization to cancel the Notice to Appear.

(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

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(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:

First Appeal still Pending

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:

First Appeal still Pending

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

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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: June 25, 2025
- (b) Date of the removal or reinstatement order: None - Case Dismissed
- (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: July 2, 2025
- (2) Case number: 
- (3) Result: Pending
- (4) Date of result:
- (5) Issues raised: Improper dismissal of proceedings is a violation of due process.

(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:
- (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:

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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: Prolonged and Unreasonable Detention.

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

Deinier has been detained since June 25, 2025 (over 6 months).

His detention has become unreasonably long without a bond hearing, violating his Fifth Amendment Due Process rights.

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

☒ Yes

☐ No

GROUND TWO: Unlawful Detention Due to Procedural Error

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

His detention resulted from an Immigration Judge's summary dismissal of his case on June 25, 2025, which he argues was legally improper and stripped him of his only avenue for asylum.

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

☒ Yes

☐ No

GROUND THREE: Violation of Substantive Due Process Under the Fifth Amendment.

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

The government has not shown that my continued detention is necessary to prevent a danger to the community or a risk of flight. Holding me for over six months while my appeal is pending is arbitrary and no longer serves a legitimate government purpose.

(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: Ground Three (Violation of Substantive Due Process) and Ground One (Prolonged Detention) were not raised in the initial appeal to the Board of Immigration Appeals (BIA) on July 2, 2025, because the petitioner had not yet been detained for six months at that time. These claims only became valid (ripe) after his detention exceeded the six-month mark in January 2026 while the original appeal was still pending.

Request for Relief

15. State exactly what you want the court to do:

Order the immediate release of the Petitioner, or in the alternative, order an immediate bond hearing before an Immigration Judge where the government must justify continued detention by clear and convincing evidence.

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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: 01/17/26

LAZARO
Signature of Petitioner

Next Friend Lazaro Livey Ramirez Espinosa

Signature of Attorney or other authorized person, if any