

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 FloridaMAIKELFAVIER PALACIO, (A )
Next Friend Leonila Palacios Ane*Petitioner*Sheriff Scotty Rhoden, in his official capacity as Sheriff of Baker County.
Christi Noem, in her official capacity as Secretary of the U.S. DHS.
Todd M. Lyons, in his official capacity as Director of (ICE).
Jarrett Ripa, in his official capacity as
Field Office Director for ICE Enforcement
and Removal Operations (ERO), Miami Field Office.*Respondent*

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

Case No.

3:26 cv-00159-MMH-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: MAIKEL FAVIER PALACIO
- (b) Other names you have used: NA
2. Place of confinement:
 - (a) Name of institution: BAKER CORRECTIONAL INSTITUTION.
 - (b) Address: 20706 US 90, 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):

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: Orlando Immigration Court.

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

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

Petitioner challenges his 7-month prolonged detention without a bond hearing. Specifically:

- (1) The 07/10/2025 "No Action" order by IJ Jorge Pereira following an unexplained arrest in court; (2) The 12/09/2025 b by IJ Pedro Espinal based on a lack of authority under Matter of Yajure Hurtado; and
- (3) Ongoing mandatory detention in violation of the Fifth Amendment Due Process Clause

(d) Date of the decision or action: 07/10/2025 and 12/09/2025.

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:

Board of Immigration Appeals (BIA)

(2) Date of filing: The appeal was reserved on December 9, 2025, and was due by January 8, 2026.

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

(4) Result: Denied: BIA appeal Pending.

(5) Date of result: N/A.

(6) Issues raised:

Challenge to the denial of bond authority under Matter of Yajure Hurtado and 7 months of prolonged detention

(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: _____

The first appeal regarding the December 9, 2025, bond denial is currently pending with the Board of Immigration Appeals (BIA).

Under immigration law, I must wait for a final decision from the BIA before I can file a second appeal to the U.S. Court of Appeals

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

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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: 07/10/2025
- (b) Date of the removal or reinstatement order: Pending
- (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: Reserved on 12/09/2025

(2) Case number: 

(3) Result: Pending

(4) Date of result: N/A.

(5) Issues raised:

Denial of bond hearing and challenge to mandatory detention under Matter of Yajure Hurtado

(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:

Request for ICE Bond or Release on Recognizance

(b) Name of the authority, agency, or court:

ICE-ERO Jacksonville Sub-Office

(c) Date of filing: 11/07/2025

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

A240-842-946.

(e) Result: Denied.

(f) Date of result: 11/08/2025

(g) Issues raised:

Request for release based on lack of criminal record, strong family ties, and an expectant fiancée

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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: Violation of the Fifth Amendment Due Process Clause

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

My nephew was released in 2022 and lived peacefully for three years. He was suddenly arrested in court on July 10, 2025, with no reason given. He has now been in jail for 7 months. On December 9, 2025, a judge said he could not even have a hearing to ask for bail because of a new rule. He has no criminal record and his fiancée just had a baby and needs his support

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

☒ Yes

☐ No

GROUND TWO: Unlawful Mandatory Detention

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

The government is holding my nephew without giving him a chance to show a judge that he is not a danger to anyone.

He is being kept in jail indefinitely even though he has followed all immigration rules since he arrived in the U.S. in 2022. Because the judge refused to hold a bond hearing, there is no end date for his time in jail.

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

☒ Yes

☐ No

GROUND THREE: Abuse of Discretion

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

On November 8, 2025, we asked ICE to release him so he could be present for the birth of his first child.

We offered for him to wear an ankle monitor. ICE denied the request in less than 24 hours without looking at his clean record or the medical needs of his family.

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

☒ Yes

☐ No

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GROUND FOUR:

NA

(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:

Request for Relief

Petitioner respectfully requests that this Court: 1. Issue a Writ of Habeas Corpus ordering

15. State exactly what you want the court to do:
his immediate release from custody, as his 7-month detention

without a bond hearing violates the Fifth Amendment. 2. In the alternative, order an immediate bond hearing before an Immigration Judge where the government must prove by clear and convincing evidence that he is a flight risk or a danger to the community. 3. Authorize release on Alternatives to Detention (ATD), such as an ankle monitor (GPS) or telephonic reporting, which he is willing to accept. 4. Grant any other relief the Court deems just and proper, including his release to support his fiancée and newborn child.

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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:

01/15/2026


Signature of Petitioner

Leonila Palacios Ane, Next Friend for Maikel Favier
Palacio

Signature of Attorney or other authorized person, if any
