

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

# UNITED STATES DISTRICT COURT

for the  
Southern District of Florida



FILED BY AWO D.C.  
JAN 28 2026  
ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI

DURAN GUZMAN YOANDER

*Petitioner*

v.

WARDEN, KROME NORTH SERVICE PROCESSING  
CENTER

*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: DURAN GUZMAN, YOANDER
- (b) Other names you have used: NONE
2. Place of confinement:
  - (a) Name of institution: KROME NORTH SERVICE PROCESSING CENTER
  - (b) Address: 18201 SW 12TH STREET, MIAMI, FLORIDA 33194
  - (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: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DEPARTMENT OF HOMELAND SECURITY, KROME NORTH SERVICE PROCESSING CENTER.
  - (b) Docket number, case number, or opinion number: NONE
  - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): IMMIGRATION JUDGE'S DENIAL OF BOND ON JURISDICTIONAL GROUNDS, RESULTING IN CONTINUED DETENTION.
  - (d) Date of the decision or action: 12/17/2025

**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: UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA
- (2) Date of filing: 01/08/2026
- (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

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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: PETITIONER DID NOT FILE A SECOND APPEAL BECAUSE THIS IS THE PETITIONER'S FIRST APPEAL AND NO SECOND APPEAL IS REQUIRED.

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:

PETITIONER DID NOT FILE A THIRD APPEAL BECAUSE THIS IS THE PETITIONER'S FIRST APPEAL AND NO SECOND AND THIRD APPEAL IS REQUIRED

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: \_\_\_\_\_

(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: \_\_\_\_\_
- (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:**

Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) since October 17, 2025. Petitioner is not a flight risk and does not pose a danger to the community. Petitioner has strong family and community ties and is willing to comply with any reasonable conditions of release.

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 Do not cite cases or law.)*:

Petitioner has exhausted all available administrative remedies regarding bond, and no further appeal options are available. Petitioner respectfully requests that this Court grant relief by ordering a bond hearing before an Immigration Judge and release under reasonable conditions.

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

- Yes
- No

**GROUND TWO:** Continued detention without a proper bond hearing or opportunity to challenge the legality of custody violates Petitioner's rights under the Due Process Clause of the Fifth Amendment. Petitioner respectfully requests that this Court grant relief by ordering a bond hearing before an Immigration Judge and/or release under reasonable conditions.

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

Petitioner has been in ICE custody at Krome North Service Processing Center since October 17, 2025. The Immigration Judge denied bond on December 17, 2025, citing lack of jurisdiction. Petitioner has made all available administrative requests regarding bond and has no further administrative remedies. Continued detention imposes unnecessary hardship and is not justified by flight risk or danger to the community.

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

- Yes
- No

**GROUND THREE:**

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

(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: Petitioner presented all grounds in the first and only administrative appeal. No grounds were omitted.

**Request for Relief**

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

Petitioner respectfully requests that this Court:

1. Order a bond hearing before an Immigration Judge; and/or

2. Grant Petitioner's release under reasonable conditions, including any conditions the Court deems appropriate

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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:

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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: JANUARY 12 2026



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*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*

**Certificate of Service**

**I HEREBY CERTIFY** that true and correct copies of the foregoing Motion to Custody Redetermination included in this filing, was placed in the hands of Krome SPC official for mailing was mailed/delivered to the following interested parties

U.S Department of Justice  
Executive Office for Immigration Review  
Immigration Court  
18201 SW 12<sup>th</sup> Street, Building-1, Suite-C  
Miami FL 33194

Clerk of Court (Habeas Corpus) MH  
United States District Court  
Southern District of Florida  
400 North Miami Avenue  
Miami, FL 33128


Office of the Chief Counsel  
U.S. Department of Homeland Security  
U.S. Immigration Custom Enforcement  
18201 SW 12<sup>th</sup> Street  
Miami, Florida 33194.

Respectfully Submitted,

Date: January, 22, 2026



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Yoander Duran Guzman  
A #   
KROME SERVICE PROCESSING CENTER  
18201 SW 12<sup>th</sup> STREET  
MIAMI, Florida 33194  
Applicant