

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 MCO D.C.

JAN 30 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Rene Matamoro-Mora.



Petitioner

v.

Warden, Krome Service Processing Center Field Office
Director, U.S. Immigration and Customs Enforcement
(ICE)

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: Rene Matamoro-Mora.
(b) Other names you have used: Rene Matamoro, Rene Mora Matamoro.
2. Place of confinement:
(a) Name of institution: Krome Service Processing Center.
(b) Address: 18201 SW 12th St, Miami, Florida 33194

(c) Your identification number:
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
Being held on an immigration charge
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): prolonged and indefinite detention following a final order of removal where removal is not significantly likely in the reasonably foreseeable future

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

Office of the Immigration Judge, Executive Office for Immigration Review (EOIR), Miami, Florida

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



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

The continued and indefinite immigration detention of Petitioner without a significant likelihood of removal to Cuba. Petitioner further challenges his detention as an elderly (70-year-old), disabled individual who is wheelchair-bound following a head injury while in custody.

(d) Date of the decision or action: October 26, 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: On or before February 4, 1994

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



(4) Result: Appeal dismissed; final order of exclusion and deportation affirmed

(5) Date of result: March 15, 1995.

(6) Issues raised:

Violation of Due Process rights, specifically that Petitioner was not properly defended by counsel and lacked time to communicate with counsel prior to the immigration hearing.

(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:

Immigration and Naturalization Service (INS), District Director.

(2) Date of filing: October 30, 2001.

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



(4) Result: Request for release denied.

(5) Date of result: January 4, 2002

(6) Issues raised:

Request for immediate release from detention pursuant to the Supreme Court decision in Zadvydas v. Davis, arguing there was no significant likelihood of removal to Cuba in the reasonably foreseeable future.

(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:

Cuban Review Panel / Associate Commissioner for Enforcement.

(2) Date of filing: August 26, 2004.

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



(4) Result: Final Notice of Parole Denial.

(5) Date of result: October 19, 2004.

(6) Issues raised:

Eligibility for release on parole under 8 CFR 212.12. The panel reviewed his criminal history and institutional record to determine if release was in the public interest.

(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:

II. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/26/2025
- (b) Date of the removal or reinstatement order: March 15, 1995.
- (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: On or before February 4, 1994

(2) Case number:



(3) Result: Appeal dismissed; final order affirmed

(4) Date of result: March 15, 1995

(5) Issues raised:

Violation of Due Process; lack of proper defense/time to communicate with counsel

(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: Unlawful, prolonged, and indefinite immigration detention.

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

Petitioner has been in continuous physical immigration custody since October 2025 at the Krome Service Processing Center.

This detention follows a final order of exclusion and deportation affirmed on March 15, 1995.

Because removal to Cuba is not significantly likely in the reasonably foreseeable future, this continued detention violates the standards set by the Supreme Court in *Zadvydas v. Davis*.

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

Yes

No

GROUND TWO: Due Process Violation (Age and Chronic Medical Condition)

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

Petitioner is 70 years old and disabled. Medical records from 2024–2026 confirm chronic Hypertension, Bipolar Disorder, and Spinal Spondylosis requiring crutches. Indefinite detention of a disabled senior is unconstitutional.

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

Yes

No

GROUND THREE: Documented Rehabilitation and Community Support

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

Petitioner has a 15-year history of perfect compliance with ICE reporting from 2010 through

October 01, 2025. Character letters from Emilio Matos, Rolando Canoto, and Maidelyn Gonzalez confirm his rehabilitation.

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

Yes

No

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GROUND FOUR: Government Determination of Non-Repatriable Status

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

Official records from February 9, 2005, show the government already identified this case as "non-repatriable" and mandated release" because removal was not foreseeable

(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:

I request my immediate release from physical custody at Krome. I have a 15-year record of full compliance with ICE supervision. Because the government has formally determined my case to be non-repatriable and I am a 70-year-old disabled individual, my continued detention is indefinite, lacks a legal purpose, and is unconstitutional.

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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: 01/28/26


Signature of Petitioner

Signature of Attorney or other authorized person, if any