

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 Florida

FILED BY MP D.C.

FEB 17 2026

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

_____)
 _____) *Petitioner*
 v. _____))
 _____) *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

- (a) Your full name: Gerardo martin memendez

(b) Other names you have used: _____
- Place of confinement:

(a) Name of institution: Krome immigration and processing Facility

(b) Address: 18201 S.W. 12th street
MIAMI FLA 33194

(c) Your identification number: [REDACTED]
- Are you currently being held on orders by:

Federal authorities State authorities Other - explain: _____
- 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): _____

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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: I.C.E. Courts: I'm trying to stay here; And not be deported to Mexico.

(b) Docket number, case number, or opinion number: [REDACTED]

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

I'm trying to avoid Removal proceedings from getting deported because I have a wife and 3 kids who are American citizens

(d) Date of the decision or action: 2005

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: N/A

(2) Date of filing: _____

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

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: N/A

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(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

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: W/A
- (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 or a Section 2254 to petition to challenge this conviction or sentence?*

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: W/A
- (5) Date of result: _____
- (6) Issues raised: _____

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: BECAUSE I HAVE MY WIFE AND 3 KIDS HERE AND THEY NEED ME HERE NOT IN A FOREIGN COUNTRY WHERE I DONT KNOW ANY BODY IN WHAT EVER COUNTRY YOU PLAN ON SENDING THEM TO ME. MY WIFE AND KIDS NAMES ARE : WIFE: LORDES MARTIN, MY KIDS NAMES ARE : g [REDACTED] daughter, m [REDACTED]

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: NOV 4, 2025

(b) Date of the removal or reinstatement order: 2005

(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: N/A

(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: N/A

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

N/A

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: _____

N/A

(c) Date of filing: _____

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

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

N/A

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: I have been in I.C.E. custody since Nov 4, 2025

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

I have been in I.C.E. twice and the last time I served almost 4 months and this time 3 months also I have my wife and kids here and at my age what am I going to do in a third party country when I have no family there and no money where I can start all over again especially without my wife and kids.

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

Yes No

GROUND TWO: my wife and my 3 kids are American citizens and I am begging the courts to please have mercy on me because I have not been in trouble since 2005.

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

I need to stay here because my parents are 76 & 84 yrs old and I have not been in trouble since 2005 and my wife and kids need me and my wife is struggling with paying the bills without me not being there to help her out with the bills and the rent. And my parents can die at any time and if I'm deported to another country I can't go to their funeral.

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

Yes No

GROUND THREE:

N/A

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

N/A

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

Yes No

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GROUND FOUR:

N/A

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

N/A

(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 WANT you All To please give me one more chance BECAUSE I WAS Reporting And doing good And I haveint Been in trouble with the PAO since 2005 And my parrets are on their death Beds And IF I get departed I want ever Be ABle To Bory my parrets. Thank you so much for your time And God Bless you All

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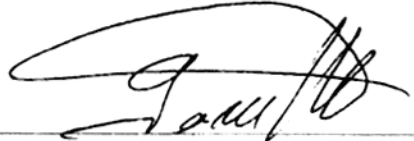
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

Nov. 4, 2025

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: Feb 5, 2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any