

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

UNITED STATES DISTRICT COURT

for the

A#



VLADIMIR LAUZARDO FOMINALLA
 Petitioner

v.

Immigration and Customs Enforcement
Warden, North Florida detention facility
 Respondent
 (name of warden or authorized person having custody of petitioner)

Case No.

3:26-cv-335-JEP-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: VLADIMIR LAUZARDO FOMINALLA
 (b) Other names you have used: _____
2. Place of confinement:
 (a) Name of institution: North Florida Detention Facility
 (b) Address: 20706 US HWY 90 West
Sanderson Florida, 32087
 (c) Your identification number: _____
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE/ERO/BCI
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): Being held on final order of Removal
to Cuba

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):

ICE motivation for improperly continue
petitioner's detention, knowing there were no statutory
ground to believe that removal would occur "reasonably foreseeable future"

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

(a) Name and location of the agency or court: ICE/ERO/North Florida Detention
facility, 20706 US HWY 90W, Sanderson Florida 32087

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

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

(d) Date of the decision or action: _____

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:

ICE/ERO/Warden North
Florida Detention facility

(2) Date of filing:

1/23/26

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

(4) Result: _____

(5) Date of result:

1/29/26
requesting 90 days review
and to seek discretionary relief

(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: _____

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: October 21, 2025(b) Date of the removal or reinstatement order: December 6, 2020

(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: Prolonged time exceeding the 90-days statutory period for removal violate the Fifth Amendment due process clause, The Immigration and Nationality Act (INA) and The International Law.

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 Do not cite cases or law.):

Petitioner is a Cuban National who was admitted to United State as a lawful resident in May 15, 2005. Petitioner was arrested on 2020 and Release from ICE after 70 days detained from Grome detention facility. Petitioner was arrested and charged again on April 20, 2025 and serve 180 days on County Jail.

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

☐ Yes

☒ No

GROUND TWO: Violation of the Fourth Amendment right against unreasonable seizure, that caused Petitioner to endure prolonged immigration detention, in violation of Due process clause.

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

Petitioner was Release from ICE after 30 days on Feb 14, 2020. Second time 90 days detention for removal is no longer reasonably foreseeable. Removal to CUBA is not presently possible. If in fact Petitioner can not be deported back to CUBA, why is it that ICE Keep in custody for several months again?

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

☐ Yes

☒ No

GROUND THREE: The Constitution forbids Post-removal detention unless there is a realistic chance that Petitioner will be removed in the reasonably foreseeable future.

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

There is no repatriation agreement between Cuba and United States. Second time exceeding 90 day detention for final removal is no longer reasonably foreseeable if in fact Petitioner can not be deported back to Cuba within reasonably foreseeable future.

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

☐ Yes

☒ No

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GROUND FOUR: Due Process clause applies to all person within the United States, including aliens, whether their Presence is lawful or unlawful, temporary or permanent

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

ICE stipulated the removal to Mexico without providing any process that would allow the petitioner to present evidence that supporting fear of Persecution or torture, in violation of The Fifth Amendment right to procedural due process.

(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: Petitioner respectfully request that this Court assume Jurisdiction of this matter. Determine that petitioner's second 90 days detention is not reasonably foreseeable. Order petitioner release within 30 days on appropriate condition of supervision release.

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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:

02/12/26

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:

02/12/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any