

EMERGENCY PETITION FOR WRIT OF
HABEAS CORPUS
28 U.S.C. § 2241
(With Supporting Case Law)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ROLAND PEÑA QUESADA,



Petitioner,

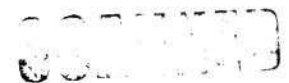
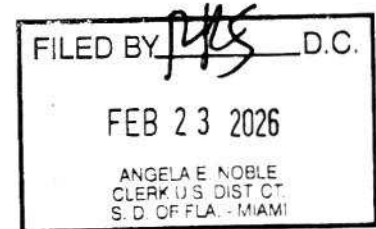
v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, FDC MIAMI,

Respondents.

_____ /

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR EMERGENCY CONSIDERATION



INTRODUCTION

Petitioner Roland Peña Quesada ("Petitioner"), pro se, respectfully petitions this Honorable Court

for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his prolonged and unconstitutional

civil immigration detention at the Federal Detention Center (FDC) Miami. This Petition further raises

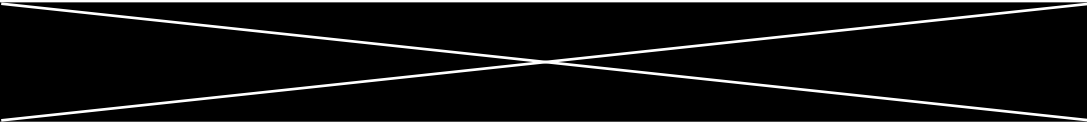
an urgent medical emergency that places Petitioner's health and life at serious risk while in ICE custody.

FACTUAL BACKGROUND

1. Petitioner is a Cuban national detained by ICE at FDC Miami and it was detained by FDC for 91 days (about 3 months) back in 2011

2. Petitioner has been detained for a prolonged period without an individualized bond hearing.

3. Petitioner has a bona fide relationship of more than twelve (12) years with U.S. citizen Zeny Kanaima Cruz.



5. Petitioner has repeatedly sought medical treatment within FDC Miami and has been seen multiple times but medical treatment.

by medical staff; however, his condition has not improved and the bleeding continues.

6. Continued detention places Petitioner at serious medical risk, including anemia and internal injury.

LEGAL ARGUMENT

INTRODUCTION

Petitioner Roland Peña Quesada ("Petitioner"), pro se, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his prolonged and unconstitutional civil immigration detention at the Federal Detention Center (FDC) Miami.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241.
2. Venue is proper in the Southern District of Florida because Petitioner is detained within this District.

FACTUAL BACKGROUND

3. Petitioner is a Cuban national detained by ICE at FDC Miami.
4. Petitioner has been subjected to prolonged detention without an individualized bond hearing.
5. Petitioner has maintained a bona fide relationship for over twelve (12) years with U.S. citizen Zeny Kanaima Cruz.
6. Petitioner and his U.S. citizen partner intend to marry immediately and have initiated marriage-based immigration relief, including an I-130 petition.
7. Petitioner has strong family, employment, and community ties in the United States.

8. Continued detention no longer serves a legitimate government purpose and is punitive.

LEGAL ARGUMENT

9. Prolonged detention without a bond hearing violates the Due Process Clause of the Fifth Amendment.

10. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that immigration detention must be reasonably related to removal and cannot be indefinite.

11. In *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Court reaffirmed that prolonged detention raises serious constitutional concerns reviewable through habeas corpus.

12. In *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011), the Court held that prolonged detention requires a bond hearing before an immigration judge.

13. Petitioner's continued detention without such a hearing violates due process and requires immediate judicial intervention.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant this Petition for Writ of Habeas Corpus;

- B. Order Respondents to immediately release Petitioner from ICE custody; or
- C. In the alternative, order a prompt individualized bond hearing;
- D. Grant emergency consideration due to ongoing unlawful detention;
- E. Grant any further relief deemed just and proper.

DECLARATION UNDER PENALTY OF PERJURY

I, Roland Peña Quesada, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this ____ day of _____, 2026.



Roland Peña Quesada



FDC Miami

Florida Soft Side South (Alligator
Alcatraz) Inmate Mail / Parcels

54575 Tamiami Trail E N.A.

Ochee, FL 34141.

Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2026, a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus was served upon:

- U.S. Department of Homeland Security
- Immigration and Customs Enforcement (ICE)
- Warden, Federal Detention Center (FDC) Miami

via U.S. Mail.



Roland Peña Quesada

Florida Soft Side (Alligator Alcatraz).
Inmate Mail / Parcels.
54575 TAMiami trail ENA
Ochopee, FL 34141
Pro se

COVER LETTER TO CLERK OF COURT

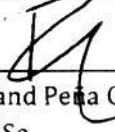
Clerk of Court
United States District Court
Southern District of Florida
Miami Division
99 NE 4th Street
Miami, FL 33132

Re: Emergency Petition for Writ of Habeas Corpus – Roland Peña Quesada (A# 088-519-286)

Dear Clerk:

Please file the enclosed Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is currently detained by ICE at FDC Miami and requests emergency consideration.

Respectfully submitted,



Roland Peña Quesada
Pro Se