

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

UNITED STATES DISTRICT COURT
for the
Middle District of Florida

Alberto Garcia Ceballos

Petitioner

v.

Warden, Florida Soft Side South Detention Center

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

2:26 cv 623 KCD-DNF
(Supplied by Clerk of Court)

MAR 5 2026 PM 11:02
FILED - USDC - FLMD

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Alberto Garcia Ceballos
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Florida Soft Side South Detention Center
(b) Address: 54575 Tamiami Trail East, Ochopee, FL 34141
(c) Your identification number: [REDACTED]
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)Florida Soft Side South Detention Center, Ochopee, Florida(b) Docket number, case number, or opinion number: [REDACTED]

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

Prolonged post-removal detention by ICE despite a final order of removal dated April 14, 2016, with no significant likelihood of removal in the reasonably foreseeable future, and in violation of due process due to serious medical conditions requiring specialized care.

(d) Date of the decision or action: 10/30/2025**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: _____

(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 appeal: _____

I have not been provided an adequate opportunity to challenge my prolonged detention.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: 10/30/2025

(b) Date of the removal or reinstatement order: 04/14/2016

(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 Post-Order Immigration Detention(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has a final order of removal dated April 14, 2016. He was taken into immigration custody on October 30, 2025, and has remained detained since that date. While in custody, Petitioner has been transferred between detention facilities in multiple states, including Florida, Montana, and Louisiana, and later returned to Florida. As of the date of this petition, Petitioner has not been removed, and he has not been given a confirmed removal date.

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

☐ Yes☒ No**GROUND TWO: Serious Medical Condition Requiring Ongoing Care**(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has serious medical conditions related to his hips, including two hip replacements and a revision surgery. Medical discharge and follow-up documents indicate the need for orthopedic follow-up care, pain management, and physical therapy. Petitioner experiences ongoing pain and mobility limitations while detained. Transfers between facilities have interrupted continuity of care and follow-up.

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

☐ Yes☒ No**GROUND THREE: Detention Continuing Without Removal Being Carried Out**(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner has remained in immigration detention for months after his detention began on October 30, 2025. During this time, ICE has transferred him between facilities in different states, but removal has not been carried out. Petitioner has not been provided written confirmation of an imminent removal date.

(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 has not filed administrative appeals because this petition challenges continued detention and seeks judicial review of custody, which cannot be fully addressed through administrative remedies.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court:

Review the legality of continued detention;

Order release under appropriate conditions of supervision, or in the alternative order a custody review; and

Grant any other relief the Court deems just and proper.

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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:

N/A

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:

Signature of Petitioner

Signature of Attorney or other authorized person, if any

CERTIFICATE OF SERVICE

I hereby certify that on 02/03/2026, a true and correct copy of the Petition for Writ of Habeas Corpus was served by U.S. Mail upon:

Office of the United States Attorney
Middle District of Florida
Fort Myers Division

Signature: 
Rouslyn Cortina (Mar 2, 2026 10:00:22 EST)

Full Name: Rouslyn Cortina Mandiarote
Next Friend of Petitioner