

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

Wilmer Blanco Carrillo

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 626-SPC
(Supplied by Clerk of Court)

MAR 5 2026 AM 11:00
FILED - USDC - FLMD - FLD
PM

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

Personal Information

1. (a) Your full name: Wilmer Blanco Carrillo
- (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 immigration detention without a bond hearing.

(d) Date of the decision or action: 11/23/2025

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: Petitioner did not file administrative appeals because this petition challenges the constitutionality of prolonged immigration detention without a bond hearing, which is properly raised through habeas corpus.

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: _____

Petitioner did not pursue administrative appeals because this petition challenges the constitutionality of prolonged detention while relief (Form I-485) remains pending, which is properly raised through habeas corpus.

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: _____

Petitioner did not pursue administrative appeals because this petition challenges the constitutionality of prolonged detention while relief (Form I-485) remains pending, which is properly raised through habeas corpus.

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: 11/23/2025

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

(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: Petitioner's prolonged immigration detention without an individualized bond hearing violates the Due Process

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 Do not cite cases or law.)*:

Petitioner was taken into immigration custody on November 23, 2025 and has remained detained since that date.
Petitioner does not have a final order of removal. Despite the length of detention, the government has not provided
Petitioner with an individualized bond hearing before a neutral decision maker to justify continued detention.

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

☐ Yes

☒ No

GROUND TWO: Petitioner's continued detention is unlawful because removal is not reasonably foreseeable while removal proceedings remain pending and relief is actively being adjudicated.

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 Do not cite cases or law.)*:

Petitioner is currently in removal proceedings with a future hearing scheduled. Because Petitioner's
immigration case remains pending, removal cannot be effectuated in the reasonably foreseeable future.
Continued detention therefore no longer serves the purpose of ensuring removal.

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

☐ Yes

☒ No

GROUND THREE: Petitioner's detention is unlawful because he has a pending Form I-485 under the Cuban Adjustment Act, which provides a viable pathway to lawful permanent residence.

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

Petitioner filed Form I-485 seeking adjustment of status pursuant to the Cuban Adjustment Act. USCIS accepted
the filing and later reopened the case, confirming that the application remains pending and under adjudication.
Because Petitioner has viable relief available, continued detention is unjustified.

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

☐ Yes

☒ No

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GROUND FOUR: Petitioner's prolonged detention is exacerbated by government error, including the misclassification of Petitioner's nationality, which has contributed to delay in the adjudication of his immigration case.

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

Petitioner is a Cuban national; however, government records incorrectly identified Petitioner as Venezuelan. This misclassification has contributed to confusion and delay in the processing of Petitioner's immigration matters and has prolonged Petitioner's detention.

(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: Administrative exhaustion was not pursued because this petition challenges the constitutionality of prolonged immigration detention without a bond hearing, which is properly raised through habeas corpus.

Request for Relief

15. State exactly what you want the court to do: Order Petitioner's immediate release from ICE custody under reasonable conditions of supervision; or, in the alternative, order a prompt individualized bond hearing at which the Government bears the burden of proving that continued detention is necessary.

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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