

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

Oswaldo Ginart Mecias

Petitioner

v.

Warden, Florida Soft Side South Detention Center

Respondent

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

Case No. 2:26cv621SPC DNF
(Supplied by Clerk of Court)

FILED - USDC - FLMD - FIM
MAR 5 2026 PM 11:03

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

Personal Information

1. (a) Your full name: Oswaldo Ginart Mecias
(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: 

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

Petitioner does not challenge the validity of the removal order. Petitioner challenges only his continued post-removal-order detention.

(d) Date of the decision or action: 11/03/2025**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: 11/03/2025

(b) Date of the removal or reinstatement order: 12/04/2018

(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: Continued Post-Removal Order Detention Without Significant Likelihood of Removal(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Petitioner has been detained by U.S. Immigration and Customs Enforcement (ICE) since November 3, 2025, pursuant to a final order of removal issued in December 2018. More than ninety days have elapsed since detention began. The Government has not obtained travel documents nor provided evidence that removal is significantly likely in the reasonably foreseeable future.

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

☐ Yes☒ No**GROUND TWO: Prolonged Detention Despite Community Compliance and Low Flight Risk**(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Petitioner resided in the community for approximately seven years after the final order of removal without any criminal issues, violations, or failure to comply with immigration requirements. This history demonstrates that Petitioner does not present a danger to the community nor a significant flight risk.

Continued detention under these circumstances is excessive and unnecessary, particularly where less restrictive alternatives to detention are available.

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

☐ Yes☒ No**GROUND THREE: Lack of Meaningful Progress Toward Removal**(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Despite ongoing detention, ICE has not demonstrated meaningful progress toward securing travel documents or effectuating removal. The absence of concrete steps toward removal indicates that continued detention is no longer reasonably related to its purpose and violates due process and is no longer reasonably related to its removal purpose.

(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: Petitioner did not previously raise these grounds because the claims are based on continued and prolonged detention that developed after prior proceedings concluded.

Request for Relief

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

Grant the Petition for Writ of Habeas Corpus; Order Petitioner's immediate release from ICE custody; or, in the alternative, Order a prompt individualized custody hearing before a neutral decision-maker;

Order release under appropriate conditions of supervision; 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

DECLARATION OF NEXT FRIEND

(In Support of Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241)

I, Jessica Ginart Lopez, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

I am over eighteen (18) years of age and competent to make this declaration.

I am the biological daughter of Osvaldo Ginart Mecias, who is currently detained at the detention facility known as "Alligator Alcatraz."

I submit this declaration solely for the purpose of supporting the Petition for Writ of Habeas Corpus filed on his behalf under 28 U.S.C. § 2241.

My father is unable to file this petition on his own because of the restrictions and limitations imposed within the detention facility.

The facility has restricted access to legal materials and legal document processing. Legal documents sent to detainees for review and signature are frequently delayed before delivery.

Additionally, outgoing legal mail is not processed promptly, and there have been delays in mailing signed documents, which interferes with timely court filings.

Due to these restrictions, my father does not have meaningful, adequate, or reliable access to the courts to prepare, sign, and timely file this habeas petition himself.

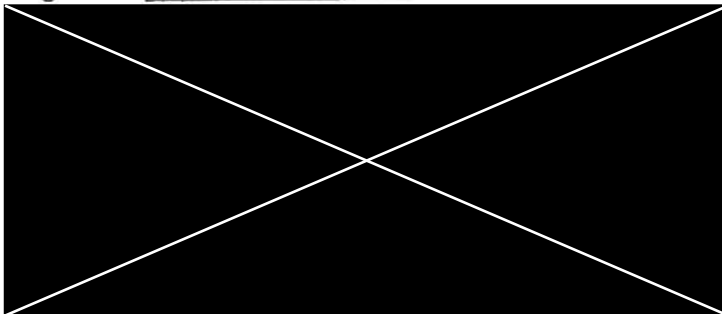
I maintain regular communication with him and am acting exclusively in his best interest to protect his constitutional rights.

I respectfully request that this Court recognize me as his Next Friend for purposes of this habeas proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 28/02/2026

Signature: 



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: 
Jessica Ginart Lopez (Feb 28, 2026 16:07 09 EST)

Full Name: Jessica Ginart Lopez
Next Friend of Petitioner