

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

Daniel Perez Porraspita

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 625 KCD-DNF
(Supplied by Clerk of Court)

MAR 5 2026 04:11:01
FILED - USDC - FLMD - DNF

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

Personal Information

1. (a) Your full name: Daniel Perez Porraspita
(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 challenges his ongoing detention following a final order of removal, where ICE has failed to initiate or demonstrate active steps toward effectuating his removal, including the absence of travel documentation requests, consular coordination, or post-order custody review.

(d) Date of the decision or action: 01/20/2026

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: _____

(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: _____

No administrative appeal or meaningful review mechanism was available to challenge the legality of my continued immigration 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: 01/20/2026

- (b) Date of the removal or reinstatement order: 08/13/2019

- (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: Not Reasonably Related to the Purpose of Removal(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner's continued detention is not reasonably related to the Government's stated objective of effectuating removal. Although Petitioner is subject to a reinstated order of removal, ICE has not initiated meaningful steps toward securing travel documents or coordinating with the appropriate consular authorities. No Notice of Travel has been issued, no documentation request has been made, and no evidence has been provided 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:** Failure to Conduct Meaningful Custody Review(a) Supporting facts (*Be brief. Do not cite cases or law.*):

ICE has failed to conduct any meaningful custody review or provide individualized assessment of Petitioner's risk of flight or danger to the community. The absence of a custody determination process renders the detention arbitrary and inconsistent with fundamental due process protections.

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

☐ Yes☒ No**GROUND THREE:** Detention is Excessive and Unnecessary Given Petitioner's Equities(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner presents no criminal history, no danger to the community, and no risk of flight. He has a properly filed and pending I-130 petition, a pending I-212 application for permission to reapply for admission, and a pending I-485 application for adjustment of status. He is legally married, maintains strong family ties in the United States, and was steadily employed prior to detention. In light of these substantial equities, continued detention is unnecessary to ensure compliance with removal proceedings.

(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 did not present these grounds in prior appeals because no meaningful administrative or judicial review mechanism was available to challenge his ongoing detention. The present petition challenges the legality of his continued custody, which is properly brought before this Court pursuant to 28 U.S.C. § 2241.

Request for Relief

15. State exactly what you want the court to do: WHEREFORE, Petitioner respectfully requests that this Court: Grant the Petition for Writ of Habeas Corpus; Order Respondents to immediately release Petitioner under appropriate conditions of supervision; In the alternative, order Respondents to provide Petitioner with a prompt and individualized custody review before a neutral decision-maker; Grant such other and further relief as this 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