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MAR 09 2026	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

Name: Gilberto Millo Milo
A Number: [REDACTED]
Address: Florence Correctional Center
1100 Bowling Road
Florence, AZ 85132

PRO SE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Name: Gilberto Millo Milo

Petitioner,

v.

Warden, Florence Correctional Center
Respondents.

Case No.

CV26-01622-PHX-JJT--MTM

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

Petitioner [name] Gilberto Millo Milo

petitions this Court for a writ
of habeas corpus to remedy Petitioner's indefinite detention by Respondents.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal question). This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the

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

UNITED STATES DISTRICT COURT

for the district of Arizona

Gilberto Millo Milo

Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

Warden, Florence Correctional Center

Respondent

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

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

Personal Information

1. (a) Your full name: Gilberto Millo Milo
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: Florence Correctional Center
 - (b) Address: 1100 Bowling Road, Florence, AZ, 85132
 - (c) Your identification number: A 
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), Florence Correctional Center, Florence, Arizona
 (b) Docket number, case number, or opinion number: Unknown
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Detained by ICE since May 21, 2025. Final order Jan 29, 2026, Cuban national with no passport or travel documents. US citizen child and pending I-130 by U. citizen mother. Continued detention violates Zadvydas v. Davis.
 (d) Date of the decision or action: January 29, 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 has not appealed but is challenging the legality of 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:

NOT applicable. This
petition challenges immigration detention

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:

NOT applicable

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:

Not applicable. This petition challenges immigration detention.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: May 21, 2025
- (b) Date of the removal or reinstatement order: January 29, 2026
- (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: _____

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 immigration detention and continued custody without release.

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

Detained by ICE since May 21, 2025. Final order January 29, 2026. A Cuban national without a passport or travel documents U.S. citizen child and a pending I-130 petition by U.S. citizen mother.

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

☐ Yes

☒ No

GROUND TWO: Family unity and support in the United States

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

Petitioner has one U.S. citizen child and a U.S. citizen mother with pending I-130, as well as a minor child and spouse in the United State.

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

☐ Yes

☒ No

GROUND THREE: Eligibility for release under supervision

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

Petitioner has stable family support, including a U.S. citizen child and a U.S. citizen mother, and is willing to comply with supervision requirements if released.

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

☐ Yes

☒ No

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:

Not applicable

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests release from immigration detention under appropriate supervision and any other relief the Court deems proper

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Declaration Under Penalty Of Perjury

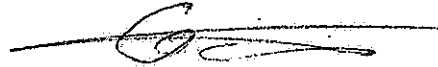
If you are incarcerated, on what date did you place this petition in the prison mail system:

NOT applicable

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:

March 1, 2026



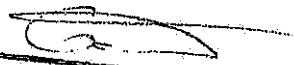
Signature of Petitioner

Signature of Attorney or other authorized person, if any

1
2 In *Zadvydas v. Davis*, the Supreme Court held that the Immigration statute 8 U.S.C. §
3 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to carry out
4 removal. 533 U.S. 678, 689 (2001). After six months of presumptively-reasonable detention, if
5 the noncitizen provides good reason to believe that removal is not reasonably foreseeable, the
6 burden shifts to the government to rebut that showing. *Id.* at 701.

7 Petitioner moves the Court to appoint counsel to represent Petitioner in this case. The
8 Court may appoint counsel in a habeas action when the "interests of justice so require." 18 U.S.C.
9 § 3006A(a)(2)(B). Here, Petitioner has a strong chance of success on the merits because
10 Petitioner has been held for longer than six months since being ordered removed and Petitioner's
11 country still refuses to accept him or her. However, given the complexity of the law on
12 immigration detention and Petitioner's status as a detained immigrant, Petitioner would have
13 great difficulty presenting the case without the assistance of counsel. For these reasons, Petitioner
14 respectfully requests that the Court appoint counsel.

15 Date: March 1, 2026

16
17 Signature: 

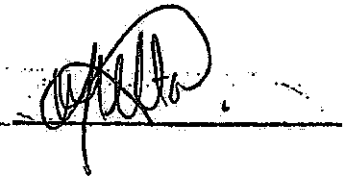
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Petitioner

<u>Gilberto Millo Milo</u> (Name of alien(s) in proceedings)	
	
(A-Number of alien(s) in proceedings)	
CERTIFICATE OF SERVICE	
On <u>March 1, 2026</u> (date)	<u>Yeleyiny Millo Milo</u> (printed name of person signing below)
served a copy of this <u>Petition For Writ of Habeas Corpus Under 28 U.S.C. § 2241</u> (type of document)	
and any attached pages to <u>United States Attorney's Office, District of Arizona</u> (name of party served)	
at the following address: <u>Two Renaissance Square</u> (address of party served)	
<u>40 North Central Avenue, Suite 1800, Phoenix, AZ 85004</u> (address of party served)	
by: <u>U.S. Mail (certified)</u> (method of service - for example, overnight courier, hand-delivery, first-class mail, ICE OPLA eService)	
 (signature)	<u>March 1, 2026</u> (date)

Certificate of Service

I, Yeleiny Milla Mito, hereby certify that a copy of the attached document was served to ICE Headquarters (ERO Removal Division) via mail at the following address: Potomac Center North, 500 12th Street, SW. Washington, D.C. 20536, and also to the ICE Field Office in Phoenix via mail to the following address: 2035 N. Central Ave. Phoenix, AZ 85004, both on the date indicated below.

Signature



Date

March 1, 2026