

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

UNITED STATES DISTRICT COURT
for the

FILED BY CSH D.C.

MAR 06 2026

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

SANDRA VIVIANA FRANCO FERRO, as Next Friend
of BERNARDO FRANCO FERRO A# 213348187

Petitioner

v.

Warden, South Florida Detention Facility

Case No. _____
(Supplied by Clerk of Court)

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: BERNARDO FRANCO FERRO
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: South Florida Detention Facility (also known as Florida Softside South Detention
(b) Address: 54575 Tamiami Trail E, Ochopee, FL 34141
- (c) Your identification number: A# [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): immigration hold

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: Enforcement (ICE), Miami Field Office / Krome Service Processing Center - Alligator Alcatraz
 (b) Docket number, case number, or opinion number: None (no formal removal proceedings initiated)
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued immigration detention without access to a custody hearing or removal proceedings.

- (d) Date of the decision or action: 1/15/2026

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 formal removal proceedings or decision has been issued to appeal. Asylum application is still pending with USCIS since August 2019, with no interview or citation received. Detention is arbitrary without a final removal order or hearing.

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: _____

No initial decision or first-level response to appeal, as no proceedings initiated.

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: _____

No prior appeals possible due to lack of formal proceedings or decisions.

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: 01/15/2026
- (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: _____

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: Fifth Amendment Due Process Violation**(a) Supporting facts (Be brief. Do not cite cases or law.):**

I have been detained by immigration authorities since January 15, 2026. No Notice to Appear has been filed before an Immigration Judge, and no bond hearing or custody determination has been provided. There is no active case in immigration court (EOIR), and my asylum application has been pending with USCIS since August 2019 and has not been adjudicated. Despite this, I remain detained without any individualized custody review or assessment of whether I am a flight risk or danger to the community.

(b) Did you present Ground One in all appeals that were available to you?☐ Yes☒ No**GROUND TWO:** Violation of constitutional protections due to denial of adequate medical care while in to serious medical needs endangering life and health immigration detention.**(a) Supporting facts (Be brief. Do not cite cases or law.):**

I suffer from an inguinal hernia that requires surgical evaluation and timely treatment to prevent serious medical complications. I also suffer from a severe prostate condition with elevated PSA levels that requires specialized diagnostic testing, including imaging studies and evaluation by a urology specialist. Since being detained on January 15, 2026, my symptoms have worsened, including persistent pain and urinary complications. My requests for proper medical evaluation and necessary diagnostic exams have been delayed.

(b) Did you present Ground Two in all appeals that were available to you?☐ Yes☒ No**GROUND THREE:** Continued detention is not justified because I am not a flight risk and do not pose a danger to the community.**(a) Supporting facts (Be brief. Do not cite cases or law.):**

I entered the United States lawfully on a B1/B2 visa in September 2018. I filed for asylum in August 2019, and my application remains pending. I hold a valid Employment Authorization Document (EAD) and have worked and complied with my tax obligations since my arrival. I have no criminal convictions. I am a professional Industrial Engineer, fluent in English, with strong family ties in the United States who are willing to provide housing and ensure compliance with any supervision conditions.

(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: No formal immigration proceedings, removal orders, or appealable decisions have been issued, so no administrative or judicial appeals were available. The asylum application remains pending with USCIS since August 2019 without any interview, notice, or adverse action, making the detention entirely arbitrary and without legal basis.

Request for Relief

15. State exactly what you want the court to do: 1. Order my immediate release from detention under reasonable conditions (such as periodic reporting requirements, electronic supervision, or bond), because my detention is unlawful, arbitrary, indefinite, and without legal basis: No Notice to Appear (NTA) has been issued, No removal proceedings have been initiated. My asylum application has been pending since August 2019 without any interview or decision. I entered the United States lawfully on a B1/B2 visa in September 2018.

I hold a valid Employment Authorization Document (EAD), There is no final removal order or any foreseeable removal.

2. In the alternative, grant humanitarian parole to allow my immediate release for urgent medical treatment.

3. Release me immediately so that I can obtain specialized external medical care outside detention, as the following serious medical conditions cannot be properly diagnosed or treated while detained:

complications if delayed).

with elevated PSA levels, which requires urgent confirmation of diagnosis through pending specialized exams, including a new MRI, biopsy, and follow-up with a urologist or specialist. Symptoms have worsened significantly, including severe pain, chronic urinary issues, and risk of obstruction or further complications

continued worsening of my condition.

4. Declare my current detention unlawful and in violation of the Fifth Amendment (due process) and Eighth Amendment (cruel and unusual punishment) of the United States Constitution due to prolonged indefinite detention without proceedings and the resulting denial of access to necessary medical care.

5. Grant any other equitable relief the Court deems just and proper, including prohibiting any transfer to another detention facility without prior notice to me or my next friend (Sandra Viviana Franco).

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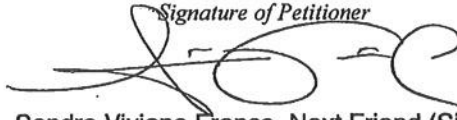
Declaration Under Penalty Of Perjury

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

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: 27/02/2026

Signature of Petitioner



Sandra Viviana Franco, Next Friend (Sister)

Signature of Attorney or other authorized person, if any

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