

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 NYO D.C.

MAR 17 2026

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

RAFAEL MOREJOU CANIZARES
Petitioner

South Florida Detention Facility
54575 Tamiami Trail E.
Ochopee, FL. 34141

Case No. _____
(Supplied by Clerk of Court)

of petitioner)

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

1. (a) Your full name: RAFAEL MOREJOU CANIZARES
- (b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: FLORIDA SOFT SIDE SOUTH
- (b) Address: 54575 TAMIAMITRAIL E.
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: FLORIDA SOFT SIDE SOUTH
54575 TAMiami TRAIL E Ochopee FL 34141

(b) Docket number, case number, or opinion number: [REDACTED]

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

My CONTINUE Detention is unconstitutional UNDER THE 5TH
AMENDMENT. I HAVE BEEN DETAINED SINCE DEC 6, 2025
AND HAVE SERVED 93 DAYS.

x (d) Date of the decision or action: _____

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: _____

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: Dec 6, 2025
- (b) Date of the removal or reinstatement order: Dec 6, 1991
- (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: It is unconstitutional to detain me past 90 days under the 5th Amendment without my rights to liberty and due process

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 Do not cite cases or law.):

I HAVE NOT BEEN re-considered for release by "LAW" from ICE or been given due process. I WAS A POLITICAL PRISONER, EXILED, NOT ALLOWED TO RETURN TO CUBA.

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

☐ Yes

☒ No

GROUND TWO: My continue detention is unconstitutional under the FITH AMENDMENT.

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 Do not cite cases or law.):

CUBA DOES NOT HAVE A REPATRIATION AGREEMENT WITH THE UNITED STATES, I CAME TO THE UNITED STATES ON MAY 6, 1980, I WAS 24 YRS OLD.

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

☐ Yes

☒ No

GROUND THREE: My continue detention is unconstitutional under the FITH AMENDMENT

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 Do not cite cases or law.):

BEING FROM CUBA, I LEFT THERE WHEN I WAS 26 YEARS OF AGE, I HAVE BEEN IN THE UNITED STATES FOR 46 YEARS, IT IS UNLIKELY TO DEPORT ME TO CUBA IN THE NEAR FUTURE SINCE WE HAVE NO DEPORTATION AGREEMENT WITH THIS COUNTRY

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

☐ Yes

☒ No

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GROUND FOUR: My continue Detention is unconstitution under THE 5th Amendment

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

I HAVE medical CONDITIONS, Epelepsy, Arthritis - Joint Pain And circulatory Blood issues Along with CHRONIC ASTHMA, CUBA would NOT Except me. Im 70 years old And cared For By Family members in the United states.

(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:

Request for Relief

15. State exactly what you want the court to do: TO Be released immediately, For violating my rights To Liberty And Due process under the 5th Amendment OF THE constitution OF THE United states.

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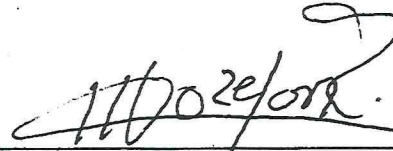
Declaration Under Penalty Of Perjury

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:

3/10/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any