

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

UNITED STATES DISTRICT COURT

for the

Fernando Gonzalez Bonelly

Petitioner

v.

Warden, Florida Soft Side South Detention Center

Respondent

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

Case No. _____
(Supplied by Clerk of Court)MAR 19 2026 AM 11:44
FILED - USDC - FLMD - FTM

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

Personal Information

1. (a) Your full name: Fernando Gonzalez Bonelly
(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):

Continued post-removal detention by ICE

(d) Date of the decision or action: 11/01/2025

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: 11/01/2025

(b) Date of the removal or reinstatement order: 05/25/2010

(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: Continued detention after expiration of the statutory removal period violates due process

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 Do not cite cases or law.)*:

Petitioner has been subject to a final order of removal since May 25, 2010. On November 1, 2025, during a routine ICE supervision appointment, Petitioner was taken into custody. The statutory 90-day removal period has expired. Despite the passage of time, ICE has not effectuated Petitioner's removal and has provided no clear evidence that removal is significantly likely in the reasonably foreseeable future. Continued detention under these circumstances violates due process.

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

☐ Yes

☒ No

GROUND TWO: Lack of meaningful progress toward removal

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 Do not cite cases or law.)*:

Petitioner has cooperated with ICE and complied with supervision requirements for many years without incident. Despite this cooperation, ICE has not demonstrated meaningful progress toward removal or provided evidence that removal is significantly likely in the reasonably foreseeable future. Petitioner complied with ICE reporting requirements and maintained employment authorization for many years. Continued detention based on uncertain and speculative removal is unreasonable and violates due process protections.

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

☐ Yes

☒ No

GROUND THREE: Continued detention is unreasonable given age and serious medical conditions

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 Do not cite cases or law.)*:

Petitioner is 73 years old and suffers from significant medical conditions, including pulmonary emphysema and other chronic health issues. Petitioner lived under an Order of Supervision for many years without incident and poses no danger to the community. Continued detention under these circumstances is unreasonable and violates due process.

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

☐ Yes

☒ No

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GROUND FOUR: Removal is not reasonably foreseeable

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

Petitioner states that ICE previously transported him for an attempted removal to Mexico, but the removal was not completed. Petitioner was subsequently transferred between multiple detention facilities and remains in ICE custody. Based on these events, Petitioner reasonably believes that removal is not significantly likely in the foreseeable future.

(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 remedy was available to challenge prolonged post-removal detention.
-

Request for Relief

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

Order Petitioner' s immediate release under reasonable conditions of supervision;

In the alternative, order a prompt individualized custody hearing at which the Government bears the burden of proving .that continued detention is necessary and legally justified; 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:

3-13-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any