

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

UNITED STATES DISTRICT COURT

for the

Morell Hernandez Alioscha
 Petitioner

Case No. _____
 (Supplied by Clerk of Court)

TODD BLANCHE Acting Attorney General
 MARK MILLER DHS Secretary
 HOMER BYSON ATLANTA FIELD OFF. Director
 Warden: JASON STRICKLAND Stewart Det. Ctr.
 Respondent
 (name of Warden or other person having custody of petitioner)
 DEPORTATION OFFICE, CHAMBERS, Stewart Det. Ctr.

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

Personal Information

1. (a) Your full name: Morell Hernandez Alioscha
 (b) Other names you have used: N/A
2. Place of confinement:
 (a) Name of institution: Stewart Detention Center
 (b) Address: 146 CCA Road
Lumpkin GA 31815
 (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
D.H.S. / I.C.E. / ATLANTA FIELD OFFICE
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: N/A
 (b) Docket number of criminal case: _____
 (c) Date of sentencing: N/A
☒ Being held on an immigration charge
☐ Other (explain): N/A

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): N/A

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: D.H.S / I.C.E. / ATLANTA FIELD OFFICE(b) Docket number, case number, or opinion number: [REDACTED]

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

Detention without merit(d) Date of the decision or action: October 2, 2025 (DATE OF DETENTION)**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: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A(b) If you answered "No," explain why you did not appeal: N/A8. **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: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal:

N/A9. **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: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal:

N/A10. **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: N/A
 (2) Case number: N/A
 (3) Date of filing: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A

- (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: N/A
 (2) Case number: N/A
 (3) Date of filing: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: October 2, 2026
 (b) Date of the removal or reinstatement order: 12 - 15 years ago
 (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: N/A
 (2) Case number: N/A
 (3) Result: N/A
 (4) Date of result: N/A
 (5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: N/A
 (2) Date of filing: N/A
 (3) Case number: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A

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: N/A
 (b) Name of the authority, agency, or court: N/A

(c) Date of filing: N/A(d) Docket number, case number, or opinion number: N/A(e) Result: N/A(f) Date of result: N/A(g) Issues raised: N/A

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: ICE is restricted to Detention for Removal. Petitioner is not removable (physically)

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

Petitioner was ordered removed about 12-15 years ago while Detained in Miami FL Krome Det Center.

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

☐ Yes

☒ No

GROUND TWO: If Petitioner could be physically removed then Petitioner would be removed by now.

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

While in Removal Proceedings in Miami FL the Deportation OFFICER assigned to petitioner's case confirmed to petitioner that Cuba denied the Repatriation of Petitioner back to Cuba.

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

☐ Yes

☒ No

GROUND THREE: Cuba will not be excepting Petitioner in any foreseeable future both near or far.

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

Deportation officer assigned to Petitioner in the Removal Proceedings from Miami also confirmed that Cuba did not want Petitioner to return to Cuba due to the style of fleeing that was political in nature.

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

☐ Yes

☒ No

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GROUND FOUR:

Petitioner will not be a flight risk or public safety issue

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

Petitioner was up to par with the Order of Supervision & its criteria & its ban n-15 years since. Petitioner has been arrested. Petitioner is not active in crimes

(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: N/A

Request for Relief

15. State exactly what you want the court to do: TO Be Reassigned The I-122 "Order of Supervision" & Released from Detention. Immediately

April 15, 2026

Date: 4-10-26

X 

Signature of Petitioner

Signature of Attorney or other authorized person, if any