

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

OSCAR AMADO SALES-LOPEZ,

Petitioner,

V.

WARDEN of the Florida Baker Correctional Institute;
TODD M. LYONS, in his official capacity as Acting
Director of the Immigration and Customs Enforcement,
Enforcement and Removal Operations Washington Field
Office; MARKWAYNE MULLIN, in his official capacity
as Secretary of the Department of Homeland Security;
TODD BLANCHE, in his official capacity as Attorney
General of the United States,

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Respondents.

INTRODUCTION

Petitioner, proceeding *pro se*, Oscar Amado Sales-Lopez, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement (“ICE”) at Florida Baker Correctional Institute, where Petitioner’s continued detention is unlawful under the Constitution and laws of the United States. Petitioner has no final order of removal. Petitioner seeks immediate release, or in the alternative, a constitutionally adequate bond hearing.

I. INFORMATION ABOUT PETITIONER

1. Petitioner's name is: OSCAR AMADO SALES-LOPEZ
2. Petitioner's Alien Registration Number is: 
3. Petitioner is a native, citizen, and national of Guatemala.
4. Petitioner was born on  in Guatemala.
5. Petitioner is currently detained at: Florida Baker Correctional Institute
20706 US 90 W SANDERSON, FL 32087
6. Petitioner was taken into ICE custody on or about September, 2025.
7. Petitioner has continuously resided in the United States.
8. Petitioner is currently in pending removal proceedings before the Immigration Court and does not have a final order of removal. Petitioner is actively pursuing protection before the Immigration Court, including relief under the Cancellation of Removal and Adjustment of Status for Non-Permanent Residents. EOIR-42B.
9. Petitioner does not pose any danger to the public or to property. The Petitioner was charged with possession of a controlled substance; however, A judicial order record on his controlled substance case confirms that the charge against the Petitioner was fully dismissed following successful completion of a pretrial diversion program, and there is no resulting conviction.
10. Petitioner has demonstrated long-term residence, financial stability, and meaningful community ties in the United States.

II. JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the

legality of his immigration detention as contrary to the Constitution and laws of the United States.

12. Venue is proper in this Court because Petitioner is detained within the Middle District of Florida.

13. Petitioner challenges the lawfulness of his present detention and the lack of adequate procedural safeguards required by due process.

14. Petitioner is currently being denied a bond hearing because the position and precedent of the Board of Immigration Appeals is that the Immigration Courts have no jurisdiction to consider bond.

III. PARTIES

15. Petitioner OSCAR AMADO SALES-LOPEZ is currently detained at an immigration detention center located at 20706 US 90 W SANDERSON, FL 32087, and has a pending removal proceedings with the Immigration Court.

16. Respondent Todd Blanche is the Attorney General of the United States and is responsible for the general enforcement of federal immigration laws.

17. Respondent Markwayne Mullin is the Secretary of DHS, responsible for administering and enforcing immigration laws and policies.

18. Respondent Todd M. Lyons is the Acting Director of ICE, the DHS component responsible for Petitioner's detention.

19. The Warden/Facilit Administrator of Florida Baker Correctional Institute, 20706 US 90 W, SANDERSON, FL 32087, is Petitioner's immediate custodian and has day-to-day control over Petitioner's confinement.

20. All other persons having custody of Petitioner are proper Respondents to the instant habeas Petition.

IV. FACTUAL BACKGROUND

21. Petitioner has a steady work history, demonstrating her stability and reliability.

22. Petitioner does not pose any danger to the public or to property. The Petitioner was charged with possession of a controlled substance; however, A judicial order record on his controlled substance case confirms that the charge against the Petitioner was fully dismissed following successful completion of a pretrial diversion program, and there is no resulting conviction. Petitioner has consistently demonstrated law-abiding behavior and respect for legal obligations throughout his time in the United States.

23. A criminal record search reflects no serious criminal convictions for Petitioner.

24. Petitioner is being deprived of a meaningful opportunity for an individualized custody or release determination despite substantial equities, including strong and longstanding ties to the community and the absence of any evidence of dangerousness. Petitioner remains detained without an individualized justification for continued custody.

25. Petitioner has demonstrated long-term residence, financial stability, and meaningful community ties in the United States. In addition, Petitioner pursued protection under the Cancellation of Removal EOIR-42B.

V. LEGAL FRAMEWORK

26. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

27. Federal courts have authority under 28 U.S.C. § 2241 to review the legality of immigration detention and to order appropriate relief, including an individualized bond/custody hearing or release under conditions.

28. Section 1225 governs the inspection, detention, and removal of applicants for admission. See 8 U.S.C. § 1225 et seq. Applicants for admission are defined as noncitizens “present in the United States who have not been admitted” or those “arriving in the United States.” Id.

29. All applicants for admission “must be inspected by immigration officers to ensure that they may be admitted into the country consistent with U.S. immigration law.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

30. To that end, “U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2).” Id. at 289 (emphasis added).

31. “Section 1225(b)(1) applies to aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” Id. Such noncitizens are generally subject to expedited removal “without further hearing or review.” 8 U.S.C. § 1225(b)(1).

32. However, if the noncitizen expresses “an intention to apply for asylum” or a fear of persecution,” the statute requires referral to an interview with an immigration officer. Id. § 1225(b)(1)(A)(ii). If the immigration officer finds a “credible fear,” the noncitizen “shall be detained for further consideration of the application for asylum.” Id.

33. On the other hand, “Section 1225(b)(2) is broader” and “serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1).” *Jennings*, 583 U.S. at 287. Noncitizens covered under § 1225(b)(2) are detained for removal proceedings “if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted” into the country. 8 U.S.C. § 1225(b)(2)(A).

34. Importantly, detention under § 1225(b)(2) is mandatory. See *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

35. Federal immigration law “also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.” *Jennings*, 583 U.S. at 289 (emphasis added). Section 1226(a) provides that when a noncitizen has been “arrested and detained pending a decision on whether the alien is to be removed from the United States,” the Attorney General may either continue to detain the individual or release them on bond or conditional release. See 8 U.S.C. § 1226(a).

36. The statute thus “establishes a discretionary detention framework.” *Gomes*, 2025 WL 1869299, at *2. Importantly for purposes of the instant action, “federal regulations provide that aliens detained under [section] 1226(a) receive bond hearings at the outset of detention.” *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 13 1236.1(d)(1)); see also *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025) (“To be sure, a noncitizen detained under [section] 1226(a) is undoubtedly entitled to a bond hearing before an immigration judge.”).

37. The question of whether section 1225(b)(2) or section 1226(a) governs Petitioner’s detention is a question of statutory interpretation squarely within the Court’s jurisdiction. *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *3 (E.D. Mich. Sep. 9, 2025) (noting that the interplay of these two sections is a matter “of statutory interpretation belong[ing] historically within the province of the courts.”) (citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)); *Barrios v. Shepley*, No. 25-cv-00406, 2025 WL 2772579, at *5 (D. Me. Sept. 25, 2025) (district court had jurisdiction to review petitioner’s challenge to the “statutory framework” regarding her detention); see *Gomes*, 2025 WL 1869299, at *8 n.9 (“Courts must exercise independent judgment in determining the meaning of statutory provisions”); *Mosqueda*, 2025 WL 2591530, at *7 (district court had jurisdiction to decide whether § 1225 or § 1226 applied as

“[t]hese are purely legal questions of statutory interpretation.”). The NTA reflects that DHS proceeded under section 1226 when it encountered Petitioner. Specifically, the NTA did not classify Petitioner as an “arriving alien.” Instead, the NTA charged him as “present in the United States without admission or parole.” *Id.* This classification places him squarely within section 1226. See e.g., *Pizarro Reyes*, 2025 WL 2609425, at *8 (emphasizing ICE’s selection of “present” rather than “arriving” on the NTA as evidence that § 1226 applied); see also *Hyppolite v. Noem*, No. 25-4304, 2025 WL 2829511, *8 (E.D.N.Y. Oct. 6, 2025) (respondent’s initial classification of petitioner “certainly is relevant to the Court’s assessment of the credibility and good faith of ‘Respondents’ new position as to the basis for [Hyppolite’s] detention, which was adopted post hoc and raised for the first time in this litigation.”) (citation omitted); *Perez v. Berg*, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025) (“The Court notes that the government itself charged Petitioner as an alien present in the United States who has not been admitted or paroled rather than an arriving alien.”) (quotations omitted).

38. In addition, “[w]hereas [section] 1225 governs removal proceedings for ‘arriving aliens,’ [section] 1226(a) serves as a catchall.” *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *5 (E.D. Mich. Sept. 9, 2025).

39. As the Supreme Court stated in *Jennings*, section 1226 “creates a default rule” that “applies to aliens already present in the United States.” *Jennings*, 583 U.S. at 303. The inclusion of a “catchall” provision in section 1226, particularly following the more specific provision in section 1225, is “likely no coincidence, but rather a way for Congress to capture noncitizens who fall outside of the specified categories.” *Pizarro Reyes*, 2025 WL 2609425, at *5; see also *Barrera*, 2025 WL 2690565, at *4 (citation omitted).

40. The circumstances surrounding Petitioner's detention align with section 1226(a), not section 1225(b)(2). Indeed, other Courts in this Circuit and District have uniformly rejected Respondents' expansive interpretation of section 1225. See, e.g., *Gil-Paulino v. Sec'y of the U.S. Dep't of Homeland Sec.*, 25-cv-24292, ECF No. [41], (S.D. Fla. Oct. 10, 2025) (respondent's interpretation of the INA "directly contravenes the statute" and "disregards decades of settled precedent"); see also *Pizarro Reyes*, 2025 WL 2609425, at *7 ("Finally, the BIA's decision to pivot from three decades of consistent statutory interpretation and call for *Pizarro Reyes*' detention under § 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same question of statutory interpretation."); *Puga*, No. 25-24535, 2025 WL 2938369, at *3–6; *Merino v. Ripa*, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Alvarez v. Morris*, 25-cv-24806, ECF No. [6], (S.D. Fla. Oct. 27, 2024) (collecting cases). Petitioner's detention is governed by section 1226(a) and, therefore, he is entitled to an individualized bond hearing before an IJ.

VI. CLAIMS FOR RELIEF

COUNT ONE – PROLONGED IMMIGRATION DETENTION WITHOUT A CONSTITUTIONALLY ADEQUATE BOND HEARING VIOLATES THE FIFTH AMENDMENT

41. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

42. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. These protections apply to noncitizens in immigration detention.

43. Immigration detention is civil in nature and may be justified only for limited regulatory purposes, including ensuring appearance at proceedings and protecting the community.

44. Petitioner lawfully entered the United States on a visa and has substantial ties to the community.

45. Petitioner has been detained and remains in custody without a meaningful opportunity for an individualized custody determination before a neutral decisionmaker that considers current evidence of flight risk or danger.

46. Petitioner has sought release on bond and has been denied. As a result, Petitioner has been deprived of a constitutionally adequate bond hearing at which the Government must justify continued detention based on individualized, current circumstances

**COUNT TWO – PETITIONER’S DETENTION IS NOT REASONABLY RELATED TO
A LEGITIMATE CIVIL PURPOSE**

47. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein

49. Civil immigration detention is constitutionally permissible only so long as it bears a reasonable relation to its nonpunitive purposes. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

50. Respondents have not made an individualized showing that Petitioner’s continued detention is necessary to prevent flight or protect the community.

51. Petitioner has strong equities, including lawful entry, significant community ties, and the absence of any evidence of dangerousness. The bond denial demonstrates the absence of a meaningful individualized assessment. Because continued detention is not supported by individualized findings and is not reasonably related to a legitimate civil purpose, it violates the Fifth Amendment.

COUNT THREE –DETENTION WITHOUT MEANINGFUL INDIVIDUALIZED REVIEW EXCEEDS STATUTORY AND CONSTITUTIONAL LIMITS

52. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein

53. Petitioner is presently in removal proceedings and does not have a final order of removal.

54. Petitioner is pursuing relief before the Immigration Court, including Cancellation of Removal EOIR-42B.

55. Federal immigration detention authority must be exercised consistently with constitutional limitations and may not be applied in a manner that results in arbitrary or indefinite detention without adequate process.

56. By continuing to detain Petitioner without providing a meaningful individualized review of whether custody remains necessary, Respondents have exceeded lawful authority.

COUNT FOUR – HABEAS RELIEF IS PROPER UNDER 28 U.S.C. § 2241

57. Petitioner is “in custody” within the meaning of 28 U.S.C. § 2241.

58. That custody violates the Constitution and laws of the United States for the reasons stated above.

59. This Court, sitting in the Middle District of Florida, Jacksonville Division, has jurisdiction to grant habeas relief and to remedy unlawful immigration detention.

60. Habeas relief is necessary because Petitioner lacks any other plain, speedy, and adequate remedy to obtain prompt judicial review of the legality of continued confinement.

61. Unless relief is granted, Petitioner will continue to suffer irreparable harm through the loss of liberty caused by unlawful detention.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner, OSCAR AMADO SALES-LOPEZ, respectfully requests that this Honorable Court:

- A. Assume jurisdiction over this matter.
- B. Declare that Petitioner's continued immigration detention without a meaningful individualized custody determination violates the Due Process Clause of the Fifth Amendment.
- C. Order Respondents to release Petitioner from custody forthwith under reasonable conditions of supervision or on a reasonable bond set by this Court (or, in the alternative, order a prompt individualized custody/bond hearing before a neutral decision-maker if the Court concludes such a hearing is the minimum necessary remedy).
- D. In the alternative, order any other relief necessary to secure Petitioner's prompt release, including a prompt individualized custody/bond hearing if required by law.
- E. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

Pro se, OSCAR AMADO SALES-LOPEZ

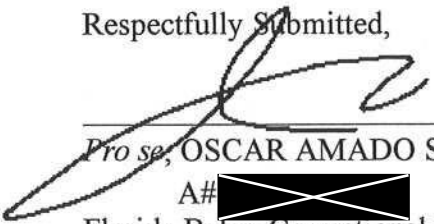
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Florida Baker Correctional Institute
20706 US 90 W
SANDERSON, FL 32087

VIII. VERIFICATION

I, OSCAR AMADO SALES-LOPEZ, with alien number 240-113-368, declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

Respectfully Submitted,



Pro se, OSCAR AMADO SALES-LOPEZ

A# 
Florida Baker Correctional Institute
20706 US 90 W
SANDERSON, FL 32087

Date: 04/24/2026