

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

# UNITED STATES DISTRICT COURT

for the

TOMAS RICARDO HERNANDEZ RUIZ  
*Petitioner*

v.

U.S. DEPARTMENT OF HOMELAND SECURITY  
 N.S. IMMIGRATION AND CUSTOM ENFORCEMENT  
WARDEN, BAKER COUNTY DETENTION CENTER  
*Respondent*  
 (name of warden or authorized person having custody of petitioner)

Case No. 3:26-cv-1061-JEP-LLL  
 (Supplied by Clerk of Court)

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

### Personal Information

1. (a) Your full name: TOMAS RICARDO HERNANDEZ RUIZ  
 (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
 (a) Name of institution: BAKER COUNTY DETENTION CENTER  
 (b) Address: 20706 US HIGHWAY 90  
SANDERSON FL 32087  
 (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain:  
ICE DETENTION
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

(b) Docket number, case number, or opinion number: \_\_\_\_\_

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

PETITIONER HAS NOW BEEN DETAINED FOR OVER SIX MONTHS (180+ DAYS) EXCEEDING THE PRESUMPTIVELY REASONABLE DETENTION PERIOD UNDER ZADY VAS V. DAVIS. THERE IS NO SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE

(d) Date of the decision or action: 9-8-2025

## 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: NO LEGAL COUNSEL

## 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 LEGAL COUNSEL

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: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals? \_\_\_\_\_

☐ Yes☒ No

9-8-2025

10-8-1999

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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: VIOLATION OF 8 U.S.C. 1231 (a)(6)

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 Do not cite cases or law.):

PETITIONER HAS BEEN DETAINED BY ICE FOR MORE THAN 180 DAYS POST-ORDER REMOVAL. PETITIONER'S FINAL ORDER REMOVAL TO CUBA WAS ON 10/8/1999. PETITIONER HAS BEEN IN ICE CUSTODY SINCE 9/8/2025. ICE HAS NOT PROVIDED ANY TRAVEL DOCUMENTS OR PROOF OF ACCEPTANCE FROM CUBA OR ANY THIRD PARTY COUNTRY. REMOVAL HAS NOT BEEN EFFECTUATED DESPITE PROLONGED DETENTION.

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

☐ Yes

☒ No

GROUND TWO: VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS

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

CONTINUED DETENTION WITHOUT A MEANINGFUL LIKELIHOOD OF REMOVAL VIOLATES DUE PROCESS. PETITIONER HAS NOW BEEN HELD WELL BEYOND THE PRESUMPTIVELY REASONABLE FORESEEABLE FUTURE PERIOD. THIS PROLONGED DETENTION HAS BECOME INDEFINITE AND PUNITIVE IN NATURE, WHICH IS UNCONSTITUTIONAL.

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

☐ Yes

☒ No

GROUND THREE: FAILURE TO MEET GOVERNMENT'S BURDEN AFTER 180 DAYS.

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

AFTER SIX MONTHS, THE GOVERNMENT MUST PROVIDE EVIDENCE SHOWING A SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE. TO DATE, ICE HAS FAILED TO PROVIDE VALID TRAVEL DOCUMENTS, CONFIRMED COUNTRY ACCEPTANCE, OR A SCHEDULED REMOVAL PLAN. WITHOUT SUCH EVIDENCE, CONTINUE DETENTION VIOLATES AUTHORIZED STATUTE AND MUST END.

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

☐ Yes

☒ No

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**GROUND FOUR:** DETENTION NO LONGER SERVES A LEGITIMATE PURPOSE.

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

THE POST REMOVAL ORDER TO CUBA WAS IN 10/3/1999. CURRENT DETENTION FROM ICE IS FROM 9/8/2025, THAT IS WELL OVER 180 DAYS. ICE LACKS DOCUMENTATION TO EXECUTE REMOVAL. THERE IS NO FLIGHT OR TIMEFRAME FOR REMOVAL. PETITIONER'S AGE AND MEDICAL HISTORY DISQUALIFIES HIM FROM BEING FORCED TO STAY AND DUMPED ON THE MEXICAN BORDER. PETITIONER'S DATE OF BIRTH IS [REDACTED] DETENTION IS NO LONGER VALID.

(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: PETITIONER RESPECTFULLY REQUEST THAT THIS COURT GRANT THIS WRIT OF HABEAS CORPUS AND ORDER PETITIONER'S IMMEDIATE RELEASE FROM ICE CUSTODY. PETITIONER FURTHER REQUEST ANY OTHER RELIEF THE COURT DEEMS JUST AND PROPER INCLUDING ORDER OF SUPERVISION UPON RELEASE FROM BAKER DETENTION CENTER.

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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:

4/20/26

*Hernandoz Torres*  
Signature of Petitioner

Signature of Attorney or other authorized person, if any

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