

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

JEAN BERTHO FONTUS


Petitioner

v.

The Warden, Baker County Detention Center

Respondent

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

Case No.

3:26-cv-1068-MMH-m
(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: JEAN BERTHO FONTUS
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: Florida Baker Correctional Institute
(b) Address: 20706 US 90 WEST SANDERSON, FL 32087
(c) Your identification number: 
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): _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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)
- ☐ 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 and the Orlando Immigration Court(b) Docket number, case number, or opinion number: 

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

The Department of Homeland Security's decision to hold me in mandatory immigration detention without an individualized bond hearing or custody redetermination, despite my status as a lawful parolee with pending I-485 and TPS applications.

(d) Date of the decision or action: 01/01/2026**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: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not appeal: I have not filed a formal administrative appeal because I was recently detained on January 1, 2026, and denied a bond hearing. My detention is unlawful because I am a lawful parolee (Class: DT) with pending I-485 and TPS applications.

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: I have not filed a second appeal because the initial challenge to this specific detention has not yet been processed or heard by the immigration authorities.

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: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not file a third appeal: I have not filed a third appeal for the reasons stated above, as I am currently seeking immediate judicial intervention via this Writ of Habeas Corpus to address my unlawful detention.

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

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 or a Section 2254 to petition 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: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (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: 01/01/2026
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

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: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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.

GROUND ONE: Lawful Entry via Parole and Lack of Illegal Presence

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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

I am being unlawfully detained as if I were present in the United States without inspection. On June 1, 2024, I presented myself at the Laredo, Texas Port of Entry and applied for admission. I was inspected by Customs and Border Protection and officially granted Parole into the United States. My Form I-94 is evidence of my lawful admission under 8 U.S.C. § 1182(d)(5)(A). Holding me in mandatory detention ignores my legal status as a parolee and violates my right to a bond hearing under 8 U.S.C. § 1226(a).

(b) Did you present Ground One in all appeals that were available to you?☐ Yes☐ No**GROUND TWO:** Established Credible Fear and Pending Legal Status**(a) Supporting facts** *(Be brief. Do not cite cases or law.):*

I have established significant family ties to the United States through my marriage to a U.S. Citizen, Marie Sainte Flore Joseph, on June 23, 2025. Based on this marriage, I have a pending Form I-130 (Petition for Alien Relative) and Form I-485 (Application to Register Permanent Residence or Adjust Status), both of which were received by USCIS on October 24, 2025. I also have a pending application for Temporary Protected Status (TPS) under Case Number XXXXXXXXXX, and I have already successfully completed the required biometrics for this application. The government has already recognized my eligibility to reside in the community by issuing me an Employment Authorization Document valid through June 2026.

(b) Did you present Ground Two in all appeals that were available to you?☐ Yes☐ No**GROUND THREE:** Violation of Due Process and Misclassification of Custody Status**(a) Supporting facts** *(Be brief. Do not cite cases or law.):*

I am being unlawfully detained in violation of my Fifth Amendment Due Process rights because the government is treating my presence as "illegal" or "unauthorized," despite my official admission via parole and my pending legal status.

(b) Did you present Ground Three in all appeals that were available to you?☐ Yes☐ No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

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

(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: 1. Issue a Writ of Habeas Corpus for my immediate release. 2. Alternatively, order an immediate bond hearing within 7 days where the government must justify my detention by clear and convincing evidence. 3. Recognize my status as a lawful parolee with pending I-485, I-130, and TPS applications.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system: 04-21-2026
Jean Bertho Fontus

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: 04-21-2026

Jean Bertho Fontus
Signature of Petitioner

Signature of Attorney or other authorized person, if any