

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

Jameson Presmy


Petitioner

v.

The Warden, Baker County Detention Center

Respondent

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

Case No.

3:26-cv-1067-JEP-SJH
(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: Jameson Presmy
(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, Florida 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: 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*):
See Attached
- (d) Date of the decision or action: 02/06/2026

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:

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

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:

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:

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: 02/06/2026
(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: Violation of 8 U.S.C. § 1226(a) and the Maldonado Bautista Ruling

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 subjected to mandatory detention without a bond hearing, in violation of the legal standards established in 8 U.S.C. § 1226(a) and the recent court order in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr.*

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

☐ Yes

☐ No

GROUND TWO: Unlawful Detention Following Lawful Parole Entry

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 Do not cite cases or law.*):

My detention is unlawful because I am not an "arriving alien" subject to mandatory detention under § 1225(b); rather, I was lawfully paroled into the United States.

Because I was inspected and paroled, I should be eligible for a discretionary bond under § 1226(a), but I am being held without any opportunity to post bond or seek release.

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

☐ Yes

☐ No

GROUND THREE: Violation of Due Process and Failure to Recognize Humanitarian Relief

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 Do not cite cases or law.*):

My continued detention since February 6, 2026, violates the Due Process Clause of the Fifth Amendment because I have established a significant legal right to remain in the U.S. that the government is ignoring.

(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 directing the Respondents to release me from custody. 2. In the alternative, order the Respondents to provide me with an individualized bond hearing before an Immigration Judge within 7 days, as required by 8 U.S.C. § 1226(a) and the District Court's ruling in Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al

3. Order that at such a bond hearing, the burden of proof be placed on the Government to demonstrate by clear and convincing evidence that I am a flight risk or a danger to the community.

4. Declare that my continued detention without a bond hearing is a violation of the Due Process Clause of the Fifth Amendment, especially in light of my lawful parole entry on April 23, 2022, and my pending Asylum and TPS applications.

5. Grant any other and further relief that this Court deems just and proper.

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:

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:

Signature of Petitioner

Signature of Attorney or other authorized person, if any