

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

UNITED STATES DISTRICT COURT

for the
Middle District of Florida

Alien Ferrales Marino

Petitioner

v.

Warden, Baker Correctional Institution,
Secretary of Homeland Security,
Attorney General of the United States,
Director of ICE,*Respondent*

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

Case No.

3:26-cv-1065-WWB-PD
(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: Alien Ferrales Marino
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Florida Baker Correctional Institute
(b) Address: 20706 US 90 W, 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): _____

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 (ICE)

Florida Baker Correctional Institute, Sanderson, Florida

(b) Docket number, case number, or opinion number: (c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

Petitioner challenges his continued detention by U.S. Immigration and Customs Enforcement (ICE) without an individualized bond hearing, in violation of the Due Process Clause of the Fifth Amendment.

(d) Date of the decision or action: 09/23/2025

Your Earlier Challenges of the Decision or Action7. **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: Petitioner did not appeal because there has been no final administrative decision issued that could be appealed. The challenge in this petition is to the legality of Petitioner's ongoing detention.

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: Petitioner did not file a second appeal because administrative remedies are inadequate and ineffective to address the constitutional violation arising from his prolonged detention without an individualized bond hearing.

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: Petitioner did not file a third appeal because there are no further administrative remedies available to challenge his continued detention. The claim raised in this petition concerns the legality of his ongoing detention, which is properly reviewed through habeas C

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: 09/23/2025

(b) Date of the removal or reinstatement order: _____

(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: _____

(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: Application for Asylum and Withholding of Removal Form I-589

(b) Name of the authority, agency, or court: _____

Executive Office for Immigration Review (EOIR), Immigration Court(c) Date of filing: 03/13/2026(d) Docket number, case number, or opinion number: (e) Result: Pending

(f) Date of result: _____

(g) Issues raised: Petitioner seeks asylum, withholding of removal, and protection under the Convention Against Torture based on fear of persecution and/or torture if returned to his country of origin.

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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: See Attachment A

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

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

☐ Yes

☒ No

GROUND TWO: See Attachment A

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

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

☐ Yes

☒ No

GROUND THREE: See Attachment A

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

constitutionally excessive.

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

☐ Yes

☒ No

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GROUND FOUR: See Attachment A

(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: Petitioner did not raise these grounds previously because they challenge the legality of his detention, which cannot be adequately addressed in immigration proceedings.

Request for Relief

15. State exactly what you want the court to do: WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order a prompt individualized bond hearing at which the Government bears the burden of proof, or alternatively order Petitioner's immediate release, declare that the continued detention violates due process, and grant any other relief the Court deems just and proper.

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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:

04/04/2026

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: 04/04/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

GROUND ONE – Violation of the Fifth Amendment – Prolonged Detention Without Bond Hearing

Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) at Florida Baker Correctional Institute in Sanderson, Florida. Petitioner has been in immigration detention for a prolonged period while his removal proceedings remain pending before the Immigration Court.

Petitioner has filed an application for asylum, withholding of removal, and protection under the Convention Against Torture, which remains pending. There is no final order of removal.

Despite the length of detention, Petitioner has not been afforded a meaningful, individualized bond hearing at which the government bears the burden of justifying continued detention.

Such prolonged detention without adequate procedural safeguards violates the Due Process Clause of the Fifth Amendment.

GROUND TWO – Lack of Individualized Determination of Flight Risk or Danger

Petitioner's continued detention is unlawful because it is not based on any current, individualized determination that he poses a risk of flight or a danger to the community.

Civil immigration detention must be reasonably related to its regulatory purpose. Detaining Petitioner without such an individualized assessment renders the detention arbitrary and excessive, in violation of due process.

GROUND THREE – Detention Exceeds Statutory Authority

Petitioner's continued detention has exceeded the permissible scope of immigration detention under federal law. While immigration detention is authorized for limited regulatory purposes, it does not permit indefinite or unreasonably prolonged detention without adequate procedural safeguards.

As Petitioner's proceedings remain pending and no final order has been issued, continued detention without meaningful review exceeds statutory authority and is not reasonably related to its intended purpose.

GROUND FOUR – Failure to Require Government to Justify Continued Detention

Petitioner has not been provided with a bond hearing at which the government is required to justify his continued detention.

Due process requires that, after a prolonged period of detention, the government must bear the burden of proving that continued custody is necessary to prevent flight or danger to the community. The failure to provide such a hearing violates Petitioner's constitutional right to due process.