

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

UNITED STATES DISTRICT COURT

for the

Asdrubal Rafael Rojas Caguana

Petitioner

v.

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

*Respondent**(name of warden or authorized person having custody of petitioner)*Case No. 3:26-cv-1062-JEP-PDB
(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: Asdrubal Rafael Rojas Caguana
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Florida Baker Correctional Institute
 - (b) Address: [REDACTED]
- (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), Baker Correctional Institution

(b) Docket number, case number, or opinion number: _____

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

Bond Denial and continued detention

_____(d) Date of the decision or action: 03/06/2026**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

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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: _____

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: March 06, 2026

- (b) Date of the removal or reinstatement order: N/A

- (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: _____

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 Do not cite cases or law.):**

Petitioner was taken into ICE custody on March 6, 2026. Petitioner has been continuously detained since that date.

Petitioner was provided a bond hearing; however bond was denied, and remains detained. Petitioner does not pose a danger to the community and is not a flight risk. Petitioner has strong family ties to the United States, including: his partner, his 8-month-old daughter

and 14-year-old stepson. Petitioner has stable residence upon release where he will reside with his family.

Continued detention is causing substantial hardship to Petitioner and his family, particularly his minor children who depend on him.

(b) Did you present Ground One in all appeals that were available to you?☐ Yes☒ No**GROUND TWO:** CLAIM FOR RELIEF**(a) Supporting facts (Be brief. Do not cite cases or law.):**

16. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

17. Although Petitioner was provided a bond hearing, the denial of bond failed to properly consider his individual circumstances, including his lack of danger to the community, lack of flight risk, and strong family ties.

18. The bond determination was legally insufficient and resulted in continued detention that is not reasonably related to any legitimate government purpose.

19. Petitioner's continued detention has become excessive and punitive in nature.

20. The government's interest in detention does not outweigh Petitioner's liberty interest, particularly given the availability of less restrictive alternatives to detention.

(b) Did you present Ground Two in all appeals that were available to you?☐ Yes☒ No**GROUND THREE:****REQUEST FOR RELIEF****(a) Supporting facts (Be brief. Do not cite cases or law.):**

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant this Petition for Writ of Habeas Corpus; B. Order Respondents to immediately release Petitioner from custody;

OR, IN THE ALTERNATIVE,

C. Order Respondents to provide Petitioner with a new, constitutionally adequate individualized bond hearing before an Immigration Judge within fourteen (14) days;

D. Grant such other and further relief as this Court deems just and proper.

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

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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:

C. Order Respondents to provide Petitioner with a new, constitutionally adequate individualized bond hearing before an immigration judge within fourteen (14) days;

D. Grant such other and further relief as this Court deems

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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: _____



Signature of Petitioner

Signature of Attorney or other authorized person, if any