

APR 30 2026 PM 1:53
FILED - USDC - FLMD - JAX

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

UNITED STATES DISTRICT COURT

for the

DAIANOV NIKITA

Petitioner

v.

DEPARTMENT OF HOMELAND SECURITY
ARDEN, NORTH FLORIDA DETENTION FACILITY

Respondent

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

Case No.

3:26-cv-1041-MMH-U
(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: DAIANOV NIKITA
- (b) Other names you have used: —
2. Place of confinement:
 - (a) Name of institution: _____
 - (b) Address: _____
- (c) Your identification number: A 
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain: _____

ICE
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): BEING HELD BY ICE IN VIOLATION OF MY 5th
AMENDMENT RIGHT OF DUE PROCESS

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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: NORTH FLORIDA DETENTION FACILITY

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

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

I AM CHALLENGING MY ILEGAL DETENTION IN VIOLATION OF MY 5th AMENDMENT RIGHT OF VIOLATING MY DUE PROCESS(d) Date of the decision or action: ICE DETAINED ME 11/15/2025**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: BIA(2) Date of filing: 3/23/2026(3) Docket number, case number, or opinion number: —(4) Result: PENDING(5) Date of result: PENDING

(6) Issues raised: _____

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(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: _____

WAIT RESULT OF THE FIRST 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: _____

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

WAIT RESULT OF THE FIRST 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: _____

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- (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: 11/15/2025
(b) Date of the removal or reinstatement order: I DON'T HAVE
(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes ☐ No

If "Yes," provide:

- (1) Date of filing: 3/23/2026
(2) Case number: —
(3) Result: PENDING
(4) Date of result: PENDING
(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: _____

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(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 MY 5th AMENDMENT RIGHT
AND VIOLATION OF MY DUE PROCESS

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

IN JULY 2022, AT THE U.S. BORDER, I REQUESTED ASYLUM AND WAS RELEASED INTO THE TERRITORY OF THE UNITED STATES ON PAROLE WITH FORM I-94 AND WITH AN IMMIGRATION COURT HEARING SCHEDULED FOR APRIL 2026. 11/15/2025 ICE UNLAWFULLY DETAINED ME, DESPITE THE FACT THAT I HAD MY SSN AND VALID WORK AUTHORIZATION THROUGH 2028, AND WAS PRESENT IN THE UNITED STATES FULLY LAWFULLY WHILE AWAITING MY IMMIGRATION COURT HEARING.

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

☐ Yes☐ No

GROUND TWO: I WAS DEPRIVED OF THE RIGHT TO A FULL DEFENSE OF MY IMMIGRATION COURT CASE, AND DEPRIVED OF LEGAL ASSISTANCE.

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

BECAUSE AT THE MOMENT OF MY DETENTION MORE THAN HALF A YEAR REMAINED BEFORE MY COURT HEARING, I DID NOT HAVE AN ATTORNEY AND WAS STILL GATHERING MATERIALS FOR MY CASE AND MONEY, BUT AFTER ENDING UP IN DETENTION WITHOUT MONEY AND COMMUNICATION, I WAS UNABLE TO FIND AN ATTORNEY AND TO FULLY PRESENT MY IMMIGRATION CASE IN COURT WITH ALL EVIDENCE AND QUALIFIED ASSISTANCE OF COUNSEL.

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

☐ Yes☐ No

GROUND THREE: I NEED TO REOPEN MY IMMIGRATION CASE AND FULLY PRESENT IT IN COURT WITH ALL EVIDENCE AND WITH THE QUALIFIED ASSISTANCE OF AN ATTORNEY

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

I DO NOT POSE A DANGER TO SOCIETY AND I AM ABLE TO SUPPORT MYSELF WHILE AT LIBERTY. DURING MORE THAN THREE YEARS OF BEING IN THE UNITED STATES, I HAVE NOT COMMITTED ANY CRIMINAL OFFENSES, I HAVE AN OFFICIAL PROFESSION, AND I HAVE WORK AUTHORIZATION

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

☐ Yes☐ No

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GROUND FOUR: I AM ILLEGAL DETAINED MORE THAN 6 MONTHS

(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: RESPECTFULLY, I ASK THE COURT TO RELEASE ME FROM DETENTION, IN WHICH I HAVE BEEN UNLAWFULLY HELD FOR MORE THAN 6 MONTHS, AND TO GRANT ME THE RIGHT TO A FULL DEFENSE MY IMMIGRATION CASE IN COURT

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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:

4/26/2026

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:

4/26/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any