

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

Anier Esvel Caceres Leon

Petitioner

v.

U.S. Immigration Customs Enforcement
Warden, Baker Correction Facility

Respondent

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

Case No.

3:26-cv-01096-MMH-LLL
(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: Anier Esvel Caceres Leon
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: North Florida Detention Center (BCI)
 - (b) Address: 20706 US Hwy 90 W
Sanderson Florida 32087
 - (c) Your identification number: A [REDACTED]
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE / ERO / BCI
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): Held on immigration for more than 90-days
mandatory detention indefinite nature.

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):

challenges the legality of detention under a framework devised by the Supreme Court under Zadvydas v. Davis 533 US 678 (2001)

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: *Immigration Customs Enforcement Warden or Facility Director, North Florida Detention Center*
 (b) Docket number, case number, or opinion number: _____
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
challenge in this present fact. Deprivation of Freedom and liberty, indicating that ICE is incapable of executing his removal, therefore this detention exceeding six month is unlawful.
 (d) Date of the decision or action: *August 10, 2023*

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:

At the time of my Immigration appeal, I was lacking of privilege to consult an Counsel or understanding Immigration Procedures

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: _____

January 16, 2026

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

08 - 10 - 2023

(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: _____

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: *Petitioner argues that is entitled to release because the post-removal order detention exceed the statutory removal period authorized under 8 USC § 1231(a) in violation of due process clause*

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 Do not cite cases or law.):

Petitioner is a Cuban National, admitted to the United States on June 13, 2012 and permanent resident since 2012. Arrested on federal charges on Nov. 6, 2019. After 5 month, Petitioner was release on immigration supervision until January 16, 2026 when ICE revoke the release supervision.

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

☐ Yes

☒ No

GROUND TWO: *Petitioner's seek a Petition for a writ of habeas corpus to challenge his detention in the event that the statute's review procedures are insufficiently protective. Zadvydas v. Davis 533 U.S. 678*

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

An alien who is ordered removed generally must be removed within 90-days. If removal cannot be accomplished then may be detained for reasonable time, (six month) unless there's no significant likelihood of removal in the future there is no reason to believe Petitioner removal to Cuba occur

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

☐ Yes

☒ No

GROUND THREE: *Petitioner's argues that ICE/ERO violated his constitutional rights, laws or treaties of the United States because continue detention that causing to petitioner ongoing loss of liberty without realistic prospect of removal.*

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

If in fact Petitioner can not be deported back to Cuba why is it that ICE would keep him in custody for six month if there is no way he's going to be able to be deported to Cuba or any other Country? There is no indication that travel documents will be issued or that deportation will occur on the

(b) Did you present Ground Three in all appeals that were available to you? *reasonably foreseeable future.*

☐ Yes

☒ No

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GROUND FOUR: *Petitioner alleged that ICE violated his fourth and fifth Amendment right by prolonging his detention even though ICE allegedly knew that there was no prospect that petitioner would be removed.*

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

The Availability of Habeas relief which provide the most speedy, direct, and powerful remedy from wrongful detention, require to this Honorable Court to examine ICE's motivations for Cuban's long time lawful residents continue this ongoing mandatory detention without a realistic prospect of removal.

(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:

Petitioner respectfully request that this Honorable Court grant the writ of this habeas corpus and order petitioner's immediate release from ICE custody reinstated the reasonable condition of supervision and any other relief the Court seems 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:

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