

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 Florida
Jacksonville division

Yusney Figueroa Arguëlles

Petitioner

v.

US Attorney General
U.S. Immigration Customs Enforcement
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 3:26cv-01098-WWB-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: Yusney Figueroa Arguëlles
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: North Florida Detention Center
(b) Address: 20706 US HWY 90 W
SANDERSON FLORIDA 32087
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
Immigration Customs Enforcement
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 final order of removal since Sep. 01, 2010.
Revocation of order supervision release without probable
cause since Dec. 29, 2025

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): ICE revocation of supervision, failed to follow its regulations and procedures before and after the revoking, violated petitioner's fourth and fifth amendment rights.

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

(a) Name and location of the agency or court: Immigration Customs Enforcement, And Baker corrections facility.

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

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

Challenge the prolonged insufficient detention that invalidated the condition of petitioner release. ICE never notified the reasons for petitioner supervision release revocation 8 C.F.R. § 241.13 (U) (1).

(d) Date of the decision or action: Dec. 30, 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: _____

(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: Exhaustion futile and excused / no formal recent decision / bond hearing or immigration judge review after revocation.

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

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: August 28, 2016 to Nov 26, 2016 And now Dec 30, 2015

(b) Date of the removal or reinstatement order: September 01, 2016

(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: _____

(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 arguing that ICE violated the requirements set forth in 8 C.F.R. § 241.13(i)(1)-(2) and is now implementing regulations when revoked petitioner supervision without adequate notice or reason in violation of due process under Fifth Amendment.

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner is a Cuban National admitted to USA on Dec. 18, 1997. Lawful permanent Resident in Nov. 18, 1999. Arrest on Criminal charges on Dec. 8, 2003. CASE # [REDACTED] Plea negotiation and sentence to 15 year on D.O.C. on 2005. ICE lodged on immigration hearing on final deportation on 09-01-2010. Release from DOC on 08-28-2016 ICE detainer for 90-day and release on Nov. 26, 2016 to release supervision until Dec 29, 2025. ICE revoke the order of supervision ^{final} because removed

(b) Did you present Ground One in all appeals that were available to you? are available at this time.

☐ Yes

☒ No

GROUND TWO: Petitioner detention violates his right to procedural and substantive due process under Fifth Amendment, the Administrative Procedure Act. And Freedom and Liberty of the non-citizen Aliens. failed to provide adequate notification and not adequately inform the reason for revocation violated due process.

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

Regulation 241.13(i)(3) requires notify petitioner the reason of revocation it must promptly conduct an initial informal interview. ICE does not identify what circumstance have changed nor does it explain why. Those changes render removal significantly likely in near future. Accordingly, continued detention exceeds the constitutionally permissible period no longer serves a legitimate immigration

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

☐ Yes

☒ No

GROUND THREE: Constitution forbids Pre-existing removal detention unless is a realistic chance that detainee will be removal promptly. No such chance existed here. Cuba has no repatriation Treaty with the United State. Removal has not occurred, there is no indication that any travel documents

(a) Supporting facts (Be brief. Do not cite cases or law.): will be issued promptly.

Revocation of release must be grounded in more than generalized assertions that removal is now an options available at this time violation of the Fifth Amendment right to due process continue this unlawful detention despite knowing there is no significant likelihood Petitioner would be removed in the reasonably foreseeable future.

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

☐ Yes

☒ No

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

GROUND FOUR: Due Process Violation when ICE Federal officers violated Alien's Fourth Amendment rights while acting in their official capacities and allegedly falsely to continue Petitioner Detention after statutory Period. *Zadvydas v. Davis*, 533 US 678.

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

After the initial 90-days, 8/28/2016 to Nov. 26, 2016 Petitioner was release because removal was not reasonable. After ten years pre-existing order of supervision, ICE revoked petitioner supervision without adequate notice or reason for more than 120-days exceeded the constitutional Period. This 210+ days unlawful detention no longer serves a legitimate immigration purpose

(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 Court grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody under reasonable pre-existing order of supervision, or grant any other relief the court deems just and proper.



AO 242 (Rev. 09/17) 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:

04/27/26

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:

04/27/26

Signature of Petitioner

Signature of Attorney or other authorized person, if any

Additional Facts Supporting

Petitioner is subject to a final order of removal SEP. 01, 2010. Petitioner was taken into ICE custody on August 28, 2016 and remained continuously until Nov 26, 2016 on condition supervision.

Preexisting order of Supervision

Petitioner arguing that ICE violated 8 USC § 1231 and is own implementing regulations when it revoked his supervision without Adequate notice or Reason.

ICE failed to comply with the requirements set forth in 8 CFR § 241.13 specifically, ICE did not timely or adequately notify petitioner of the reasons for revoking his release, nor did the government meet its burden of demonstrating that there was a change in circumstance that warrants his re-detention.

Adequate Notification

ICE failed to provide timely written notice and did not adequately inform him of the reasons for the revocation. ICE requiring the Government to provide 72-hour notice of any intended Johnson 594 US 529 / 241.13 (1)(1)-(2). ICE violated the regulation by giving written notice 64 days after Petitioner was taken into custody.

Changed Circumstances

ICE does not identify what circumstances have changed, nor does it explain why those changes render removal significantly likely in near future.

Section 241.13 Mandates that ICE conduct an initial interview to afford the Petitioner an opportunity to respond. A notice that provides no explanation beyond boilerplate Language deprives the Petitioner of any meaningful opportunity to respond.

The regulation further requires the Government to noti-
fy the Petitioner of the reasons for revocation of his release
and it must promptly conduct an initial informal interview
to afford the alien an opportunity to respond to the reason
for revocation stated in the notification 241.13 (i) (3)

GARRISON G V. Bond 26-CV-172, 2026 JAN 17, 2026.

Because the Government failed to follow its own
regulations governing the revocation of an order of
supervision Petitioner detention is unlawful