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

UNITED STATES DISTRICT COURT

for the

Dayron Cruz Vega

Petitioner

v.

Warden, Florida Baker Correctional Institute, in his or
her official capacity;

Respondent

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

Case No.

3:26-cv-1154-WNB-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: Dayron Cruz Vega
 (b) Other names you have used: N/A
2. Place of confinement:
 (a) Name of institution: Florida Baker Correctional Institute
 (b) Address: 20706 US Hwy 90 West, Sanderson, Florida 32087.
- (c) Your identification number: A#: [REDACTED]
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)

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

- ☐ 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: Florida Baker Correctional Institute20706 US Hwy 90 West Sanderson, FL 32087.(b) Docket number, case number, or opinion number: A [REDACTED]

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

My continued detention by ICE-ERO.(d) Date of the decision or action: 11/19/2025**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: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes
 ☒ No

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

(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:

DHS and EOIR determined that I am subject to mandatory detention under INA §235(b), relying on Matter of Q. Li, Matter of Yajure-Hurtado, and Buenrostro-Mendez v. Bondi. Because of this classification, I have not been given a bond hearing or any opportunity to request release. I have therefore not been able to appeal my detention. My continued detention without an individualized custody review violates my due process rights.

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:

DHS and EOIR determined that I am subject to mandatory detention under INA §235(b), relying on Matter of Q. Li, Matter of Yajure-Hurtado, and Buenrostro-Mendez v. Bondi. Because of this classification, I have not been given a bond hearing or any opportunity to request release. I have therefore not been able to appeal my detention. My continued detention without an individualized custody review violates my due process rights.

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

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

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: 11/19/2025

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

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: A 

(3) Result: Pending

(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: _____

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

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: Unlawful and prolonged detention in violation of the Fifth Amendment Due Process Clause.**(a) Supporting facts (Be brief. Do not cite cases or law.):**

I have been detained by ICE since November 19, 2025, without an individualized determination that my continued detention is necessary. I entered the United States on July 20, 2021, through Del Rio, Texas, and was released on an I-220A. I have a pending Form I-485 filed on April 21, 2023, based on an approved I-130 petition dated August 14, 2015, and I have a merits hearing scheduled for April 21, 2026. The incident that led to my arrest was related to my employment emptying houses. A misunderstanding occurred regarding authorization to clear a property, but the matter was resolved, the charges were withdrawn, and payment was made to the affected person. I have valid employment authorization through 2028, filed my 2024 tax return, and I help support my minor child. I also have the support of my lawful permanent resident partner. My continued detention is excessive because my immigration case is still pending and can proceed while I am released.

(b) Did you present Ground One in all appeals that were available to you?☐ Yes☒ No**GROUND TWO:**

Continued detention under INA §235 based on the position of DHS and EOIR that I am not eligible for bond, relying on Matter of Yajure-Hurtado, Matter of Q. Li, and Buenrostro-Mendez.

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

DHS and EOIR have taken the position that I am subject to detention under INA §235 and therefore not eligible for release on bond. At one point, it appeared that I could be considered for release, but under the interpretation applied in Matter of Yajure-Hurtado, Matter of Q. Li, and Buenrostro-Mendez, I have not been given a meaningful opportunity to seek bond. As a result, I have remained detained since November 19, 2025, without a fair opportunity to obtain an individualized determination regarding my release.

(b) Did you present Ground Two in all appeals that were available to you?☐ Yes☒ No**GROUND THREE:**

Interference with my ability to pursue relief from removal, including asylum and adjustment of status under the Cuban Adjustment Act, for which I am independently eligible, as well as an approved Form I-130, Petition for Alien Relative.

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

I, Dayron Cruz Vega, A# 220-442-549, applied for asylum within the required time after entering the United States on July 20, 2021, and my immigration proceedings remain pending before the Immigration Court. My case is not in a detained court. I filed Form I-485, Application to Register Permanent Residence or Adjust Status, on April 21, 2023, under the Cuban Adjustment Act, for which I am independently eligible. I also have an approved Form I-130, Petition for Alien Relative, approved on August 20, 2015, filed by my mother, Lillian D. Vega Perez, in which I am the beneficiary. My continued detention interferes with my ability to fully pursue these forms of relief while my immigration case continues.

(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:

Continued detention is not justified because I do not present a danger to the community and the criminal matter that led to my arrest was resolved without charges.

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

The incident that led to my arrest was the result of a misunderstanding while I was working emptying houses for a contractor. I was given a property to clear out, but at that time the property was not authorized to be emptied. Once the situation was clarified, the prosecutor withdrew the charges, payment was made to resolve the issue, and the matter was closed. I do not present a danger to the community. I have a minor child whom I help support and maintain, and I properly filed my 2024 tax return. These facts demonstrate that I am a responsible person and that my continued detention is not necessary.

(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:

These grounds were not fully presented in prior proceedings because my detention has continued for a prolonged period of time, and I have not been provided a meaningful opportunity to challenge my continued detention before a neutral decision-maker. DHS and EOIR have taken the position that I am subject to detention under INA §235 and not eligible for bond, limiting my ability to obtain review of my custody. Therefore, habeas corpus is the only available remedy to challenge the legality and length of my continued detention.

Request for Relief

15. State exactly what you want the court to do:

I request that Court grant my Petition, for a Writ of Habeas Corpus under 28 U.S.C. § 2241, declare that DHS/ICE lacks statutory authority to detain me under 8 U.S.C § 1225(b)(2) on these facts and order my immediate release from civil immigration custody. Prohibit my transfer outside this judicial district pending this litigation. See Attached. A

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:

04-25-2026

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: 04-25-2026



Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any