

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

Maikel Suarez Batista

Petitioner

v.

Field Office Director, U.S. Immigration and Customs
Enforcement (ICE), Tampa Field Office

Respondent

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

Case No.

3:26-cv-1145-WWB-S
(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: Maikel Suarez Batista
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Baker Correctional Institution
(b) Address: 20706 U.S. Highway 90 W
Sanderson, FL 32087
(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), Enforcement Tampa Field Office, Florida; Baker Detention Center, Sanderson, FL
(b) Docket number, case number, or opinion number: [REDACTED]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I am challenging my detention by ICE because I was denied a meaningful opportunity to appear before an immigration judge and present my case. I was issued a notice without a hearing date and was transported toward Mexico without being heard. My continued detention without a hearing violates my due process rights.
(d) Date of the decision or action: 02/19/2026

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: 02/19/2026

(b) Date of the removal or reinstatement order: 02/19/2020

(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: Violation of Due Process under the Fifth Amendment

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 Do not cite cases or law.*):

I was detained by ICE on February 19, 2026, after complying with an Order of Supervision (Form I-220B) since 2022. I requested to appear before an immigration judge but was not given a hearing or a date to present my case. I was issued a notice without a hearing date and was transported toward Mexico without being heard.

I have not been provided a custody or bond hearing. My continued detention without a meaningful opportunity to be heard violates my due process rights.

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

☐ Yes

☒ No

GROUND TWO: Unlawful and prolonged immigration detention

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 Do not cite cases or law.*):

I have complied with all ICE reporting requirements and have significant family ties in the United States, including my wife and child. My removal is not reasonably foreseeable, and my continued detention is not justified.

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

☐ Yes

☒ No

GROUND THREE: Failure to provide a custody or bond hearing

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

I have not been given a custody or bond hearing to determine whether my detention is necessary. I request an opportunity to be heard regarding my release.

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

☐ Yes

☒ No

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GROUND FOUR: Failure to follow required immigration procedures

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

Before being transported toward Mexico, I was interviewed for credible fear and was told it was accepted and that I could be released. A few days later, I was informed it was not accepted without explanation or an opportunity to challenge the decision. I was not given a hearing before an immigration judge and was transported without being heard.

(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: I request that the Court order my immediate release from ICE custody because my detention is unlawful. In the alternative, I request a prompt hearing before an immigration judge to review my detention. I also request any other relief the Court deems 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:

05/03/2026

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: 04/21/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any