

UNITED STATES DISTRICT COURT

for the *middle District of Florida**Jacksonville Division**Riveron Cruz, Sergio*

Petitioner

v.

Case No. *3:26-CV-1169-JEP-LU*
(Supplied by Clerk of Court)*U.S. Attorney General**U.S. Immigration Customs Enforcement*

Respondent

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

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: *Riveron Cruz, Sergio*
- (b) Other names you have used: *N/A*
2. Place of confinement:
 - (a) Name of institution: *Baker Correction Facility (BCI)*
 - (b) Address: *20706 US Hwy 90 West*
Sanderson Florida 32087
 - (c) Your identification number: *A-* 
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

U.S. Immigration and 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 for*
revocation of order of Supervision without
probable cause

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 this detention

6. Provide more information about the decision or action you are challenging: under Zadvydas v Davis, 533 US 678 (2001). the revocation of Supervision without Probable cause violate Fourth and Fifth Amendment rights.
 (a) Name and location of the agency or court: Immigration and Customs Enforcement at Baker Detention Facility
 (b) Docket number, case number, or opinion number: _____
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Challenging this present facts. Deprivation of Freedom and liberty, indicating that ICE is incapable of executing his removal in reasonably foreseeable future.
 (d) Date of the decision or action: Nov. 03, 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 the 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

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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: Nov. 03, 2025
- (b) Date of the removal or reinstatement order: Final order removal (2007) 10/17/07
- (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: PROLONGED greatly exceeding the 180 days statutory period for removal violated the due process clause of the Fifth Amendment, The Immigration and Nationality Act under Zadvydas v. Davis 533 U.S. 678 (2001).

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 Do not cite cases or law.):

Petitioner is a Cuban national admitted to the USA on Sep 11, 1997. Arrest and convicted to the DOC on July 26, 2001, Case# 2001-CF-36372. On 2007 ICE lodged an Immigration hearing on final deportation, Petitioner was released from DOC on Nov 19, 2019 and ICE order supervision release, until Nov 03, 2025 revocation of release without Probable Cause.

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

☐ Yes

☒ No

GROUND TWO: Intentional constitutional violation to revoke Petitioner condition release supervision with no Probable Cause, knowing there were no statutory ground to be detain violated Fourth and Fifth Amendment Rights. 8 C.F.R 241.13(b)(1) - (2)

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

Prompt removal never occur within approximately three month from the date of the revocation notice. ICE/ERO violated Petitioner's Fifth Amendment right to due process by deciding in Feb 3, 2026 to continue Petitioner's detention despite knowing there was no significant likelihood he would be removed in the reasonably foreseeable future.

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

☐ Yes

☒ No

GROUND THREE: ICE/ERO violated petitioner constitutional rights by prolonging unlawful detention after arrest without Probable Cause and after the initial 90-days authorized statute period expired, 8 USC § 1231 (a) 1 (A).

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

After the initial 90-day removal period, ICE had no statutory grounds on which to detain Petitioner because removal was not reasonably foreseeable the court should hold continued detention unreasonable and no longer authorized by statute. No realistic change existed that Cuba has repatriation with United States or any travel permit at hand for prompt removal.

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

☐ Yes

☒ No

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GROUND FOUR:

Petitioner argues that he is entitled to release under *Zadvydas v. Davis*, 533 US 678 (2001) because his post-removal order detention exceeds six months and there is no travel or other document necessary for prompt departure.

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

ICE repeatedly determined that there's no repatriation agreement between Cuba and the USA, and that removal to Cuba would not occur in the reasonably foreseeable future, and there is no evidence that any other country has been willing to accept the Petitioner. Therefore, Petitioner is entitled to release from detention.

(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 conditions of supervision or grant any other relief the court deems just and proper.

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Declaration Under Penalty Of Perjury

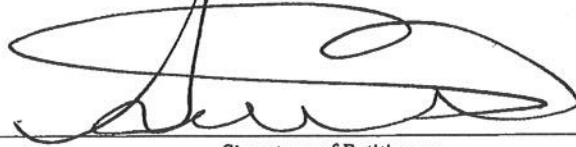
If you are incarcerated, on what date did you place this petition in the prison mail system:

5/3/2026

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:

5/3/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any