

UNITED STATES DISTRICT COURT
for the Middle District of Florida
JACKSONVILLE Division

Dominguez MelSAREJO JUAN OSCAR
Petitioner

v.

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

Case No. 3:26-cv-1178-WNB-MCR
(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: Dominguez MelSAREJO JUAN OSCAR
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: North Florida Detention Facility
(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:
Immigration Customs Enforcement, (BCI) (ERO)
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, revocation of
order of supervision without Probable Cause Baker correc-
tion facility

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)

FILED - USDC - FLMD - 303
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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): ICE/ERO revocation of his order of supervision and failed to follow its regulations and procedures before revoking the supervision, 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 Enforcement Removal Operations at Baker Correction 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 detention insufficient and invalidated the condition of Petitioner release. ICE never notified the reasons for Petitioner's revocation of release

(d) Date of the decision or action: OCT 25, 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 I.J 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

(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: OCT 25, 2025(b) Date of the removal or reinstatement order: FINAL ORDER OF REMOVAL2000

(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: Prolonged time greatly exceeding the statutory period for final removal violated the due process clause of the Fifth amendment and the law of the nation and treaty of United States under Zadvydas v. Davis 533 U.S. 678 (2001) 8 U.S.C. § 1231(a)(1)(A).

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner is a Cuban national who was admitted to the United States on April 28, 1980. Petitioner has a criminal history that dates back to 1995. ICE logged an immigration hearing on final deportation on the year 2000. On 2021 petitioner was release from D.O.C. and remain in the release supervision until Oct 25, 2025. ICE revoke the release. Without identify what circumstance have changed, nor does it explain why those changes render removal in near future.

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

☐ Yes

☒ No

GROUND TWO: ICE did not follow the proper procedures when revoking petitioner release and restarts the final removal period 8 U.S.C. § 1231(a)(1)(A) and 8 USC § 241.13(i)(1)-(3) statutes no longer serves its purpose and violated the constitutionality of unlawfully additional post-removal detention.

(a) Supporting facts (Be brief. Do not cite cases or law.): After six month period has passed (from Oct 25, 2025 to April 30, 2026) Petitioner has provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. because ICE's failed to follow its own regulations govern the revocation, this detention no longer serves its statutory purpose of assuring the Petitioner presence at the moment of removal.

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

☐ Yes

☒ No

GROUND THREE: 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.

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

Section 241.13 mandates that ICE conduct an initial interview to afford the petitioner an opportunity to respond. ICE does not identify what circumstances have changed, nor does it explain why those changes render removal significantly likely in near future.

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

☐ Yes

☒ No

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GROUND FOUR: Constitution forbids Post-removal Period detention unless is a realistic chance that detainee will be removed and no such chance existed here, because Cuba has no repatriation treaty with the United States.

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

ICE violated Petitioner's Fifth Amendment right to due process by deciding in JAN 25, 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 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 this writ of habeas corpus and order immediate release 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:

X 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: X 5-3-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any