

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

Pablo Enrique Sanchez Fernandez

Petitioner

v.

Warden, Baker County Detention Center;
U.S. Department of Homeland Security;
U.S. Immigration and Customs Enforcement*Respondent**(name of warden or authorized person having custody of petitioner)*

Case No.

3:26-cv-1180-JEP-PDB
*(Supplied by Clerk of Court)*FILED MAY 6 2026 PM 3:17
FILED - USDC - FLMD - JAX

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

Personal Information

1. (a) Your full name: Pablo Enrique Sanchez Fernandez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Baker County Detention Center
(b) Address: 20706 US Highway 90 W
Sanderson, FL 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)

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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

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

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

U.S. Immigration and Customs EnforcementRefusal to release me from Immigration Detention(d) Date of the decision or action: 02/25/2026**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: 02/25/2026

- (b) Date of the removal or reinstatement order: 01/13/2014

- (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: Unlawful Detention Where Removal Is Not Significantly Likely in the Reasonably Foreseeable Future.

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 Do not cite cases or law.*):

Petitioner is detained pursuant to a purported final order of removal. Although the presumptively reasonable six-month period has not yet fully elapsed, the facts of this case demonstrate that removal is not significantly likely in the reasonably foreseeable future. Under *Zadvydas v. Davis*, detention must be tied to a realistic prospect of removal, here ICE attempted removal to Mexico without a formal acceptance and later not accepted by the Mexican authorities. Cuba does not accept petitioner and travel documents do not exist.

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

☐ Yes

☒ No

GROUND TWO: Invalid Third-Country Removal Attempt and Lack of Lawful Acceptance

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 Do not cite cases or law.*):

Respondents attempted to remove Petitioner to Mexico based on purported consent, but removal was not legally executable. Petitioner was told he could be removed if he signed; Petitioner was not informed that acceptance by Mexico was required; ICE transported Petitioner to the border without confirmed acceptance; Petitioner was not admitted into Mexico; This failed attempt confirms that removal is not viable, and detention cannot be justified on that basis.

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

☐ Yes

☒ No

GROUND THREE: Detention Based on Defective and Premature Removal Documentation (Form I-205)

See attached continuation page for additional facts.

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

Respondents rely on a Form I-205 that is both procedurally and substantively defective: The document is dated February 2026, when Petitioner was still in criminal custody and not under ICE authority. However, Petitioner was only served with this document upon arrival at the detention center, demonstrating that it was pre-prepared and not tied to an actual, executable removal process. Additionally, the Form I-205 contains a material factual error, listing Petitioner's entry into the United States as 2011, when in fact Petitioner entered in 2008.

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

☐ Yes

☒ No

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GROUND FOUR: Improper "Failure to Comply" Determination Where Removal Was Not Legally Possible(a) Supporting facts *(Be brief. Do not cite cases or law.)*:Respondents issued a "failure to comply" determination despite the absence of a lawful removal process.Petitioner did not refuse a valid removal; Removal to Mexico was not possible without acceptance; ICE attempted removal without acceptance; ICE attempted removal without required authorization or documentation;The receiving country did not accept Petitioner;A detainee cannot be penalized for failing to comply with a removal that cannot legally occur.

(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 requests that this Court
Grant this Petition for Writ of Habeas Corpus; Order Petitioner's immediate release from immigration detention under
appropriate conditions of supervision; Grant any other relief the Court deems just and proper.

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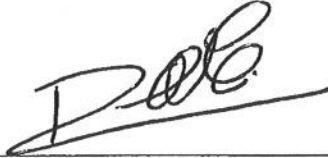
Declaration Under Penalty Of Perjury

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

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

04-25-26



Signature of Petitioner

Signature of Attorney or other authorized person, if any

CONTINUATION PAGE

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Pablo Enrique Sanchez Fernandez

A# 

Petitioner,

v.

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Respondents.

CONTINUATION OF GROUND ONE

The only document relied upon by ICE is a Form I-205 issued prior to ICE custody and later served at the detention center, further demonstrating the absence of a genuine removal process.

CONTINUATION OF GROUND THREE (FORM I-205 DEFECTS)

Petitioner further states that he was only provided with the Form I-205 upon arrival at the detention center, despite the document being dated February 2026, when Petitioner was still in criminal custody and not under ICE authority. This demonstrates that the document was pre-prepared and not tied to an actual, executable removal process.

Additionally, the Form I-205 contains a material factual error, listing Petitioner's entry into the United States as 2011, when in fact Petitioner entered in 2008. This discrepancy concerns a core element of Petitioner's immigration history and demonstrates lack of individualized review and reliability.

These facts confirm that Respondents are relying on inaccurate and pre-prepared documentation rather than a genuine, evidence-based effort to effectuate removal.