

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

UNITED STATES DISTRICT COURT

for the

FILED - USDC - FLMD - JAK
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ERNESTO REYNA
Petitioner

v.
U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
WARDEN, BAKER COUNTY DETENTION CENTER
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 3:26-CV-1174-JEP PJB
(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: ERNESTO REYNA
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: BAKER COUNTY DETENTION CENTER
(b) Address: 20706 U.S. HIGHWAY 90 W
SANDERSON, FL. 32087
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE DETENTION
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):
VIOLATION OF DUE PROCESS AND AGENCY REGULATIONS (FAILURE TO PROVIDE CUSTODY REVIEW, FAILURE TO FOLLOW 8 C.F.R. § 241.4 BENDER'S DETENTION UNLAWFUL, UNDER ACCARDI DOCTRINE,
- (d) Date of the decision or action: 4/10/2026

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: NO LEGAL COUNSEL

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: _____

NO LEGAL COUNSEL

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: _____

NO LEGAL COUNSEL

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: 4/10/2026

- (b) Date of the removal or reinstatement order: DATE OF REMOVAL 12/15/10

- (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 AND AGENCY REGULATIONS (FAILURE TO PROVIDE CUSTODY REVIEW)

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 Do not cite cases or law.):

RESPONDENTS FAILED TO PROVIDE A TIMELY AND MEANINGFUL CUSTODY REVIEW. NO CUSTODY REVIEW INTERVIEW WAS CONDUCTED. PETITIONER WAS NOT GIVEN AN OPPORTUNITY TO RESPOND, NO INDIVIDUALIZE DETERMINATION WAS MADE. UNDER THE ACCARDI DOCTRINE, FAILURE TO FOLLOW 8 C.F.R. § 241.4 RENDERS DETENTION UNLAWFUL.

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

☐ Yes

☒ No

GROUND TWO: VIOLATION OF THE ACCARDI DOCTRINE / FAILURE TO FOLLOW MANDATORY REGULATORY PROCEDURE GOVERNING DETENTION.

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 Do not cite cases or law.):

ICE HAS FAILED TO COMPLY WITH ITS MANDATORY REGULATORY OBLIGATION UNDER 8 C.F.R. §§ 241.4 AND 241.13 WHICH GOVERNS THE REVIEW AND CONTINUATION OF POST REMOVAL ORDER DETENTION. THIS REGULATION REQUIRES AT A MINIMUM THAT THE AGENCY CONDUCTS TIMELY CUSTODY REVIEW, PROVIDE WRITTEN NOTICE OF DETERMINATION AND ALLOW THE DETAENEE TO SUBMIT EVIDENCE & ARGUMENTS.

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

☐ Yes

☒ No

GROUND THREE: ARBITRARY AND INDEFINITE DETENTION WITHOUT INDIVIDUALIZE DETERMINATION OR LEGITIMATE GOVERNMENT PURPOSE.

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

PETITIONER HAS RECEIVED NO INDIVIDUALIZE CUSTODY DETERMINATION OR EXPLANATION FOR CONTINUE DETENTION, MAKING THE DETENTION PUNITIVE RATHER THAN REGULATORY. BECAUSE ICE HAS FAILED TO CONDUCT ANY INDIVIDUALIZE DETERMINATION OR DEMONSTRATE A VALIED PURPOSE OF DETENTION. PETITIONER'S CONTINUE CONFINEMENT IS UNCONSTITUTIONAL AND MUST BE TERMINATED.

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

☐ Yes

☒ No

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GROUND FOUR: ARBITRARY AND CAPRICIOUS DETENTION BASED ON POST-HOC JUSTIFICATION. REMOVAL IS NOT LIKELY IN THE REASONABLY FORESEEABLE FUTURE.

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

ICE DETAINED PETITIONER ON 4/10/2026 IMMEDIATELY UPON RELEASE FROM CRIMINAL CUSTODY WITHOUT PROVIDING A CONTEMPORANEOUS EXPLANATION OR LAWFUL CUSTODY DETERMINATION. ANY JUSTIFICATION FOR DETENTION WAS PROVIDED ONLY AFTER THE FACT. DETENTION BASED ON AFTER-THE-FACT REASONING IS ARBITRARY AND VIOLATES DUE PROCESS. PETITIONER FINAL ORDER OF REMOVAL WAS ON 12/15/2010. REMOVAL IS NOT LIKELY 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 PETITIONERS IMMEDIATE RELEASE FROM ICE CUSTODY. PETITIONER FURTHER REQUEST ANY RELIEF THIS 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:

05/04/2026

Ernita Reyna
Signature of Petitioner

Signature of Attorney or other authorized person, if any