

for the

James Gallego Pereira

Petitioner

V.

Warden Of North Florida Detention Facility & ICE

Respondent

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

Case No. 3:26-cv-1224-mmH-PD
(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: James Gallego Pereira
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: North Florida Detention Facility
(b) Address: 20706 US Highway 90 West
Sanderson, Florida 32087
(c) Your identification number: A [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: 03/27/2026
- ☒ Being held on an immigration charge
☐ Other (explain): _____

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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)
- ☐ 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: _____
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **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: _____

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(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

(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: _____

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(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

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 or a Section 2254 to petition 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: _____

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- (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: _____
- (b) Date of the removal or reinstatement order: _____
- (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: _____

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(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.

GROUND ONE: Prolonged and Unreasonable Detention Without Bond

continued detention since March 27, 2026 without a meaningful opportunity for release violates constitutional right Under the Fifth Amendment Due Process Clause, immigration detention cannot be indefinite or excessive. Courts have ruled that prolonged detention without a bond hearing becomes unconstitutional when not reasonable

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 Do not cite cases or law.):

have been continuously detained by immigration authorities since March 27, 2026.
detention has extended for a significant period without resolution.

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

☐ Yes☒ No**GROUND TWO:** Violation of Substantive Due Process (Family Integrity)

i am the primary caregiver and financial provider for my 16-year-old son
detention violates your fundamental right to family unity.
The U.S. Constitution protects the parent-child relationship.

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

Lack of Bond or Release Opportunity

have not been given a fair or meaningful opportunity for release.

No individualized determination has justified your continued detention

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

☐ Yes☒ No**GROUND THREE:**

Failure to Provide Individualized Custody Determination

The government has failed to properly evaluate whether detention is necessary.

CE must justify continued detention based on: Risk of flight, or Danger to the community

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

Family Hardship

are the parent of a 16-year-old minor child. son depends on me emotionally and financially

There is no other adequate caregiver or provider available for him

Your detention places your child at risk of: Emotional distress Financial instability Lack of proper supervision

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

☐ Yes☒ No

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GROUND FOUR:

Excessive and Punitive Detention (Civil vs. Criminal)

detention has become punitive in nature due to its duration and lack of justification

This violates due process protections.

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

No Danger to the Community

do not pose a danger to public safety. There is no evidence that justifies your continued detention.

No Flight Risk

have strong ties to the community, including my child. my responsibility as a parent demonstrates stability and

commitment. Harm Caused by Continued Detention

detention is causing: Severe hardship to your minor child Emotional distress to your family Unnecessary deprivation of liberty.

(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:

Order your immediate release from ICE custody,

Order a prompt bond hearing before an immigration judge,

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:

5/5/26

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:

5/5/26

Francis Gerardo Perez

Signature of Petitioner

Signature of Attorney or other authorized person, if any