

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

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 UNITED STATES DISTRICT COURT
 for the

 MARTINEZ MEDINA ABRAHAM
 Petitioner

v.

 Case No. 3:26-CV-1236-JEP-SJH
 (Supplied by Clerk of Court)

 DHS - ICE - ERO
 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: MARTINEZ MEDINA ABRAHAM
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: NORTH FLORIDA DETENTION FACILITY
 - (b) Address: 20706 U.S. HIGHWAY 90 WEST
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 CUSTOM 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 CUSTOM ENFORCEMENT
REFUSING TO RELEASE ME FROM DETENTION AFTER
160 DAYS(d) Date of the decision or action: 5-2-2026**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: BECAUSE THERE WAS NOT A
DECISION MADE ABOUT TO GET RELEASE ON BOND BY
IMMIGRATION OFFICERS, SINCE 20268. **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:

DHS, ICE
HAS NOT APPROVED A BOND RELEASE REQUEST.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: IMMIGRATION JUDGE KEEPS PUSHING FORWARD COURT DATES EVERY MONTH WITHOUT MAKING ANY KIND OF DECISION OR GIVING ANY KIND OF RELIEF FROM IMPRISONMENT.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12-01-2025

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

- (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: VIOLATION OF CONSTITUTIONAL RIGHTS

TENTH-AMENDMENT, THE POWER NOT DELEGATED TO UNITED STATES BY THE CONSTITUTION ARE NOT PROHIBITED AND ARE RESERVED TO

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 Do not cite cases or law.):

THE STATES AND RESPECTIVELY TO PEOPLE.

NINTH-AMENDMENT, THE ENSUMERATION IN THE CONSTITUTION CERTAIN RIGHTS, SHALL NOT BE CONSTRUCTED TO DENY OR DISPARGE, RETAINED BY THE PEOPLE RIGHT TO THINK.

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

☒ Yes

☐ No

GROUND TWO: EIGHT-AMENDMENT / EXERCISE: EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED.

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 Do not cite cases or law.):

CHARGES ARE NOT AGGRAVATED FELONY, I.C.E HAS NOT REASON TO PROLONGED MY DETENTION.

IMMIGRATION JUDGE LACKS A POWER OF JURIDICITION TO PROVIDE A BOND OR VENUE.

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

☒ Yes

☐ No

GROUND THREE: FIFTH-AMENDMENT / NO PERSON SHALL BE HELD TO ANSWER FOR INFAMOUS CRIME UNLESS ON A INDICMENT OF A GRAND JURY, NOR SHALL ANY PERSON BE SUBJET TO SAME OFFENCE.

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

TWICE AND PUT HIM IN JEOPARDY OF LIFE NOT BE COMPELLED AND DEPRIVED OF LIBERTY.

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

☒ Yes

☐ No

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GROUND FOUR: FIRST-AMENDMENT / I HAVE BEEN DETAIN BY
I.C.E. BEYOND THE REMOVAL PERIOD AUTHORIZED STATUE SO
I.C.E. IS NOT LIKELY TO REMOVE ME IN THE NEAR FUTURE
VIOLATION OF DUE PROCESS CLAUSE.

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

FIRST-AMENDMENT / OF USCA - I.C.E IS DEPRIVING ME OF
MY RIGHT TO LIBERTY AND I HAVE BEEN UNDER CUSTODY
FOR PROLONGED PERIOD OF TIME.

(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: I WILL BE EXCEDED THE 180 DAYS PERIOD TO BE UNDER
ICE WITHOUT ANY TYPE OF RESOLUTION. I SHOULD BE ABLE
TO BE RELEASED WHILE MY CASE IS SOLVED.

Request for Relief

15. State exactly what you want the court to do: ORDER MY IMMEDIATE RELEASE FROM
ICE. CUSTODY TO CONTINUE WITH IMMIGRATION PROCEDURES
AND WAIT FOR PENDING REQUESTS WHILE IM UNDER SUPERVISION
OR MONITORED BUT ON FREEDOM PREMISES.
APPRECIATED.

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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: 5/06/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
OF THE MIDDLE CIRCUIT
JACKSONVILLE DIVISION

ABRAHAM M. MEDINA
Petitioner.

CASE # _

v.

US ATTORNEY GENERAL.
DEPARTMENT OF HOMELAND
SECURITY, AND US IMMIGRATION
AND CUSTOMS ENFORCEMENT.
Respondents.

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

Petitioner, Pro se, asking this Court to grant the petition
for writ of Habeas Corpus pursuant to 28 U.S.C. § 2241
and entered an order directing petition to be released
Subject to appropriate condition of I.C.E. [Immigration
and customs Enforcements] Supervised released.

Petitioner has demonstrated that there is a good reason to believe that is not significant likelihood of his removal from the United States, in the reasonable foreseeable future. Therefore snatching and revoke is unnecessary, inhumane, and unlawful, however his continue detention for an indefinite time. Could lead a violation to the due Process clause or the fifth Amendment as such. This court should grant a petitioner immediate release from I.C.E. Custody.

The Attorney General should detain the alien after after 90 days Period "Aliens Ordered Removed" [as] inadmissible under section 8.V.S.C. Like Petitioner may be detained beyond the removal period or [released] under supervision. the detention is mandatory for initial 90 days, but, there after is "DISCRETIONARY."

Although, The Supreme Court established a six month period or presumptly reasonableness of his detention before such time constitutional limit.

ENCOUNTER

U.S DEPARTMENT OF HOMELAND SECURITY.

Subject: Martinez Medina Abraham A [REDACTED] was Encountered at the Brevard County Jail by the ERO CAP TEAM. In Order to be transported to I.C.E. For Immigration processing in Orlando.

An authorized Immigration Officer W 3655 Andre Certify the arrest of the Alien on 12/01/25 forcing the subject for volunter departure with \$1000 DHS Bonds or sing out for Final deportation.

The current administrative charged are : as follow.
(212) a6 Alien Present without admission or parole (Pwas
(212) a7 Immigrant without an Immigrant Visa.

During this time the subject tried to proved his Immigati status with (USCIS) Valid Driver license, Social Security and a petition I-601(a) Extreme hardship. In other words During his immigration process he received his I-601(a) aproval notice from (USCIS) indicates that specific grounds of inadmissibility have been waived to continue his process in the U.S. Dispute the facts,

Subject was shackled both hands and feet for the purpose to be transported to North Florida Detention facility in Sanderson Florida which has been over 110 days ever since. Subject did not sign any paperwork

BACKGROUND

On December 12, 2023

Subject was arrested and charged for Loitering [M] or Prowling in a place at time not usual for law-abiding individuals. this is contrary to chapter 856.021 Florida Statute. In Pinellas County Florida on April 3, 2025 Case 23-16983-MM was dismissed by the County Court Judge.

On August 2, 2025

Abraham Martinez Medina, was parked in his vehicle on the right side of the road, taking a break to continue his way home to Orlando. A police officer arrived and made contact with the sole occupant seated in the driver seat, Mr Martinez [arrestee], asleep behind the wheel was requested by deputy glasgow to step out of the vehicle to complete the standardized Field Sobriety test to which complied not only, but also Mr. Martinez was order to submit a breath test for the alcohol content which refused. For the reason, Mr Martinez was placed under arrest and was transported to Brevard County Jail without incident.

In Open Court on October 22, 2025 Done and Order 180 days in county jail with conditions on his license. After, 120 days Subject was released from jail earning 100% of his good time.

(4)

In addition, subject was not able to return home because of his immigration hold status. Instead, subject was sent straight to I.C.E. Office for for immigration processing as mentioned.

Driving under the Influence 316.1931A [M²]

State DUI Offences such as a Florida which either do not have a meaning components or require only of showing of negligence in the operation of a vehicle are not crimes of violence under 18 U.S.C. 16. Mr Martinez DUI Offence. Therefore, is not a crime of violence under 18.U.S.C. 16.

CONCLUSION

See also Ian Brattlie & Adriana Lafaille 180 Free Pass post order detention challenges brought before the six months marks "[The Supreme Court did not hold that, and it would be impossible for detention to violate the statute or the Constitution until six month expire]"

"Nevertheless, I.C.E. could argue that "any challenge by the alien who has been detained for less than six months must be dismissed as a premature"

For the sake or detention motivated by animus towards a particular group "ill will against the Individual or even a desire to inflict suffering

Immigration detainees may be unlawfully detained and may seek release on bond or conditional Parole under 8 U.S.C. § 1226(a). Therefore, Some Immigration Judges may not have Jurisdiction.

Petitioner do not have aggravated felony record and he has been a good citizen with good moral character. Indeed he also believe that I.C.E. does not need more time or extention. because the time petitioner has spent in Costody is more than ¹⁶⁰₁₇₀ 90 days. period time.

"In Summary, Petitioner asking this district Court of Jacksonville Florida at Baker Detention Facility to grant him the Habeas Corpus and direct I.C.E. to released him under appropriate Condition or supervised and release!!!"

United States Attorney
Attorney for Defendant. ⑥

Respectfully Submitted
Abraham Martinez Medina

CLASS ACTION NOTICE

You may be a member of a class that has been certified by the United States District Court for the Central District of California in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. 2025). On December 18, 2025, the District Court issued a ruling that certain immigration detainees may be unlawfully detained and may seek release on bond or conditional parole under 8 U.S.C. § 1226(a). Therefore, you may be entitled to request release on bond or conditional parole by immigration officers; you may also be entitled to a bond hearing upon your request to the Immigration Court. At the bond hearing, the Immigration Judge may determine that you are eligible to be released on bond while your removal proceedings are pending.

If you have questions about your potential membership in the class or your rights under the District Court's ruling, you may call the attorneys representing the class at (415) 343-0770.

Served on date: 2/24/26

Served at location: BCI

Name of person served: Abraham Martinez

Alien number of person served: [REDACTED]

Name of officer serving notice: Jacob Kyle Wilson

ID number of officer serving notice: [REDACTED]

Signed by serving officer: [Signature]