

FILED - USDC - FLMD - FTM
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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

Mario Massip Varela,

Petitioner

v.

Warden, Florida Soft-Sided Facility (Alligator Alcatraz),
Field Office Director, Miami Field Office, Immigration
Customs EnforcementRespondent

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

Case No.

2:26-cv-1700-SPC-KRH
(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: Mario Massip Varela
(b) Other names you have used: Mario Massip
2. Place of confinement:
(a) Name of institution: Florida Soft-Sided Facility (Alligator Alcatraz)
(b) Address: 54575 TAMiami TRl E, NA
OCHOPEE, FL 34141
(c) Your identification number: [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): I am an immigration detainee with an Order of deportation from June 19, 2018. I was
previously detained by ICE on or about May, 10th or 11th, 2018 (was in detention for 5 months and a week in
2018.)

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: Immigration detention at Florida Soft Side South Facility (Alligator Alcatraz).

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

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

Immigration Detention currently since 4/2/2026, and previously on or about May 10th or 11th through October 18, 2018.

(d) Date of the decision or action: 04/02/2026

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: _____

(b) If you answered "No," explain why you did not appeal: I did not believe it was possible.

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: I did not believe it was possible.

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: I did not believe it was possible.

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: 04/02/2026

(b) Date of the removal or reinstatement order: 06/19/2018

(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: Not applicable

(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: I have been detained for over 180 days combined, with my prior detention in 2018 on the same old removal order of 6/19/2018.

I am a Cuban national who entered and was admitted to the United States legally with a parole and fully inspected on October 12, 1995.

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 Do not cite cases or law.)*:

I was previously detained by ICE on or about May, 10th or 11th, 2018 (was in detention for 5 months and a week in 2018). I was re-detained by ICE on April 2, 2026, although I was granted Order of Supervision on October 18, 2018. ICE has been unable to execute the order of removal since 2018.

I have an order of deportation from 6/19/2018. I was given Order of Supervision on October 18, 2018.

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

☐ Yes

☒ No

GROUND TWO: Removal to Mexico violates due process. ICE provided me with a notice of intent to deport me to a third country of Mexico, and has not given me an opportunity to challenge said removal to Mexico. In 2018 ICE previously attempted to deport me to my home country, Cuba, but Cuba refused my repatriation.

I did not sign ICE's Notice of Intent of Removal to Mexico, as I have no ties to Mexico.

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

Petitioner was not afforded procedures fundamentally afforded under the Fifth Amendment.

There is no significant likelihood of removal in the foreseeable future. My indefinite detention is unconstitutional.

A passport has never been issued to me. ICE itself previously concluded supervised release was appropriate for years since my order of removal on 6/19/2018, and my Order of Supervision of 10/18/2018.

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

☐ Yes

☒ No

GROUND THREE: I have a pending I-485 Adjustment of Status Application with USCIS, through the Cuban Adjustment Act; I am married to a US Citizen, own a business and a home in Miami, Florida I need to attend to.

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

I will be unable to undergo my fingerprints or my medical examination while in detention, which will prevent me from pursuing my I485 application, resulting in the denial of my application for Cuban Adjustment.

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

☐ Yes

☒ No

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GROUND FOUR: Fifth Amendment Due Process Viloations

The conditions at the Florida Soft-Sided Facility (Alligator Alcatraz) are unconstitutional and inhumane. There is lack of medical attention, untreated illnesses, exposure to contaminated water and sewage, overcrowding, lack of hygiene, infectious disease spread, prolonged confinement in cages.

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

Punitive conditions exist at this facility in that there is lack of medical attention, -potable water, sewage backups, overcrowding, lack of hygiene, prolonged confinement without sunlight resulting in unconstitutional punishment. I have had flu since a week of having been transferred to this facility, and have not been provided prope medical care for my condition. I am coughing green phlegm and at times blood. In addition, respondents have failed to provide detainees with nutritionally adequate food in sufficient quantity to maintain health, resulting in persistent hunger, weight loss, dizziness, weakness and deterioration of physical condition.

(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: Not applicalble.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court a) issue a writ of habeas corpus, b) order Petitioner's immediate release, c) Order that Dept of Homeland Security, ICE, INS, or any federal entity to not transfer Petitioner out of this Court's jurisdiction or from he Southern District of Florida's jurisdiction, and d) enjoin Respondents from removing Petitioner to Mexico; and e) grant such further relief as 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:

My wife previously had me sign this petition for habeas corpus in the event of my detention (previously signed).

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: 05/18/2026

Mane Umij

Signature of Petitioner

and wife Analysa Carmona
ARANY CARMONA

Pro Se

Signature of Attorney or other authorized person, if any