

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

# UNITED STATES DISTRICT COURT

for the

Millan Juan  
Petitioner

Warden Florida Soft Side South  
and USA Attorney General

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

Case No. 2:26-cv-1682-KCD-NPM  
(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: Millan Juan  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: South Florida Detention Facility  
(b) Address: 54575 Tamiami Trail E.  
Odessa, FL 34141  
(c) Your identification number: PH:
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain:  
ICE
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: \_\_\_\_\_

(b) Docket number, case number, or opinion number: \_\_\_\_\_

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

the petitioner (Challengin his detention with ICE the  
 Revocation of his order of supervision and Release under  
 8 C.F.R 247(a)(1)(iv) in violation of the supreme court view

(d) Date of the decision or action: of Liberty Clause of Fifth and Fourteen  
 amendment.

## 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: Neither the immigration court  
 nor the board of immigration appeals can raise constitutional  
 issues and to appeal my detention when they say they have no  
 jurisdiction is useless it means meaningless and you are not obligated  
 a decision if it does make sense to do so.

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: \_\_\_\_\_

(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: \_\_\_\_\_

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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:** Substantive Due process violation petitioner continued detention Violates his right to Substantive due process through a deprivation of the core liberty in Freedom From bodily Restrain.

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 Do not cite cases or law.):

The Fifth Amendment requires that the deprivation of petitioner's liberty be narrowly tailored to serve a compelling government interest however that interest does not justify the indefinite detention of petitioner who is not significantly likely to be removed in the reasonable Foreseeable Future

(b) Did you present Ground One in all appeals that were available to you? ☐ Yes ☐ No because there is not immigration a agreement with Cuba.

**GROUND TWO:** procedural due process violation the government had Deprived the petitioner of his Fifth amendment Right.

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

The government had deprived petitioner of meaningful opportunity to demonstrate that he should not be detained. The Failure of respondents to provide a neutral decision Maker to review the Continued Custody of petitioner violates petitioners right to procedural due process. there is not administrative Trative Mechanism

(b) Did you present Ground Two in all appeals that were available to you? ☐ Yes ☐ No in place of petitioner to demand a decision.

**GROUND THREE:** the due process Clause applies to all persons within the United States including Aliens, whether their presence here is lawful, unlawful temporary or permanent. Zadvydas v Davis (2001) (citation Modified petitioner Citing and zadvydas v Davis 533 U.S. 678, 690-92 (discussing

(a) Supporting facts (Be brief. Do not cite cases or law.): constitutional limitations on civil detention. Courts have rejected conclusory claims by ICE agents which claim with out Submitting Concrete Factual information about scheduled Flight or repatriation Agreements, that removed is imminent, A the ore tical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired, which

(b) Did you present Ground Three in all appeals that were available to you? ☐ Yes ☐ No mean petitioner can't be base in pure expeculation by ICE.

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**GROUND FOUR:** In *Zadvydas*, the "Supreme Court" construed 8 U.S.C. § 1237(c)(5) to authorize detention only where it's significantly likely that removal will occur in the reasonably foreseeable future, petitioners are citing *Balea V Barr*, NO. 6:20-CV-00866, 2020 WL 6743643, At \*5

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

"Freedom from imprisonment from government custody, detention, or order from physical restraint" lies at the heart of the liberty that clause protects. The "supreme court" has only recognized two legitimate objectives of immigration detention, preventing danger to the community and preventing flight prior to removal.

(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: Neither the immigration court or the immigration appeals board can consider constitutional issues and appealing my detention when they say they have not jurisdiction is pointless.

#### Request for Relief

15. State exactly what you want the court to do: petitioner respectfully requests that the court use its authority under 28 U.S.C. § 2243 to order the respondents to file a return within days unless they can show good cause why additional time is needed. See 28 U.S.C. § 2243 (stating that an order to show cause why a petition for a writ of habeas corpus should be denied is returnable within days unless for good cause.)

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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: 05-11-2026



*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*