

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

FILED - USDC - FLMD - FTM
MAY 18 2026 PM 1:25

Juan Saturnino Avila Lopez
Petitioner
I.C.E. Field Office Director
South Florida Detention Facility
54575 Tamiami Trail E Ochopee
FL 34141

Case No. 2:26cv1693-KCD-NPM
(Supplied by Clerk of Court)

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: Juan Saturnino Avila Lopez
(b) Other names you have used: NA
2. Place of confinement:
(a) Name of institution: South Florida Detention Facility
(b) Address: 54575 Tamiami Trail E Ochopee FL 34141
- (c) Your identification number: A 
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): Being Detained

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 & Customs Enforcement / I.C.E.(b) Docket number, case number, or opinion number: none

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

U.S. Immigration & Customs Enforcement refuse to release me from Immigration custody.

(d) Date of the decision or action: _____

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: _____

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 am not challenging

an arrest or conviction I'm challenging my detention
by I.C.E.

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 am not challenging

an arrest or conviction I'm challenging my detention
by I.C.E.

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: 12/16/25

(b) Date of the removal or reinstatement order: 03/14/1991

(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: I.C.E. illegally ended my order of supervision & detained me without following their rules & process for Mariel Cubans.

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 Do not cite cases or law.):

I went to Miramar for my weekly check in with I.C.E. they detained me and placed in handcuffs without giving me notice or interviewing me knowing that Mariel Cubans have special rules that I.C.E. did not follow.

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

☐ Yes

☐ No

GROUND TWO: I was detained without due process and that's a violation of the fifth amendment of the United States Constitution.

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 Do not cite cases or law.):

According to the U.S. Constitution and law the I.C.E. or any other government agency can not detain me without a charge & without legal representation

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

☐ Yes

☐ No

GROUND THREE: I.C.E. Detained me even though they can't send me to Cuba at the moment or in the foreseeable future being that Cuba is still a communist country & I came in Mariel.

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

I am a Mariel Cuban and Cuba will not accept me back because of that. I've been in I.C.E. custody longer than 150 days and I.C.E. has not shown proof or attempt to remove me or that Cuba will accept me back in the foreseeable future. Furthermore it is not reasonable to keep me in custody.

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

☐ Yes

☐ No

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GROUND FOUR:

I.C.E. is depriving me of my rights to Liberty

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

Liberty for all is one of the backbones of the amendments of the United States Constitution & Law. I.C.E. has me detained for a prolonged period of time with no end in sight.

My contentious detention and lack of proper legal representation due to my financial status makes it impossible to challenge.
I.C.E.

(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: B. is not applicable

Request for Relief

15. State exactly what you want the court to do:

Release me from I.C.E. detention

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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:

5-16-26

Juan S Avila Lopez
Signature of Petitioner

Signature of Attorney or other authorized person, if any