

FILED

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

UNITED STATES DISTRICT COURT MAY 18 2026for the
Middle District of FloridaClerk, US District Court
Middle District of Florida
Fort Myers, Florida

Zadkiel Jose Madueno Azuaje

Petitioner

v.

WARDEN, FLORIDA SOFT SIDE DETENTION CENTER;
FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE, U.S.
IMMIGRATION AND CUSTOMS ENFORCEMENT;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;
SECRETARY, DEPARTMENT OF HOMELAND SECURITY,*Respondent*

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

Case No.

2:26-cv-1675-JES-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: Zadkiel Jose Madueno Azuaje
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Florida Soft Side South Detention Center
(b) Address: 54575 Tamiami Trail East, Ochopee, FL 34141
(c) Your identification number: 
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 Customs Enforcement (ICE)Florida Soft Side South Detention Center, Ochopee, Florida(b) Docket number, case number, or opinion number: 

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

Prolonged ICE detention since December 27, 2025, without criminal record or adequate custody review.(d) Date of the decision or action: 12/27/2025**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: _____

No administrative appeal was available, or detention has continued without meaningful review.
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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: _____

No second appeal was available, and detention continued without adequate review.

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: _____

No third appeal was available, and continued detention violated due process.

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: 12/27/2025

- (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: _____

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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: SEE ATTACHMENT A

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 Do not cite cases or law.*):

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

☐ Yes

☒ No

GROUND TWO: SEE ATTACHMENT A

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 Do not cite cases or law.*):

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

☐ Yes

☒ No

GROUND THREE: SEE ATTACHMENT A

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

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

☐ Yes

☒ No

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GROUND FOUR: SEE ATTACHMENT A

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

(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: No meaningful administrative appeal or adequate custody review was available regarding Petitioner's continued detention.
-
-

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus and order Respondent to provide Petitioner with an immediate, individualized bond hearing before a neutral decision-maker. In the alternative, Petitioner requests that the Court order his immediate release under reasonable conditions of supervision. Petitioner further requests any other relief that this 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:

05-01-2026

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: 05-01-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

Zadkiel Jose Madueno Azuaje

Petitioner,

v.

WARDEN, FLORIDA SOFT SIDE DETENTION CENTER;
FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; et, al
Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2026, I served a true and correct copy of the Petition for Writ of Habeas Corpus, together with all supporting documents, by depositing them in the United States Mail, properly addressed to the following:

Office of the United States Attorney
Middle District of Florida
2110 First St, Ste 3-137,
Fort Myers, FL 33901,
United States

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001



Document Preparer - Non-Attorney
Dilevmis Martinez



ATTACHMENT A

Grounds for Habeas Corpus Petition

GROUND ONE: Prolonged and unreasonable immigration detention without meaningful review

(a) Supporting facts:

Petitioner has remained continuously detained by ICE since December 27, 2025. During this period, Petitioner has not received a meaningful individualized custody review justifying continued detention. Petitioner has no criminal convictions, no history of violence, and no conduct indicating danger to the community. Despite these positive factors, ICE has continued detention for an extended period of time without sufficient justification. The prolonged nature of the detention has caused significant emotional, financial, and family hardship to Petitioner and his relatives.

GROUND TWO: Continued detention despite TPS protection and positive immigration equities

(a) Supporting facts:

Petitioner is a citizen of Venezuela and has TPS approval or TPS-related protection. Petitioner has demonstrated eligibility for humanitarian protection and has complied with immigration requirements. Petitioner has no criminal history and has maintained positive equities while in the United States. ICE has continued detention despite Petitioner's eligibility for protection and despite the absence of evidence showing that Petitioner presents any threat to public safety or national security.

GROUND THREE: Petitioner is not a danger to the community and is not a flight risk

(a) Supporting facts:

Petitioner has no criminal record, no gang affiliation, and no history of violent behavior. Petitioner has strong family and community ties in the United States and has individuals willing to provide housing and support upon release. Petitioner is willing to comply with all reporting requirements, supervision conditions, and future immigration court appearances. There is no evidence demonstrating that Petitioner presents a risk of absconding or a danger to the public if released from custody.

GROUND FOUR: Failure to consider less restrictive alternatives to detention

(a) Supporting facts:

ICE failed to adequately consider less restrictive alternatives to detention, including release under supervision, reporting requirements, electronic monitoring, or bond. Petitioner has demonstrated willingness to comply with all immigration proceedings and conditions of release. Continued detention is unnecessary given Petitioner's lack of criminal history, family support, community ties, and humanitarian protection through TPS-related status. ICE continued detention without properly evaluating reasonable alternatives available in this case.

EXHIBIT INDEX

Exhibit A – ICE Detainee Locator Record

Exhibit B – Automated Case Information

EXHIBIT C – Immigration Documents of Zadkiel Jose Madueno Azuaje,
including TPS Approval Notice, TPS Receipt Notice, and USCIS
Biometrics Reuse Notice.

EXHIBIT D – Marriage Certificate and Family Unity Documents

EXHIBIT E – Birth Certificates of the Children

EXHIBIT F – Support Letters