

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 1:24

RAUL LOPEZ CHAVIANO
Petitioner

v.
DEM, D.H.S. ICE,

TODD McYONS, KRISTI POET, PAUL BOWLI
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 2:26-cv-1668-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: RAUL LOPEZ CHAVIANO
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: FLORIDA SOFT SENSE SOUTH
(b) Address: 54575 TAMIAH TRAIL EAS
OCHUPPEE, 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): DETAINED BY D.H.S. ICE

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: FLORIDA SOFT SILE SOUTH
54575 TAMIAMI TRAIL EAST, OLVINDEE, FL 34141
 (b) Docket number, case number, or opinion number: AA [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
PETITIONER IS CHALLENGING D.H.S. "ICE" ILLEGAL
DETENTION OF HIM
 (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: PETITIONER IS CHALLENGING
HIS ILLEGAL DETENTION BY D.H.S. "ICE"

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:

PETITIONER IS
CHALLENGING his illegal DETENTION by D.H.S. "ICE"

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:

PETITIONER IS
CHALLENGING his illegal DETENTION by D.H.S. "ICE"

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) 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: D.H.S. "ICE" has violated PETITIONERS DUE PROCESS OF LAW, 5TH AMENDMENT OF THE U.S. CONST. AND EQUAL PROTECTION RIGHTS

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 Do not cite cases or law.):

PETITIONER ENTERED THE U.S. ON MARCH 3RD 2003 AND RECEIVED LEGAL STATUS AS A PERMANENT RESIDENT WHICH WAS REVOKED ON NOV. 2009 BY AN INS. JUDGE WHO STATED, ONCE CUBA IS FREE OF COMMUNISM YOU CAN BE REMOVED. CUBA REMAINS A COMMUNIST COUNTRY, THEREFORE PETITIONERS REMOVAL IN THE FORESEEABLE FUTURE IS VERY UNLIKELY.

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

☐ Yes

☒ No

GROUND TWO: PETITIONERS DETENTION IS UNLAWFUL AND UNWARRANTED, THUS VIOLATING HIS 5TH AMENDMENT RIGHTS, DUE PROCESS OF LAW AND EQUAL PROTECTION RIGHTS

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 Do not cite cases or law.):

PETITIONER WAS DETAINED BY D.H.S. "ICE" ON NOV. 2009 AND WAS RELEASED IN FEB. OF 2010 UNDER SUPERVISION. PETITIONER REPORTED ANY COMPLIED WITH ALL REQUIREMENTS, WITH NO VIOLATIONS FOR 16 YRS. D.H.S. "ICE" HAS NO LEGAL GROUNDS SUPPORTING SUCH DETENTION FOR PETITIONERS REMOVAL IN THE FORESEEABLE FUTURE IS VERY UNLIKELY.

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

☐ Yes

☒ No

GROUND THREE: D.H.S. has violated PETITIONERS 5TH AMENDMENT OF THE U.S. CONST. AND DUE PROCESS OF LAW. ICE HAS NOT SHOWN ANY EVIDENCE THAT PETITIONERS REMOVAL IS VERY LIKELY IN THE FORESEEABLE FUTURE, FOR CUBA REMAINS A COMMUNIST COUNTRY.

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

D.H.S. "ICE" CONTINUES DETENTION OF PETITIONER IS UNLAWFUL. D.H.S. "ICE" HAS FAILED TO FOLLOW ITS OWN REGULATIONS IN REVOKING PETITIONERS RELEASE, SUCH FAILURES ARE AMONG A VIOLATIONS OF DUE PROCESS OF LAW HINDERING HABEAS RELIEF

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

☐ Yes

☒ No

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GROUND FOUR: DHS. HAS NO LEGAL GROUNDS TO CONTINUE PETITIONER'S DETENTION WHICH IS CLEARLY AN ABUSE OF POWER AS IT IS A VIOLATION OF THE 5TH AMENDMENT OF THE U.S. CONST. AND DUE PROCESS OF LAW

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

DHS. ICE¹ HAVE ACTED ILLEGALLY AND UNLAWFUL IN DETAINING PETITIONER. DHS. ICE¹ NOR THE GOVERNMENT HAVE SHOWN ANY EVIDENCE THAT THERE IS A GOOD LIKELIHOOD OF REMOVAL IN THE FORESEEABLE FUTURE, AND TO CONSIDER REMOVAL TO A 3RD COUNTRY NOT OF PETITIONER'S ORIGIN HAS BEEN DETERMINED THAT IT IS ILLEGAL, UNLAWFUL AND A VIOLATION OF HIS DUE PROCESS OF 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:

Request for Relief

15. State exactly what you want the court to do: PETITIONER COMES BEFORE THIS COURT IN GOOD FAITH, ASKING THAT THIS MOTION BE GRANTED AND TO ORDER HIS IMMEDIATE RELEASE, RULING IN HIS FAVOR THUS PROTECTING HIS DUE PROCESS OF LAW, 5TH AMENDMENT OF THE U.S. CONST. AND EQUAL PROTECTION RIGHTS.

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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:

5/13/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

FOR THE
MIDDLE DISTRICT OF FLORIDA

Paul Lopez Chaviano

Petitioner
v.

U.S. ICE, DEM

DO M. Lyons, Kristin Wynn Paul Bondi

Respondent

PETITIONER'S AMENDED MEMORANDUM

COMES NOW PETITIONER PAUL LOPEZ CHAVIANO PRO-Se
AND IN GOOD FAITH RAISES GROUNDS TO HIS PETITION OF WRIT
- Habeas Corpus.

PETITIONER ARGUES THAT D.H.S. "ICE" HAS VIOLATED
HIS 5TH AMENDMENT OF THE U.S. CONST. AND DUE PROCESS
- law by REVOKING HIS RELEASE WHICH WAS UNDER SUPER
- vision.

THESE ACTIONS ARE CLEAR EVIDENCE THAT ICE AND THE
GOVERNMENT HAVE ENGAGED IN A DELIBERATE CYCLE OF RELEASE
AND REDETENTION, PETITIONER ASK THE COURT TO EXERCISE
ITS EQUITABLE DISCRETION TO PREVENT SUCH GAMEMANSHIP.

PETITIONER'S FINAL ORDER OF REMOVAL BECAME ADMINISTRATIVE
FINAL ON NOV, 2007 PETITIONER WAS RELEASED UNDER SUPERVISION;

TO WHICH HE REPORTED AND COMPLIED WITH ALL RULES AND REGULATIONS PETITIONER'S RELEASE ON SUPERVISION WAS BASED ON ICE OWN DETERMINATION THAT THERE WAS NO LIKELIHOOD OF REMOVAL IN THE FORESEEABLE FUTURE, THAT PETITIONER IS NOT A THREAT TO SOCIETY NOR A FLIGHT RISK.

PETITIONER POINTS OUT THAT ICE HAS FAILED TO FOLLOW ITS OWN REGULATIONS IN REVOKING HIS RELEASE, SUCH FAILURES ARE VIOLATIONS OF DUE PROCESS DEMANDING HABEAS RELIEF.

PETITIONER STATES THAT ICE HAS HAD MORE THAN ENOUGH TIME TO PROCESS, ARRANGE AND TAKE ALL NECESSARY STEPS TO EXECUTE HIS REMOVAL, PETITIONER CLAIMS THAT THE TIME FRAME FOR REMOVAL BEGINS WHEN THE FINAL ORDER OF REMOVAL BECOMES ADMINISTRATIVELY FINAL WHICH WAS ON NOV. 2009, THESE ACTIONS OF RETENTION BY ICE ARE ACTS THAT THE GOVERNMENT AND ICE ARE ACTING WITH AN IMPROPER MOTIVE AND RAISES ABIEGO GARCIA V. ICE IN SUPPORT OF HIS ARGUMENT OF CONTINUOUS DETENTION WHOSE DECISION CAME DOWN FROM THE SUPREME COURT IN FEB. 17, 2026.

TO THIS DAY ICE NOR THE GOVERNMENT HAVE SHOWN ANY EVIDENCE THAT THERE IS A GOOD LIKELIHOOD OF REMOVAL IN THE FORESEEABLE FUTURE.

PETITIONER'S RAISES THE FACT THAT CUBA HAS BEEN COMMUNIST COUNTRY FOR MORE THAN 68 YEARS AND NUMBERED PETITIONER'S ORDER OF REMOVAL STATES A 3RD COUNTRY WHICH HAS BEEN DECLARED ILLEGAL IF IT'S NOT OF PETITIONER'S ORIGIN AS AN ALTERNATIVE THESE FACT CLEARLY SHOW THAT THERE IS NO LIKELIHOOD OF REMOVAL IN OUR LIFE SPAN, THUS DECLARING PETITIONER'S DETENTION IS UNLAWFUL, UNNECESSARY AND UNWARRANTED, VIOLATING HIS 5TH AMENDMENT OF THE U.S. CONSTITUTION AND DUE PROCESS OF LAW

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 material fact may
serve as the basis for prosecution for Perjury.

Date 5/13/2026



Signature of Petitioner.