

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

UNITED STATES DISTRICT COURT  
for the

Julio C. Lopez Mendez

Petitioner

v.

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-1669-SPC-NAM  
(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: Julio C. Lopez Mendez  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Florida Soft Side Facility  
(b) Address: 54575 Tamiami Trail E  
Ochopee FL 34141  
(c) Your identification number: AH 
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: \_\_\_\_\_

processing center

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

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

(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: 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 second appeal is useless.

8.

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:** My Continued detention is unconstitutional under 5<sup>th</sup> amendment of the Constitution Because I have spend 3 month in custody and my detention is not necessary and violate the 5<sup>th</sup> and 8<sup>th</sup> amendment of the constitution.

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 Do not cite cases or law.):

Petitioner Continued detention by respondent is unlawful and Contravenes § U.S.C § 1231(a)(6). The 3 month presumptively reasonable period For Continued Removal period effort has Expire because he has been ordered to Removal.

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

☐ Yes

☒ No

**GROUND TWO:** This court Subject matter Jurisdiction under 28 U.S.C § 2247 the suspension Clause because this petition for "Habeas Corpus" Challenging the legality of petitioner detention Jurisdiction Also exists under 28 U.S.C § 7737, Jurisdiction is Further Supported.

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 Do not cite cases or law.):

Respondents Action Arises under the "Constitution" and treaties of the United States. To the extent petitioner brings claims under the administrative procedure Act, and establishing the of review For a person suffering a legal wrong due to Agency Actions revocation of a noncitizen of supervision.

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

☐ Yes

☒ No

**GROUND THREE:** In Zadvydas, the "Supreme Court" Construed 8 U.S.C § 1237(a)(6) to Authorize detention only where it's significantly likely that removal will occur in the reasonably foreseeable future, petitioner Als citing Balpa V Bal, No. 6:20-CV-00866, 2020 WL 6743643, At \*5

Courts have rejected conclusory claims by ICE agents which claims, with out submitting concrete factual information about scheduled flight or repatriation Agreements, that removal is imminent A the orctical possibility of eventually being removed does not Satisfy the government burden once the removal period has

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

☐ Yes

☒ No

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**GROUND FOUR:**

(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:

**Request for Relief**

15. State exactly what you want the court to do: 1) Assume Jurisdiction over this matter. 2) Grant petitioner a writ of Habeas Corpus directing the respondent to immediately release petitioner from custody under reasonable condition of supervision. 3) Order respondents to refrain from transferring the petitioner out the Jurisdiction of ICE.

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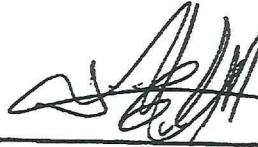
**Declaration Under Penalty Of Perjury**

**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:** \_\_\_\_\_



\_\_\_\_\_  
*Signature of Petitioner*

*Julio C Lopez*

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