

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

Yunier Hurtado de Armas

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-1671-SPC-NPM
(Supplied by Clerk of Court)

FILED - USDC - FLND - FTM
MAY 18 2026 PM 1:13

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Yunier Hurtado de Armas
- (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: [REDACTED]

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

ICE's continued detention of Yunier Hurtado-De Armas after his final order of removal dated June 8, 2017.Petitioner challenges the prolonged detention because there is no significant likelihood of removal in the reasonably foreseeable future.(d) Date of the decision or action: 01/27/2026**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 did not appeal because he challenges his prolonged detention, not the underlying removal order.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 did not file a second appeal because he is challenging his continued detention, not the removal order.

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 did not file a third appeal because he challenges his prolonged detention, not the removal order.

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: 01/27/2026

(b) Date of the removal or reinstatement order: 06/08/2017

(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:

(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: Petitioner did not previously present these grounds because this action challenges his current prolonged immigration detention and the lack of a reasonably foreseeable removal, which became evident after prior removal efforts to Cuba were unsuccessful.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order his immediate release under appropriate conditions of supervision, together with any other relief the 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:

04-12-2026

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: 04-12-2026

RA

Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

Yunier Hurtado de Armas

Petitioner,

v.

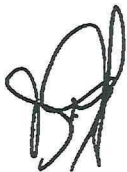
WARDEN, FLORIDA SOFT SIDE DETENTION CENTER;
FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; et, al
Respondents.

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

Dileymis Martinez



ATTACHMENT A

GROUND ONE – VIOLATION OF DUE PROCESS UNDER ZADVYDAS v. DAVIS

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because there is no significant likelihood that his removal can be effectuated in the reasonably foreseeable future. Petitioner has been subject to a final order of removal since June 8, 2017. After the issuance of that order, Petitioner departed for Cuba voluntarily; however, Cuban authorities did not accept him, and he was returned and later detained by immigration authorities. Despite the existence of a final order for several years, the Government has been unable to successfully execute Petitioner's removal. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention following a final order of removal becomes unconstitutional when removal is no longer reasonably foreseeable. Because prior removal efforts to Cuba failed, Petitioner's continued detention has become indefinite and unlawful.

GROUND TWO – REMOVAL IS NOT REASONABLY FORESEEABLE

Petitioner's detention is unlawful because the Government cannot demonstrate a realistic or reasonably foreseeable likelihood of removal to Cuba. The record shows that Petitioner previously traveled to Cuba voluntarily but was not accepted by Cuban authorities. This prior failed repatriation is strong evidence that removal is not practically attainable. Petitioner has cooperated with immigration authorities and there is no indication that he has obstructed or delayed the removal process. Nevertheless, ICE continues to detain him without establishing a concrete removal date or presenting evidence that Cuba is willing to accept him in the foreseeable future. Continued detention under these circumstances violates the constitutional protections recognized in *Zadvydas* and related case law.

GROUND THREE – UNCONSTITUTIONAL PROLONGED DETENTION

Petitioner's prolonged detention following his final order of removal is excessive and unconstitutional under 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis*. Petitioner was previously detained by immigration authorities for approximately five months in 2017 and has again been detained since January 27, 2026. The Government's repeated inability to effectuate removal over many years demonstrates that detention no longer serves its intended immigration purpose. Instead, the detention has become punitive and indefinite in nature. Because the Government cannot show a significant likelihood of removal within a reasonably foreseeable period of time, Petitioner's continued confinement violates the Fifth Amendment and he is entitled to release under appropriate conditions of supervision.

Exhibit Index

Exhibit A - Ice Detainee Locator

Exhibit B - Final Order of Removal dated June 8, 2017

Exhibit C – Notice of Hearing in Removal Proceedings

Exhibit D – Federal Criminal Judgment in a Criminal Case

Exhibit E – Criminal Judgment – Imprisonment

Exhibit F – Letter from Federal Public Defender Ellen M. Allred dated June 27, 2016