

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

UNITED STATES DISTRICT COURT
for theYanicher Morales Conill
Petitioner

v.

Case No. 2:26-cv-1743-KCD-NP1
(Supplied by Clerk of Court)HOELAND SECURITY ICE DIRECTOR
RIEL
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: Yanicher Morales Conill
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: Florida Soft Side South
 - (b) Address: Florida 54575 tamiami trail ENA
Ochopee, FL 34141
 - (c) Your identification number: 14 ~~XXXXXXXXXX~~
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 Action7. **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 detention board of immigration appeals can raise constitutional issues and to appeal my detention when they say. The have no jurisdiction is useless, it means second appeal means and you are not obliged to appeal a decision, it does not make

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: 11-21-25

(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 the 5th Amendment of the constitution because I have now spent over 6 months and 7 days in custody and my detention is not necessary violate the 5th Amendment and 8th Amendment of the Constitution.

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner's continued detention by respondent is unlawful and contravenes 8 U.S.C. § 1231(a)(5). The Six Amendment with presum reasonable period for removal period or efforts has expired because he has been ordered removed since 2019. For this reason petitioner's removal to Cuba or Mexico is not reasonably foreseeable because there is no immigration agreement between Cuba.

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

☐ Yes

☒ No

GROUND TWO: Substantive Due Process violation: Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

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 Do not cite cases or law.):

The Fifth Amendment requires that the deprivation of petitioner's liberty be applied tailored to serve a compelling government interest. However that not significantly likely to be removed in the reasonable foreseeable future. Because there is no immigration agreement with Cuba.

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

☐ Yes

☒ No

GROUND THREE: Procedural Due Process violation, the Government had deprived the petitioner of its Fifth Amendment right.

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

The Government had deprived petitioner of meaningful opportunity demonstrate that he should not be detained. The failure of Respondent to provide a neutral decision maker to reward the continued custody of petitioner violates petitioner's right to procedural due process there is no administrative mechanism in place for petitioner to demand

(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: Grant Petitioner a writ: The Immigration court stated that he did not have jurisdiction to grant a bond hearing and neither the court nor the BIA can considered the Constitutionality of my Petition.

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 of the Jurisdiction of ICE in the Florida Soft Sided Facility South during the Pendancy of these proceeding and while the Petitioner Remains in Respondents Custody

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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: 5-9-20



Signature of Petitioner

Signature of Attorney or other authorized person, if any