

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

UNITED STATES DISTRICT COURT

for the
Eastern District of New York



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
E.D.N.Y.
MAY 26, 2026
BROOKLYN OFFICE

HERNANDO FLOREZ NAVARRO

Petitioner

v.

WARDEN, BROOKLYN MDC AND FIELD OFFICE
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT

Respondent

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

Case No. 26-cv-3135

(Supplied by Clerk of Court)

Judge Eric R. Komitee

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

Personal Information

1. (a) Your full name: Hernando Florez Navarro
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Brooklyn MDC
 - (b) Address: 80 29th Street
Brooklyn, NY 11232
 - (c) Your identification number: [REDACTED]
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 / Brooklyn MDC
80 29th Street, Brooklyn, NY 11232(b) Docket number, case number, or opinion number: 

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

Ongoing immigration detention by ICE without an individualized bond hearing while Petitioner's asylum/removal proceedings remain pending before the Immigration Court.(d) Date of the decision or action: Continuing detention**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 has not had a meaningful administrative process to challenge his continued detention or obtain release from ICE custody.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 filed because no first appeal or administrative custody review was available to challenge Petitioner's continued immigration detention

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 filed because no prior administrative appeal process was available or completed regarding Petitioner's continued detention.

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: Continuing custody

(b) Date of the removal or reinstatement order: Case remain pending

(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: _____

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: Detention without access to an individualized bond hearing violates due process.

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 Do not cite cases or law.*):

Petitioner is detained by ICE at Brooklyn MDC. He has not received a meaningful individualized bond hearing before a neutral decision-maker to determine whether he is a danger to the community or a flight risk. Instead, he remains detained while his immigration case is still pending. Continued detention without an individualized custody review violates basic due process protections.

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

☐ Yes

☒ No

GROUND TWO: Petitioner's continued detention is unreasonable because his immigration proceedings remain pending

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

Petitioner's removal/asylum proceedings remain pending before the Immigration Court. He has an individual hearing scheduled for June 25, 2026. No final removal order has been issued. Because removal is not imminent, continued detention without meaningful review is excessive and not reasonably related to the purpose of immigration custody.

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

☐ Yes

☒ No

GROUND THREE: Petitioner has strong family ties, including a U.S. citizen child

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

Petitioner is the father of [REDACTED], a United States citizen child born in New York. [REDACTED] has been found eligible for Early Intervention services due to developmental delays, including communication, cognitive, and social-emotional delays. Petitioner has been actively involved in [REDACTED]'s care and evaluations, and his continued detention harms the stability and support needed by his child.

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

☐ Yes

☒ No

GROUND FOUR: Release under supervision is appropriate because Petitioner is not a danger or flight risk.

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

Petitioner has a pending immigration case, family support, a young U.S. citizen child who depends on him, and strong reasons to appear for all future immigration proceedings. He can be released under appropriate conditions, including supervision, reporting requirements, ankle monitor, or any other conditions ordered by the Court or ICE. Continued detention is unnecessary.

(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 present these grounds in prior appeals because he has not had a meaningful administrative process to challenge his continued detention. Any available immigration proceedings address removability and asylum, not the constitutional legality of continued detention without an individualized bond hearing. Habeas relief is therefore necessary.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court grant the Petition, order an individualized bond hearing before an Immigration Judge within 7 days, require the Government to justify continued detention by clear and convincing evidence, or alternatively order Petitioner's immediate release under appropriate conditions, considering his pending immigration proceedings, strong family ties, and U.S. citizen child with special developmental needs.

Declaration Under Penalty Of Perjury

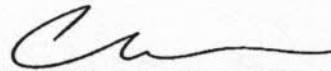
If you are incarcerated, on what date did you place this petition in the prison mail system:

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: 05/11/2026

Hernando Florez

Signature of Petitioner



Signature of Attorney or other authorized person, if any