

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

UNITED STATES DISTRICT COURT

for the

FRANCISCO Domingo Torres Cruz
Petitioner

v.

U.S. Immigration Customs Enforcement
Warden, Baker Correction Facility
Respondent
(name of warden or authorized person having custody of petitioner)

Case No.

3:26-cv-01093-WWB-SSK
(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: FRANCISCO Domingo Torres Cruz
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: North Florida Detention Center
 - (b) Address: 20706 US Hwy 90 W
Sanderson Florida 32087
 - (c) Your identification number: A 
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

ICE / ERO / BCI
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): Held for more than 90 days in Baker
Correctional Institution (DOC). Which DOC exercises
Jurisdiction and Control

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):

Challenges the legality of detention Under a framework devised by the Supreme Court in Zadvydas v. Davis 533 U.S. 678 (2001)

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: *ICE/ERO/BCI. Petitioner*

challenges the legality of this unlawful custody

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

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

Challengin this present facts. Deprivation of freedom and liberty, indicating that ICE is incapable of executing his removal, therefore this detention is indefinite.

(d) Date of the decision or action: *Since October 21, 2025*

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:

ICE Presumptively re-detention that obstruct a decade-and-a-half detention and the availability to appeal.

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: _____

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: May 2002 and October 31, 2025

- (b) Date of the removal or reinstatement order: 2002

- (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: Petitioner argues that he is entitled to release because his post-removal order detention exceeds SIX months and there is no significant likelihood of removal in the reasonably foreseeable future.

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner is a Cuban National who was admitted to the United State on September 11, 1995. Arrested and convicted on February 2001 on drug felonies. Sentenced to Florida Prison system. On May 2002 Petitioner was transferred to the custody of ICE under final removal order. After 120 day, Petitioner was released under an order of supervision.

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

☐ Yes

☒ No

GROUND TWO: A detained Alien can seek a Petition for a Writ of habeas corpus to challenge his detention in the event that the statute's review procedures are insufficiently protective

(a) Supporting facts (Be brief. Do not cite cases or law.): ICE/ERO agents violated Petitioner's fundamental right to freedom and liberty when improperly determined the revocation of supervision release and continuum indefinitely detention without receive informal interview and/or have any travel or other documents necessary for promptly departure. This court should hold this continual detention unreasonable and no longer authorized by statute

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

☐ Yes

☒ No

GROUND THREE: Prolonged time greatly exceeding the 180-day statutory period for removal violated the due process clause of the Fifth Amendment, The Immigration and Nationality Act. see Akinwale v. Ashcroft, 287 F.3d 1050, 1052 (2002)

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner second time greatly exceeding the 90-days statutory period is no longer reasonably foreseeable. ICE detention for 120 day, from May 2002 to Sept 2002 and October 21, 2025 to this day thereafter, not only show post-removal order detention in excess of six months but also provide evidence of a good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future.

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

☐ Yes

☒ No

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GROUND FOUR: ICE/ERO/BCI detention violates the Due Process Clause that forbids the federal government to deprive Any person of Life, Liberty, or Property.

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner has already been detained beyond the presumptively reasonable six-month period. Petitioner has carried his initial burden by showing a good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. Indeed, since May 2002, when ICE first order of removal, it has failed to remove Petitioner to Cuba or any other country. There is no evidence that ICE has attempted to obtain any travel document for Petitioner.

(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: Request this Federal court Grant writs of habeas corpus for Petitioner in custody, in violation of the Constitution or law or treaties of the United State under Zadvydas, and order to be release within 30 days and reinstated the release condition as this Court deems best 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:

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

Signature of Attorney or other authorized person, if any