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

# UNITED STATES DISTRICT COURT

for the

Southern District of Florida

FILED BY MCo D.C.

APR 02 2026

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

RAUDELIO RODRIGUEZ ROMERO

*Petitioner*

v.

Case No. _____
*(Supplied by Clerk of Court)*

ICE Immigration and customs
WARDEN, KROME SERVICE PROCESSING CENTER

*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: RAUDELIO RODRIGUEZ Romero
   (b) Other names you have used: NONE
2. Place of confinement:
   (a) Name of institution: KROME SERVICE PROCESSING CENTER
   (b) Address: 18201 SW 12TH STREET
   MIAMI, FIORIDA 33194
   (c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   DEPARTMENT OF HOMELAND SECURITY-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)

☐ 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 IMMIGRTATION AND CUSTOMS ENFORCEMENT (ICE) KROME SERVICE PROCESSING CENTER MIAMI, FLORIDA

(b) Docket number, case number, or opinion number: # [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
the Petitioner it's challenging his Immigrations Detention, which violates the Supreme Court views as to concept of the Due process Clauses of fifth and fourteenth Amendment. 47 L. Ed 2d 975

(d) Date of the decision or action: 11/10/2025

**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:
NO ADMINISTRATIVE APPEAL PROCESS AVAILABLE FOR IMMIGRATION DETENTION

8. **Second appeal**

After the first appeal, did you file a second 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 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:

NO ADMINISTRATIVE APPEAL PROCESS AVAILABLE

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

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: 10/28/2025

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

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:**

Const.art I § 9, cl. 2 and 28 U.S.C. § 1331, Zadvydas, 566 U.S 678, this Court may grant relief under This Court has jurisdiction under section 28 U.S.C. § 2241 the suspension clause U.S (Habeas Curpos), 5 U.S.C § 702, and 28 U.S.C. § 1651.

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 Do not cite cases or law.)*:

Petitioner is presently in custody under color of the authority of the United Stated, petitoner under custody is violation of the Constitution laws, or treaties of the United States (establishing the right of review for a person suffering illegal wrong due to agency actions).

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

☐ Yes ☑ No

**GROUND TWO:** Due process applies to all person in the United States whether their presence here is lawful, unlawful, temporary, or permanenent. Zadvydas, 533 U.S. at 693, freedom from imprisoment. Due Process clause protects, 533 U.S. at 690 citing Foucha v. Louisiana, 504 U.S. 71, 80 1992. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose, 406 U.S. 715, 738 1972

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

Petitioner detention violates the due process clause of the fifth amendment, forbids the government from depriving any person of liberty without due process of law, government custody dentention, or other form of physical resteaint lies at the heart of the liberty that the due process protects. In the immigration context, the Supreme Court has recognized only to valid purpose for civil detention, mitigate risk of flight, prevent danger to the communityand petitioner is not either one

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

☐ Yes ☑ No

**GROUND THREE:** As the Supreme Court held in Zadvydas v. Davis, 533 U.S.678 2001, noncitizens can not be detained indefinitely, or not even temporal if the government is unable to carry out their removal, or the person can not flight out of the country, or not represent a risk to the community

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

Petitioner is not a violent person, does not have any aggravated felonies, and has been residing in the country for 18 years without ever leaving the country.

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

☐ Yes ☐ No

**GROUND FOUR:** Petitioner citing Plyer v. Doe, 457 U.S 202, 210 1982. Balza v. Barr No: 6:20-CV-0866 2020 WL 6143643, at* 5 W.D. La. Spet. 17, 2020.

This petitioner urge the court to find that his detention (and eligibility for realese on bond) is governed by 8 U.S.C. &1226 (a), but is incorrect. section 1226(a) is the applicable detention authority for aliens who have been

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

Aliens, even aliens whose presence in this country is unlawful, have recognized as a persons guaranteed due process of law of fifth and fourteenth amendment. the Supreme Court authorize detention only where it is significantly likely that removal will occur in reasonable future,

(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: Petitioner respectfully pray that this court 1. Assume jurisdiction over this matter. 2. Use its authority under 28 U.S.C. 2243 TO I Order the petitioner immediate release or set a bond hearing and set an amount of bond unless they can show good cause for additional time.ii.

**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: 03/25/2026

_____
*Signature of Petitioner*

03/25/2026

_____
*Signature of Attorney or other authorized person, if any*

BENECIA TOWNSEND
Commission # HH 581079
Expires October 25, 2028