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

UNITED STATES DISTRICT COURT

for the

FILED BY PJS D.C.
APR 24 2026
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Luis Alberto Nunez Portelles

Petitioner

v.

Facility Administrator, Krome Service Processing Center, et al.

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

Case No. _____
(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: Luis Alberto Nunez Portelles
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: Krome Service Processing Center
   (b) Address: 18201 SW 12th Street Miami, FL 33194
   (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)

SCANNED

☐ 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) 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 action being challenged is the continued detention of Petitioner by Immigration and Customs Enforcement (ICE). Petitioner challenges the legality of this prolonged detention and seeks release from custody.

(d) Date of the decision or action: 09-04-2025

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: Petitioner did not file an administrative appeal because the claim challenges the legality of his detention, which is properly addressed through a petition for writ of habeas corpus in federal court.

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: Petitioner did not file a second appeal because there is no further administrative remedy available to challenge the legality of his continued immigration detention. Therefore, Petitioner seeks relief through this habeas corpus petition.

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 no additional administrative appeals were available. The legality of the detention is therefore properly raised through this habeas corpus petition.

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: 09-04-2025

(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: 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: 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: ATTACHMEN 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

GROUND FOUR: ATTACHMENT A

(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 present these grounds in prior appeals because no administrative appeals were available to challenge the legality of his continued immigration detention. The issues raised in this petition concern the constitutionality and legality of Petitioner's detention, which are properly addressed through a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court issue a Writ of Habeas orpus and order Respondent to provide Petitioner with an immediate, individualized bond hearing before a neutral decision-maker. In the alternative, Petitioner requests that the Court order his immediate release under reasonable conditions of supervision. Petitioner further requests any other relief that this Court deems just and proper.

Declaration Under Penalty Of Perjury

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

04-16-2026

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: 04-16-2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

ATTACHMENT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:26-cv-22564-GAYLES

Petitioner: Luis Alberto Nunez Portelles

A#: [redacted]

Location: Krome Service Processing Center, Miami, Florida

Detained since: September 4, 2025

_____/

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

GROUND ONE: Prolonged and Unconstitutional Detention

Petitioner states that he has been detained by U.S. Immigration and Customs Enforcement (ICE) since September 4, 2025, and that his detention has become prolonged.

Petitioner states that during this time, he has remained in continuous custody and has not been provided with an individualized bond hearing before an immigration judge.

Petitioner further states that ICE has not informed him that he is a danger to the community or a flight risk. Petitioner believes that his continued detention is excessive under these circumstances and that his situation has not been individually reviewed.

GROUND TWO: Pending Asylum Application

Petitioner states that he has a pending application for asylum that has not yet been adjudicated.

Petitioner states that this application is still under review and that he is awaiting a decision in his immigration proceedings.

Petitioner believes that his continued detention while his asylum application is pending is not necessary and that he is actively pursuing relief available to him under immigration law.

GROUND THREE: ***Pending Application for Adjustment of Status***

Petitioner states that he has a pending application for lawful permanent residence (adjustment of status).

Petitioner states that this application represents a form of immigration relief that, if approved, would allow him to remain in the United States.

Petitioner believes that his continued detention is not necessary while this application is pending and unresolved.

GROUND FOUR: Family Hardship and Impact on Minor Children

Petitioner states that he is the parent of two minor children residing in the United States.

Petitioner states that his children depend on him for emotional and financial support.

Petitioner further states that his continued detention has caused hardship to his children, including emotional distress and financial difficulties, and that his absence has affected their well-being.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Luis Alberto Nunez Portelles,
Petitioner,

v.

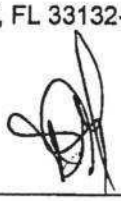
Warden, Krome Service Processing Center, et al,
Respondent.

CERTIFICATE OF SERVICE

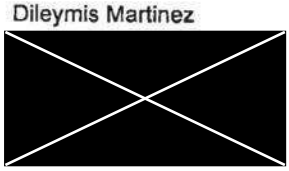
I hereby certify that on this 20th day of April, 2026, I served a true and correct copy of Amended Petition for Writ of Habeas Corpus and all supporting documents upon the following parties via mail, addressed as follows:

Warden
Krome North Service Processing Center
18201 SW 12th Street
Miami, FL 33194-2700

United States Attorney's Office
Southern District of Florida
99 NE Fourth Street
Miami, FL 33132-2131



Document Preparer - Non-Attorney
Dileymis Martinez



Clerk of Court
United States District Court
Southern District of Florida

April 17, 2026

Re: Amended Petition for Writ of Habeas Corpus
Case No. 1:26-cv-22564-GAYLES
Petitioner: Luis Alberto Nunez Portelles
A#: [redacted]

Dear Clerk of Court,

Please accept the enclosed Amended Petition for Writ of Habeas Corpus submitted in compliance with the Court's Order dated April 15, 2026.

This Amended Petition includes additional factual details and supporting documentation as requested by the Court.

Thank you for your attention to this matter.

Respectfully submitted,

Dileymis Martinez
Document Preparer (Non-Attorney)
[redacted]

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

Instructions

1. **Who Should Use This Form.** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and 1 copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.