AUG 12 2026 PM 1:14
FILED - USDC - FLMD - JAX

UNITED STATES DISTRICT COURT

for the

Lissette Pena Almonte
Petitioner

v.

Case No. 3:26-CV-2085-WWB-LLL
(Supplied by Clerk of Court)

U.S. Immigration and Customs Enforcement
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: Lissette Del Carmen Pena Almonte
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: Baker County Detention Center
   (b) Address: 1 Sheriff's Office Drive
   MacClenny, FL 32063
   (c) Your identification number: A# [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)

☐ 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: _____

(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 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:

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:

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: 12/29/2025

(b) Date of the removal or reinstatement order: 02-09-2026

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

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 02-18-26

(2) Case number: N/A

(3) Result: pending

(4) Date of result: N/A

(5) Issues raised: During my Immigration hearing the Judge did not give me the opportunity to explain that I am legal Permanent Resident in the United States. Also tried to explain to the court that I am eligible for relief under 8 U.S.C § 1226(a) and 8 C.F.R § 1240.11. None of these relief was mentioned nor establish in the court.

(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: USCIS I130 Family Petition

(b) Name of the authority, agency, or court: USCIS

(c) Date of filing:

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

(e) Result:

(f) Date of result: 08-04-2015

(g) Issues raised: That I was granted Legal Permanent Resident in the United States which the Immigration Judge refuse to acknoledge that I was granted a relief under 8 C.F.R § 1240.11 a family Petition.

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.

GROUND ONE: Violation of 8 U.S.C § 1231(a)(6)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I have been detained by ICE beyond the removal period authorized by Statue. ICE is not likely to remove me in the near future.

Question (b) below is not applicable

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

☐ Yes ☐ No

GROUND TWO: Violation of due process clause of the first Amendment to the U.S. Constitution

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period.

Question (b) below is not applicable.

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

☐ Yes ☐ No

GROUND THREE:

(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:

(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:

Request for Relief

15. State exactly what you want the court to do: Order my Immediate release from ICE Custody. Please

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: 08/10/2026

Lissette P. Almonte

Signature of Petitioner

_____

Signature of Attorney or other authorized person, if any

My Name is Lissette Del carmen pena Almonte And I am From Dominican Republic. I am 26 years old, Single Mother, humble and a Hard worker. I also Have Two Kids of 5 and 9 years of age along with my whole Family that lives Here in the United States.

Honorable judge. with the highest respect I ask For release back Home as soon as possible. my son [redacted] of 9 years old and my daughter [redacted] of 5 years old need me back home. I am single Mother and I am also my childrens Only mother and Father Figuere. I came to the united states of America in 2015 with a permanent Resident but in 2021 I was convited of a FeLony in wtich the judge orderer an order of deportation. I am appealling the order of Deportation which is in process and which I am also in waiting. I ask with Sincerity For a Forgiveness and For a pardon if in my past I cominitted an error. I am truly Sorry and I regret my past. I Swear and promise I will never get in trouble with the Law. I ask to be granted the opportunity to be able to come home to my children who everyday miss me a Lot and Depend From me, my Family, Mother And Father who also Suffer my absence From Home. I have been detained Since December 29, 2025. I ask and wait For a Sincere response back Soon.

THank you.

Sincerely,

Lissette Del carmen pena Almon

CLASS ACTION NOTICE

You may be a member of a class that has been certified by the United States District Court for the Central District of California in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. 2025). On December 18, 2025, the District Court issued a ruling that certain immigration detainees may be unlawfully detained and may seek release on bond or conditional parole under 8 U.S.C. § 1226(a). Therefore, you may be entitled to request release on bond or conditional parole by immigration officers; you may also be entitled to a bond hearing upon your request to the Immigration Court. At the bond hearing, the Immigration Judge may determine that you are eligible to be released on bond while your removal proceedings are pending.

If you have questions about your potential membership in the class or your rights under the District Court's ruling, you may call the attorneys representing the class at (415) 343-0770.

8/12/26