

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA

Osmani Trejo Padilla v. Department of Homeland Security, et al.

Padilla · No. 3:26-cv-203-JEP-MCR · Decided February 9, 2026

SUMMARY

The United States District Court for the Middle District of Florida dismissed Osmani Trejo Padilla’s 28 U.S.C. § 2241 petition challenging his continued immigration detention. The court held that the petition was premature because the presumptive six-month detention period recognized in *Zadvydas v. Davis* had not expired when the petition was filed, and dismissed the case without prejudice.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida
WRITING FOR THE COURT	Jordan E. Pratt
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	February 9, 2026
DOCKET	3:26-cv-203-JEP-MCR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging prolonged immigration detention.
STANDARD OF REVIEW	The court applied the <i>Zadvydas</i> six-month presumptive-period framework to determine whether the detention challenge was ripe or premature.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation or stated precedential designation.
PARTIES	Osmani Trejo Padilla v. Department of Homeland Security, et al.

TOPICS

- immigration detention
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

- immigration
- immigration detention
- habeas corpus

QUESTIONS PRESENTED

1. Whether Padilla's § 2241 challenge to post-removal-order detention was premature because the presumptive six-month period had not expired when he filed the petition.
2. Whether Padilla was entitled to immediate release based on the alleged lack of a significant likelihood of removal in the reasonably foreseeable future.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. A post-removal-order detention claim under Zadvydas is premature when the presumptive six-month detention period has not expired at the time the § 2241 petition is filed.
2. Padilla was not entitled to immediate release because his petition was filed before the presumptive six-month period expired.
3. A certificate of appealability should not issue because Padilla did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“once removal [of an alien pursuant to a removal order] is no longer reasonably foreseeable, continued detention is no longer authorized.” (Order text)

“This 6-month presumption, of course, does not mean that every alien not removed must be released after six months.” (Order text)

“Because Padilla filed his Petition before the presumptive six-month period expired pursuant to Zadvydas, his claim is premature and will be dismissed without prejudice to refiling at the appropriate time.” (Order text)

FACTUAL BACKGROUND

Padilla was detained at the Baker County Correctional Institution under an order of removal beginning November 13, 2025. He alleged that there was no significant likelihood of removal in the reasonably foreseeable future because Cuba had refused to accept him. He filed his § 2241 petition on February 2, 2026, before six months had elapsed from the beginning of the challenged detention.

PROCEDURAL HISTORY

Padilla filed a § 2241 petition on February 2, 2026, alleging that he had been detained under a removal order since November 13, 2025 and that Cuba had refused to accept him. The district court concluded that the presumptive six-month period recognized in *Zadvydas v. Davis* had not expired when the petition was filed. The court dismissed the petition without prejudice as premature, denied a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Akinwale v. Ashcroft*, 287 F.3d 1050 (11th Cir. 2002)
- *Tennard v. Dretke*, 542 U.S. 274 (2004)
- *Slack v. McDaniel*, 529 U.S. 473 (2000)
- *Miller-El v. Cockrell*, 537 U.S. 322 (2003)
- *Barefoot v. Estelle*, 463 U.S. 880 (1983)

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