

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)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE
DIVISION OSMANI TREJO PADILLA, Petitioner, v. Case No. 3:26-cv-203-JEP-MCR
DEPARTMENT OF HOMELAND SECURITY, et al., Respondents.

_____ ORDER This cause is before the Court on a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (“Petition,” Doc. 1), filed by Osmani Trejo Padilla (“Padilla”) on February 2, 2026.

Padilla alleges he has been held in prolonged detention at the Baker County Correctional Institution under an order of removal since November 13, 2025. (Doc. 1 at 1–2, 4, 6). Padilla requests his immediate release from the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement, because there is no realistic likelihood of removal in the reasonably foreseeable future as Cuba has refused to accept him.

(Id. at 6–7). The Supreme Court has held that “indefinite detention of aliens... would raise serious constitutional concerns.” *Zadvydas v. Davis*, 533 U.S. 678, 682, 689–90 (2001). As such, “once removal [of an alien pursuant to a removal order] is no longer reasonably foreseeable, continued detention is no longer authorized.” Id. at 699. “[F]or the sake of uniform administration in the federal courts,” the Supreme Court has recognized as presumptively reasonable a six- month detention period while a removable alien awaits deportation.

Id. at 701. The Supreme Court explained: After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.... This 6-month presumption, of course, does not mean that every alien not removed must be released after six months.

To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future. Id.; see also *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (stating that “in order to state a claim under *Zadvydas* the alien not only must show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of

removal in the reasonably foreseeable future”). “Although not expressly stated, the Supreme Court appears to view the six-month period to include the 90-day removal period plus 90 days thereafter.” Akinwale, 287 F.3d at 1052.

Thus, to state a claim under Zadvydas, the “six-month period... must have expired at the time [a petitioner’s] § 2241 petition was filed.” Id. 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.¹ (See Doc. 1 at 1–2, 4, 6).

Accordingly, it is ORDERED and ADJUDGED as follows: 1. The Petition (Doc. 1) is DISMISSED without prejudice as prematurely filed. 2. The Clerk shall enter judgment dismissing this case without prejudice, terminate any pending motions as moot, and close the file. 3. If Petitioner appeals this Order, the Court denies a certificate of appealability.² Because the Court has determined that a certificate of appealability is not warranted, the Clerk shall terminate from the pending motions report any motion to proceed on appeal as a pauper that may be filed in this case.

Such termination shall serve as a denial of the motion. 1 Although Padilla alleges in Ground One that he is being held “for time already served” in 2003, part of which was served in county jail for a probation violation, Padilla explains that after he “served [his] time, [he] was then placed in removal proceedings.” (Doc. 1 at 6).

Thus, the Court construes his Petition as challenging his detention since November 13, 2025. 2 The court should issue a certificate of appealability only if a petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

To make this substantial showing, a petitioner “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” Tennard v. Dretke, 542 U.S. 274, 282 (2004) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), or that “the issues presented were ‘adequate to deserve encouragement to proceed further,’” Miller–El v. Cockrell, 537 U.S. 322, 335– 36 (2003) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)).

Upon consideration of the record as a whole, this Court denies a certificate of appealability. DONE AND ORDERED in Jacksonville, Florida, on February 9th, 2026. JORDAN E. PRATT UNITED STATES DISTRICT JUDGE Jax-11 C: Osmani Trejo Padilla, #097-132-521