

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

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MAR 13 2025

AT 8:30
CLERK, U.S. DISTRICT COURT - DNJ

JOSE LEOPOLDO MARTINEZ-RODRIGUEZ

Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

WARDEN, FCI - FT. DIX

*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: JOSE LEOPOLDO MARTINEZ-RODRIGUEZ
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: FCI - FT. DIX
(b) Address: PO BOX 2000 (INMATE) PO BOX 38 (ADMIN)
JOINT BASE, MDL, NJ 08640
(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): _____

(b) If you answered "No," explain why you did not appeal: BOP STAFF REFUSED TO PROVIDE NECESSARY ADMINISTRATIVE REMEDY FORMS AND EXERCISE WOULD BE FUTILE / ICE DOES NOT PROVIDE FORMS OR INSTRUCTIONS TO 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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: BOP STAFF REFUSED TO PROVIDE FORMS / ICE - HAS NO APPEAL PROCESS FOR THIS PROCEDURE

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

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(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: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(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: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: THIS RELATES TO HOW SENTENCE IS CARRIED OUT AND CREDITED PER STATUTORY LANGUAGE BY BOP / ICE PROCESS USED TO REMOVE IS INVALID UNDER STATUTE DENYING DUE PROCESS.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: TBD
- (b) Date of the removal or reinstatement order: DECEMBER 4, 2024
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: N/A
- (2) Case number: N/A
- (3) Result: N/A
- (4) Date of result: N/A
- (5) Issues raised: N/A

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: N/A
- (2) Date of filing: N/A
- (3) Case number: N/A

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(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A**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: N/A

(b) Name of the authority, agency, or court: N/A

(c) Date of filing: N/A

(d) Docket number, case number, or opinion number: N/A

(e) Result: N/A

(f) Date of result: N/A

(g) Issues raised: N/A

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: BOP HAS FAILED TO APPLY EARNED FSA CREDITS TOWARDS RELEASE TO
HALFWAY HOUSE AND/OR HOME CONFINEMENT

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

PETITIONER HAS EARNED FIRST STEP ACT CREDITS BY COMPLETING AND PARTICIPATING IN CLASSES AND PRODUCTIVE ACTIVITIES; THE BOP HAS FAILED TO APPLY CREDITS TOWARDS HALFWAY HOUSE OR HOME CONFINEMENT; PETITIONER'S RELEASE DATE SHOULD HAVE BEEN DECEMBER 24, 2023, IF THE BOP HAD EXECUTED FSA PROPERLY BY STATUTE

* SEE MEMORANDUM OF LAW FOR ADDITIONAL FACTS, ARGUMENTS & AUTHORITIES *

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

☐ Yes

☒ No

GROUND TWO: BOP HAS FAILED TO APPLY TIME UNDER SECOND CHANCE ACT FOR HALFWAY HOUSE OR HOME CONFINEMENT

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

BOP HAS INTERPRETED THE MANDATORY LANGUAGE IN THE SECOND CHANCE ACT IMPROPERLY; THIS INTERPRETATION HAS PREVENTED PETITIONER FROM TRANSFERRING TO HALFWAY HOUSE OR HOME CONFINEMENT BACK WHEN HE WAS ELIGIBLE

* SEE MEMORANDUM OF LAW FOR ADDITIONAL FACTS, ARGUMENTS & AUTHORITIES *

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

☐ Yes

☒ No

GROUND THREE: PETITIONER HAS BEEN DENIED DUE PROCESS RELATING TO NOTICE OF EXPEDITED ORDER OF REMOVAL THAT WAS ILLEGALLY OBTAINED ACCORDING TO STATUTE

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

THE NOTICE OF EXPEDITED ORDER OF REMOVAL WAS IMPROPERLY USED IN THE SITUATION WITH PETITIONER; PETITIONER WAS PAROLED INTO THE UNITED STATES; STATUTE FOR EXPEDITED ORDER OF REMOVAL EXEMPTS PERSONS PAROLED INTO THE UNITED STATES; NOTICE IS NOT "FINAL ORDER" PER STATUTE

* SEE MEMORANDUM OF LAW FOR ADDITIONAL FACTS, ARGUMENT & AUTHORITIES *

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

☐ Yes

☒ No

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GROUND FOUR:

N/A

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

N/A

(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: BOP PREVENTED ANY APPEAL PROCESS; NO APPEAL PROCESS FOR NOTICE AND EXPEDITED ORDER OF REMOVAL PROCESS

Request for Relief

15. State exactly what you want the court to do: FOR IMMEDIATE RELEASE FROM BOP CUSTODY;
INVALIDATE NOTICE AND EXPEDITED ORDER OF REMOVAL AS ILLEGAL

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Declaration Under Penalty Of Perjury

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

MARCH 7, 2025

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: MARCH 7, 2025

MARTINE RODRIGUEZ JOSE

Signature of Petitioner

Signature of Attorney or other authorized person, if any

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