

United States District Court

for the
11th Circuit

)) _____ Jose Antonio Martinez Marino Petitioner v. U.S. Immigration and Customs Enforcement) Respondent)	)) Case Number: <u>TAL2510000063</u> (supplied by Clerk of Court)
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PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2241

Personal information

1. (a) **Your full name:** Jose Antonio Martínez Marino
(b) **Other names you have used:** Jose Martinez
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 Number):** A 
3. Are you currently being held on orders by:
☐ Federal Authorities ☐ State Authorities ☒ Other – explain
ICE Detention
4. Are you currently:
☐ A pretrial detainee (awaiting 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: ____/____/20____
☒ Being held on an immigration charge
☒ Other (explain) Detainee pending final removal order

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:** U.S. Immigration and Customs Enforcement
 - (b) Docket number, case number or opinion number: _____
 - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed)
U.S. Immigration and Customs Enforcement refusing to release me from immigration detention.
 - (d) **Date of the decision or action:** 01 / 06 / 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek administrative remedy?

☐ Yes ☒ No

(a) If yes, provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: ____/____/20____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: ____/____/20____
- (6) Issues raised: _____

- (b) If no, explain why you did not: _____

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: ____/____/20____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____

(5) Date of result: ____/____/20__

(6) Issues raised: _____

(b) If no, explain why you did not: _____

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: ____/____/20__

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: ____/____/20__

(6) Issues raised: _____

(B) If no, explain why you did not: _____

10. Motion under 28 U.S.C. §2255

In this petition, are you challenging the validity of your conviction or sentence 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: ____/____/20__

(4) Result: _____

(5) Date of result: ____/____/20__

(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: ____/____/20____
(4) Result: _____
(5) Date of result: ____/____/20____
(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__/_09_/2024
(b) Date of the removal or reinstatement order: __01__/_06_/2025_
(c) Did you file an appeal with the board of immigration appeals?

☐ Yes ☒ No

If yes provide:

- (1) Name of court: _____
(2) Case Number: _____
(3) Date of filing: ____/____/20____
(4) Result: _____
(5) Date of result: ____/____/20____
(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:

- (1) Kind of petition, motion, or application _____

- (1) Kind of petition, motion, or application _____
- (2) Name of the authority, agency, or court: _____
- (4) Date of filing: ____/____/20____
- (5) Docket number, case number, or opinion number: _____
- (6) Result: _____
- _____
- _____
- (7) Date of result: ____/____/20____
- (8) Issues raised: _____
- _____
- _____
- _____

Grounds for Your Challenges 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 argument must be submitted in a separate memorandum.

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 statute. 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.

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

☐ Yes ☐ No

Ground Three: Detained over period of time authorized

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

I have exceeded the 180 days period to be in custody without a resolution and should be able to be released while my case is resolved

(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 Three 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: This is not applicable in this matter.

Request for Relief

15. State exactly what you want the court to do: Order my immediate release from ICE custody and to continue whatever proceedings are pending on supervised/monitored freedom.



24 JUL 2025 PM 1 L
JACKSONVILLE RPDC 320

TO SEAS 228-500895-WYB PDB Document 1 Filed 08/05/25 Page 7 of 7 PageID 7
Baker County Jail
SHERIFFS OFFICE DR.
MACLENNY, FL 32063

US District Court Clerk
400 N MIAMI AVENUE
ROOM 8N09 FL 33128

658122-821EC

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

REC'D BY _____ D.C.
AUG 05 2025
U.S. DISTRICT COURT
S.D. OF FLA. - MIAMI

