

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FILED

JAN 15 2026

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY naa, DEPUTY

DIAZ PEREZ OSMAR
Petitioner

v.


SCARLET GRANT
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. CIV-26-64-PRW
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: DIAZ PEREZ OSMAR
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: CIMARRON CORRECTIONAL FACILITY
(b) Address: 3200 SOUTH KINGS HIGHWAY, CUSHING OKLAHOMA 74021
(c) Your identification number: 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
IMMIGRATION AND CUSTOMS ENFORCEMENT
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): HELD ON REMOVAL PROCEEDINGS

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)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- 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: DEPARTMENT OF HOMELAND SECURITY,

IMMIGRATION AND CUSTOMS ENFORCEMENT, OKLAHOMA

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

PROLONG DETENTION, DUE PROCESS VIOLATIONS

(d) Date of the decision or action: 06/13/2025

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:

NO DECISION HAS BEEN MADE REGARDING MY REMOVAL PROCEEDING

8. **Second appeal** N/A

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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** N/A

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** N/A

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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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? **N/A**

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: **N/A**

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

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

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

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

(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: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

PROLONG DETENTION IN VIOLATION OF MY FIFTH AMENDMENT DUE PROCESS CLAUSE.

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

I WAS DETAINED ON THE 13TH OF JUNE 2025 BY ICE AND HAVE REMAINED IN DETENTION EVER SINCE.

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

Yes

No

N/A

GROUND TWO: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT.

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

I WAS ARRESTED AND DETAINED ON THE 13TH OF JUNE, 2025, AND I HAVE NOT BEEN AFFORDED A BOND HEARING FOR BEING I PROLONGED DETENTION WHICH IS CAUSING IRREPAIRABLE HARM TO ME AND MY FAMILY.

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

Yes

No

N/A

GROUND THREE: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND IMMIGRATION AND CUSTOMS ENFORCEMENT REGULATIONS.

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

ICE HAS REFUSED TO RELEASE ME ON AN ORDER OF SUPERVISION DURING MY 90 DAYS DETENTION AND HAS REFUSED TO GIVE ME A NOTICE FOR CUSTODY REVIEW NOR A CUSTODY REVIEW FOR BEING IN IMMIGRATION DETENTION LONGER THAN 90 DAYS.

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

Yes

No

N/A

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:

- ① I KINDLY REQUEST THAT THIS COURT ORDER MY IMMEDIATE RELEASE FROM ICE CUSTODY OR IN ALTERNATIVE AN ORDER OF SUPERVISION.
- ② I REQUEST AN INDIVIDUALIZED BOND HEARING WHERE THE RESPONDENT BEARS THE BURDEN OF PROOF SHOWING THAT I AM A FLIGHT RISK AND A DANGER TO THE COMMUNITY.
- ③ I ALSO REQUEST A PRELIMINARY INJUNCTION AND A TEMPORAR RESTRAINING ORDER FROM REMOVING OR TRANSFERING ME OUTSIDE OF THE STATE OF OKLAHOMA PENDING THE DECISION FROM THIS COURT.
- ④ I KINDLY REQUEST AN EXPEDITED RULING ON THIS PETITION AND I AM TOTALLY OKAY WITH A MAGISTRATE JUDGE MAKING A RULING ON THIS PETITION.

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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:

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: 01-06-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any