

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

UNITED STATES DISTRICT COURT

for the
Middle District of FloridaAdrian Martin-Martinez by Ivis Gonzalez Giralt, as Next
A Friend

Petitioner

v.

David Hardin, Warden, Glades County Detention, Todd
Lyons, Acting Director of ICE Center, Garrett Ripa, ICE
Field Office Director, Miami Field Office.

Respondent

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

Case No.

(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: Adrian Martin-Martinez
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Glades County Detention Center
 - (b) Address: 1297 FL-78, Moore Haven, FL 33471
 - (c) Your identification number: A-Number
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):

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)

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- ☐ 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 (ICE) / Miami Immigration Court

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

A [REDACTED]

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

Unlawful continued detention by ICE after the

Immigration Court dismissed all removal proceedings on June 10, 2025.

Despite this dismissal, ICE continues to detain the Petitioner and has repeatedly failed to produce him for subsequent hearing in multiple cancellations on the court's docket

(d) Date of the decision or action:

June 10, 2025

Your Earlier Challenges of the Decision or Action7. **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:

Miami Immigration Court / U.S. Immigration and Customs Enforcement (ICE).

(2) Date of filing:

July 03, 2025

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

A [REDACTED]

(4) Result: Request withdrawn/dismissed for lack of jurisdiction.

(5) Date of result:

July 16, 2025

(6) Issues raised: Petitioner requested an individualized bond hearing.

The Immigration Judge ruled the court lacked jurisdiction over the detention.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

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

☒ Yes☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

Miami Immigration Court / ICE

(2) Date of filing:

Unknown

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



(4) Result: Did not proceed; Petitioner not produced by ICE

(5) Date of result: October 09, 2025

(6) Issues raised:

Petitioner requested bond hearing. ICE failed to transport Petitioner to the hearing. The Immigration Judge again stated lack of jurisdiction

(b) If you answered "No," explain why you did not file a second appeal:

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:

(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: Removal proceedings were dismissed on 06/10/2025, terminating the Immigration Court's involvement. Because the case was terminated in the Petitioner's favor on the government's own motion, no further administrative appeals were possible.

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

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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?

☐ 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:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:

June 10, 2025

- (b) Date of the removal or reinstatement order:

NA Case Dismissed 06/10/2025

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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If "Yes," provide:

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

The Immigration Court dismissed all proceedings on June 10, 2025, on the government's own motion.

- (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:

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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: Arbitrary and Unlawful Re-Detention After Case Dismissal.

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

Petitioner entered the U.S. on May 12, 2022, and was released on an Order of Release on Recognizance (I-220A). He lived lawfully in the community for three years and complied with all reporting requirements. On June 10, 2025, the Immigration Court dismissed all removal proceedings on the government's own motion. Despite the dismissal and the absence of any active removal case or final order, ICE re-detained the Petitioner that same day.

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

☐ Yes

☒ No

GROUND TWO: Eligibility for Permanent Relief and Interference with Lawful Status

Supporting Facts

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

Petitioner is a Cuban national and the beneficiary of an approved I-130 petition filed by his U.S. citizen spouse (Receipt  Approved 11/20/2025). He has a clear path to legal status. His continued detention prevents him from pursuing this relief and serves no

government interest, as the government moved to dismiss his court case on June 10, 2025. Continued detention of a non-criminal Cuban national with approved immigrant status serves no legitimate government interest, especially after the government itself moved to dismiss his case.

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

☐ Yes

☒ No

GROUND THREE: Unconstitutional Prolonged Detention in Violation of the Fifth Amendment

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

Petitioner has been held in physical custody since June 10, 2025, which is over seven months without a bond hearing or a trial. Under Zadvydas v. Davis, detention beyond six months is presumptively unreasonable when removal is not "reasonably foreseeable."

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

☐ Yes

☒ No

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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: No administrative appeal was available because the Immigration Judge repeatedly ruled he lacked jurisdiction to grant bond. Furthermore,

because the case was dismissed in June 2025, the administrative process ended entirely, leaving no Board of Immigration Appeals (BIA) remedy

Request for Relief

15. State exactly what you want the court to do: I respectfully request that this Court: 1. Assume jurisdiction over this matter and issue a Writ of Habeas Corpus. 2. Order the immediate release of the Petitioner, Adrian Martin-Martinez, from the Glades County Detention Center. 3. In the alternative, order an individualized bond hearing before a neutral judge where the government must prove by clear and convincing evidence that his cor is necessary. 4. Grant any other relief this Court deems just and proper to end his prolonged and arbitrary detention following the June 10, 2025, dismissal of his removal proceedings

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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: 01/16/2020

Signature of Petitioner

Ivis Gonzalez Giralt
Next Friend for Adrian Martin-Martinez



Signature of Attorney or other authorized person, if any