

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

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

FILED

JAN 27 2026

Danielis Suarez, as Next Friend for Miguel Angel
Jimenez Leon A [REDACTED]

Petitioner

v.

Warden, Diamondback Correctional Facility.

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY [REDACTED] DEPUTY

Case No. CIV-26-137-PRW
(Supplied by Clerk of Court)

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: Miguel Angel Jimenez Leon
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: Diamondback Correctional Facility.
(b) Address: ROUTE 2, [REDACTED]
WATONGA, OK 73772
(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):

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), Dallas/Oklahoma City Field Office

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



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

Prolonged and mandatory immigration detention without an individualized bond hearing or a scheduled court date

I am an "arriving alien" being held despite having a pending Cuban Adjustment Act (CAA) application.

(d) Date of the decision or action: 12/18/2025

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:

SEE ATTACHED

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:
- (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**

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**

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: 12/18/2025
- (b) Date of the removal or reinstatement order:
- (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:

(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: Violation of Procedural Due Process (Unfiled NTA)

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 Do not cite cases or law.)*:

I have been detained since December 18, 2025. Although I was issued a Notice to Appear (NTA) on September 4, 2024, for a hearing on March 4, 2027, the government has failed to file the NTA with the Immigration Court (EOIF). As a result, no court has jurisdiction over my case, and I am being held in administrative limbo without a legal forum or a scheduled hearing to challenge my detention.

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

☐ Yes ☒ No

GROUND TWO: No Significant Likelihood of Removal (Zadvydas Standard)

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 Do not cite cases or law.)*:

I am a native and citizen of Cuba with a valid, pending Form I-485 application under the Cuban Adjustment Act. Because I am eligible for Lawful Permanent Resident status and have no criminal record, my removal is not significantly likely in the reasonably foreseeable future. Under the Supreme Court's ruling in *Zadvydas v. Davis*, my continued detention no longer serves a valid purpose for removal and is therefore unconstitutional.

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

☐ Yes ☒ No

GROUND THREE: Arbitrary and Capricious Detention of a Parolee

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

I was lawfully paroled into the United States on September 4, 2024, with a Class of Admission "DT" valid until September 3, 2026. I have complied with all terms of my parole and have deep family ties in Florida. My re-detention while having a valid, unexpired parole and a pending pathway to residency is arbitrary, capricious, and a violation of the Fifth Amendment.

(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:

Request for Relief

15. State exactly what you want the court to do:

I request that the Court issue a writ of habeas corpus and order my immediate release from custody under the terms of my existing parole. In the alternative, I request an immediate individualized bond hearing before a judge where the government must prove I am a danger or a flight risk.

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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: 1-21-2026



Signature of Petitioner

Dianelis Suarez, as Next Friend for Miguel Angel Jimer
Signature of Attorney or other authorized person, if any