

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

DIANELIS SUAREZ, as Next Friend for

MIGUEL ANGEL JIMENEZ LEON (A )

Petitioner,

v.

WARDEN, DIAMONDBACK CORRECTIONAL FACILITY,

Respondent.

Case No.: _____

(To be supplied by the Clerk) ---

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS (28 U.S.C. § 2241)**

I. PRELIMINARY STATEMENT

Petitioner, Miguel Angel Jimenez Leon, a native and citizen of Cuba, seeks a writ of habeas corpus to remedy his unlawful and prolonged administrative detention. Petitioner was lawfully paroled into the United States on **September 4, 2024**, and has a pending application for adjustment of status under the **Cuban Adjustment Act (CAA)**. Despite his compliance with all laws and his clear path to legal residency, he was

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JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST OKLA
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re-detained on **December 18, 2025**. He is currently held in an administrative vacuum where the government has failed to file his Notice to Appear (NTA) with the court, depriving him of any legal forum to challenge his custody.

II. STATEMENT OF FACTS

1. **Lawful Parole:** On September 4, 2024, Petitioner was granted discretionary parole (Class: DT) valid through September 3, 2026.
2. **Equities:** Petitioner has lived with his significant other, Danelis Suarez, at 
 Marathon, FL, since his arrival. He has no criminal record.
3. **Pending Relief:** Petitioner timely filed a Form I-485 under the CAA, which remains pending adjudication.
4. **Detention Limbo:** Petitioner was re-detained on December 18, 2025. Although he has an NTA, it has not been filed with the EOIR, and his placeholder court date is not until **March 4, 2027**.

III. ARGUMENT

POINT 1: Violation of Due Process (Unfiled NTA) Procedural Due Process under the **Fifth Amendment** requires a meaningful opportunity to be heard. By detaining Petitioner without filing the NTA, the government has denied him access to an Immigration Judge for a bond hearing, creating an unconstitutional "administrative limbo".

POINT 2: Detention No Longer Serves a Valid Purpose Under *Zadvydas v. Davis*, detention must be related to the purpose of removal. Because Petitioner has a *prima facie* valid claim to residency under the CAA, his removal is not "reasonably foreseeable," making his continued detention arbitrary and punitive.

POINT 3: Futility of Administrative Remedies Exhaustion is not required when the administrative process is futile. Since there is no court record of Petitioner's case and recent BIA rulings claim Immigration Judges lack jurisdiction over arriving alien bond, this Court is the only venue capable of granting relief.

IV. CONCLUSION

Petitioner respectfully requests that the Court grant the writ and order his immediate release, or in the alternative, order an immediate individualized bond hearing.

Respectfully submitted,



Dianelis Suarez, as Next Friend for

Miguel Angel Jimenez Leon

Date: 1-21-2026.