

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 30 2026

RENE GARCIA SANCHEZ

A

Petitioner

v.

WARDEN, Diamondback Correctional Facility, Field
Office Director, ICE, Secretary of Homeland
Security, Attorney General of the United States,

Respondent

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

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

Case No.

CIV-26-169-G
(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: Rene Garcia Sanchez
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: Diamondback Correctional Facility
(b) Address: Route 2, Box 336, Watonga, OK 73772.
3. (c) Your identification number: A
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
Petitioner challenges his continued and indefinite physical custody by the
☐ Other (explain): Department of Homeland Security (DHS)
This detention has become arbitrary because the government has failed to provide a court date or process a mandatory Credible Fear
Interview (CFI).
While Petitioner was originally released after his January 1, 2023, processing, his re-detention on December 18, 2025, lacks a valid
administrative purpose as he is not currently in the EOIR (immigration court) system

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: ICE Field Office: Oklahoma City Field Office
 U.S. Department of Homeland Security (DHS) / U.S. Immigration and Customs Enforcement (ICE).
 (b) Docket number, case number, or opinion number: 240 115 498.
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I am challenging the government's failure to provide a Credible Fear Interview (CFI) or a court date for the Petitioner. Despite his expression of fear of return to Cuba on January 1, 2023, and a formal request for his fear-claim findings made by counsel in March 2025, no action has been taken. He has been held at the Diamondback Correctional Facility since December 18, 2025, without being entered into the EOIR system, rendering his detention indefinite and punitive.

- (d) Date of the decision or action: December 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: U.S. Department of Homeland Security (DHS), specifically the Asylum Office and U.S. Immigration and Customs Enforcement (ICE).
 (2) Date of filing: March 6, 2025
 (3) Docket number, case number, or opinion number: 
 (4) Result: Pending / No Response.
 (5) Date of result:
 (6) Issues raised: SEE ATTACHED

(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:
- (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:
SEE ATTACHED

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:
SEE ATTACHED

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:

Not applicable.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: December 18, 2025.
- (b) Date of the removal or reinstatement order: Section 235 Expedited Removal order from late 2022/early 2023
- (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 the Fifth Amendment (Due Process)

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

Petitioner has been detained since December 18, 2025. He is not in the EOIR system and has no scheduled hearing, which violates his right to Due Process under the U.S. Constitution

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

☐ Yes

☐ No

GROUND TWO: Failure to Perform Mandatory Statutory Duty (8 U.S.C. § 1225)

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

Petitioner expressed fear of return on January 1, 2023. A formal request for an interview or findings was made in March 2025. The government has failed to act for nearly ten months.

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

☐ Yes

☐ No

GROUND THREE: Unlawful Obstruction of the Cuban Adjustment Act (CAA)

Petitioner has a pending CAA application and a stable home with his partner, Adelky Herrera Martini. By refusing Parole and holding him in a legal vacuum, the government is preventing him from obtaining status.

(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

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GROUND FOUR: Punitive Nature of Civil Detention

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

Because there is no active court case (no NTA issued) and no administrative progress (no CFI), the detention serves no purpose other than punishment, which is illegal for a non-criminal civil detainee.

(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: SEE ATTACHED
-

Request for Relief

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

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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:

01/24/2026

Signature of Petitioner

next friend 

Signature of Attorney or other authorized person, if any