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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

RENE GARCIA SANCHEZ, Petitioner, v. Case No. _____ (To be supplied by Clerk) WARDEN, Diamondback Correctional Facility, et al., Respondents.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Rene Garcia Sanchez, by and through his Next Friend, Adelky Herrera Martini, submits this Memorandum of Law in support of his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241.

I. PRELIMINARY STATEMENT Petitioner is a Cuban national who has been detained by U.S. Immigration and Customs Enforcement (ICE) since December 18, 2025. Despite a formal request for a Credible Fear Interview (CFI) filed on March 6, 2025, the government has failed to act, leaving Petitioner in a state of indefinite, arbitrary detention without access to the immigration court system (EOIR).

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II. ARGUMENT

A. Petitioner's Continued Detention Violates the Due Process Clause of the Fifth Amendment. The Fifth Amendment to the U.S. Constitution forbids the government from depriving any person of liberty without due process of law. Detention becomes unconstitutionally arbitrary when it is no longer related to a legitimate government interest, such as the prompt resolution of a removal case. Because Petitioner is not currently in the EOIR system and has no scheduled hearings, his detention is not administrative but punitive, which is prohibited for civil detainees.

B. Respondents Have Failed to Perform a Mandatory Statutory Duty Under 8 U.S.C. § 1225(b)(1). Federal law mandates that if an alien "indicates an intention to apply for asylum... or a fear of persecution," the officer shall refer the alien for an interview by an asylum officer. Petitioner expressed fear of return as early as January 1, 2023. The government's failure to conduct this mandatory interview for nearly ten months since the formal request of March 6, 2025, constitutes a violation of the statutory mandate.

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C. Petitioner is Eligible for Relief Under the Cuban Adjustment Act. Petitioner has a pending application for adjustment of status under the Cuban Adjustment Act (CAA). His continued detention prevents him from obtaining the necessary parole to complete this legal pathway to residency. Equity demands that a Petitioner with strong community ties and a viable path to legal status not be held in a "legal vacuum" indefinitely.

III. CONCLUSION For the reasons stated above and in the accompanying Petition, this Court should grant the Writ of Habeas Corpus and order Petitioner's immediate release or, in the alternative, order an immediate Credible Fear Interview and a bond hearing.

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IV. DECLARATION OF NEXT FRIEND

I, **Adelky Herrera Martin**, declare under penalty of perjury that I am the Next Friend of Petitioner Rene Garcia Sanchez. I have prepared this memorandum because the Petitioner is incarcerated and cannot speak or read English. I declare that the legal and factual assertions herein are true and correct to the best of my knowledge.

Dated: January 24, 2026

Respectfully submitted,



Adelky Herrera Martin *Pro Se Next Friend for Rene Garcia Sanchez*

