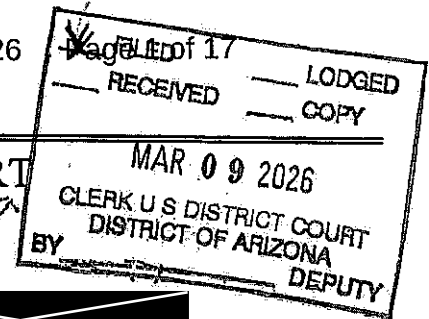


UNITED STATES DISTRICT COURT

for the district of Arizona



DIXAN RICARDO GOMEZ
Petitioner

WARDEN OF ORDER CORE CIVIL (C.A.C.C.)
IN HIS/HER OFFICIAL CAPACITY: UNITED
STATES (DHS) AND UNITED STATES (ICE)
Respondent

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

A#

CV26-01613-PHX-DWL--JFM

Case No.

N/A
 (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: DIXAN RICARDO GOMEZ
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: CENTRAL ARIZONA FLORENCE CORRECTIONAL COMPLEX
 - (b) Address: P.O. BOX 6300 FLORENCE, AZ 85132
DB #204
 - (c) Your identification number: A#
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)
 (b) Docket number, case number, or opinion number: _____
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
THE PETITIONER IS CHALLENGING HIS DETENTION WHICH THE REVOCATION OF HIS RELEASE, UNDER 8 C.F.R. § 241.4 (1) (2) (i) - (iv), TO REVOKE HIS SUPERVISION ORDER, WHICH VIOLATE THE SUPREME
 (d) Date of the decision or action: 08/31/2025 COURT'S CONCEPT OF LIBERTY THE DUE PROCESS

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: NO ADMINISTRATIVE APPEAL PROCESS AVAILABLE FOR IMMIGRATION'S DETENTION

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: N/A9. **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: N/A10. **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: _____

- (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: _____

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: This Court has jurisdiction under section 28 U.S.C § 2241 the suspension clause U.S const. Art I §9, cl. 2 and 28 U.S.C § 1331, *Zadvydas*, 566 U.S. 678, this court may grant relief under (Habeas Corpus), 5 U.S.C § 702, and 28 U.S.C § 1651 (All Writs Act), and *Kansas v. Hendricks* 521 U.S. 346, 363 (1997)

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 Do not cite cases or law.):

Petitioner is presently in custody under color of the authority of the United States, petitioner under custody is in violation of the Constitution laws, or treaties of the United States, (establishing the right of review for a person suffering a legal wrong due to agency actions), under substantive due process doctrine, a restraint on liberty like of a noncitizen freedom is only permissible if it serves

(b) Did you present Ground One in all appeals that were available to you? a legitimate nonpunitive objective.

☐ Yes

☒ No

GROUND TWO: Dixon Ricardo Gomez challenges his detention under 28 U.S.C § 2241, petitioner it's claiming been wrongly, classified as a § 1225 (b)(2) detainee (whose detention is mandatory) rather than § 1226 (whose detention is discretionary), and who is entitled to a bond hearing. *pet. 1, 7-9, 26-45; see Jose J.O.E. v. Bondi*, 797 F.Supp.

(a) Supporting facts (Be brief. Do not cite cases or law.): 3d 957, 961 - (D. Minn. 2025), legal framework.

Dixon misclassification and denial of a bond hearing violate his right to due process under the fifth amendment, petitioner detention absent of a bond hearing is unlawful, and implementing regulations; issuance of a writ of (Habeas Corpus) ordering respondents to release him from custody under any kind of relief, and petitioner liberty was established when ICE/DHS at their discretion did

(b) Did you present Ground Two in all appeals that were available to you? not use DHS form I-247A Immigration detainer form.

☐ Yes

☒ No

GROUND THREE: Due process applies to all person in the U.S whether their presence here is lawful, unlawful, temporary, or permanent. *Zadvydas*, 533 U.S. at 693, (freedom from imprisonment). Due process protects, 533 U.S. (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due purpose.

(a) Supporting facts (Be brief. Do not cite cases or law.): process if it's not related to stationary

Petitioner detention violates the due process clause of the fifth amendment, forbids the government from depriving any person of liberty without due process of law, government custody detention, or other form of physical restraint lies at the heart of the liberty that the due process protects, in the immigration context, the "supreme court" has

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

☐ Yes

☒ No

DIXAN RICARDO GOMEZ A# 

Ground 3= Facts: 13 (A) continue

recognized only to valid purpose for civil detention, mitigate risk of flight, prevent danger to the community and petitioner is neither one. Respondents actions violate the fifth amendment to U.S. Constitution, the immigration and nationality act and implementing regulations, the administrative procedure act and the "accardi doctrine", which obligates administrative procedure agencies to follow their own rules, procedures and instructions, policies.

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GROUND FOUR: As the "Supreme Court" held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely, or not even temporal in the government is unable to carry out their removal, or the person cannot flight out of the country, or does not is a risk to the community.

(a) Supporting facts (Be brief. Do not cite cases or law.): (Dixan Ricardo Gomez), is not a violent person, and does not have immigration documents because his status in this country, so there is not valid purpose for civil detention, petitioner have 4 years living in U.S. Due to my immigration process upon entering this country, I was inspected at the Yuma, Arizona facility and granted an I-220A visa, which only allowed me to apply for asylum within on year of entry. On May 30, 2025, I applied for an I-485, Cuban Adjustment of status form.

☐ 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: N/A

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully ask this court for a writ under 28 U.S.C § 2241 (Habeas Corpus), to remendy "Dixan Ricardo Gomez" indefinite det, nonhumang detention by respondents, and order any relief in favor of the petitioner. 2- petitioner respectfully, requests that the court use its authority

15. REQUEST OF RELIEF CONTINUE

under 28 U.S.C. § 2243 to order the respondents to file a return within three days unless they can show good cause for additional time. See 28 U.S.C. § 2243 (stating that an order to show cause why a petition for a writ of habeas corpus should be denied is returnable "within three days unless for good cause addition").

- In all time, not exceeding twenty days, is allowed. Order to permit full judicial review of the claims herein and requested relief, petitioner ("Dixan Ricardo Gomez") respectfully request that the "court order respondents not to transfer petitioner outside the jurisdiction of this court", pending consideration of this petition.
- Petitioner is entitled to release under the framework of Zadvydas unless the government promptly demonstrates that there is a significant "likelihood of removal in the reasonably foreseeable future, to his country of origin".
- Exercise jurisdiction over this matter.
- Declare that petitioner detention violates the due process clause of the fifth amendment, the INA and implementing regulations, the APA and the accordi doctrine.
- Order petitioner immediate release.

DIXAN RICARDO GOMEZ AA 

THE APA SETS MINIMUM STANDARDS FOR FINAL AGENCY ACTION

- The administrative procedure act authorizes judicial review of final agency action 5 U.S.C § 704.
- Final agency actions are those (1) that "Mark the consummation of the agency's decision-making process", and (2) "by which rights or obligations have been determined, or from which legal consequences will flow". *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).
- ICE revocation of an order of supervision is a final agency action subject to this court's review.
- The revocation here marked the consummation of ICE decision-making process regarding petitioner custody.
- The revocation was also action by which rights or obligations have been determined or from which legal consequences flowed because it led ICE to detain petitioner in violation of his rights under the constitution, statute, and regulations.

DIXAN RICARDO GOMEZ

A#

THE ACCARDI DOCTRINE

- Under the accardi doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules and instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the board of immigration appeals failed to follow procedures governing deportation proceedings); see also *Morton v. Ruiz*, 415 U.S. 999, 235 (1974), where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures. Accardi is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublished rules and instructions to agency officials.

- Respondents violated agency regulations governing who and upon what findings it may properly revoke an order of supervision when it revoked petitioner order. "As a result this court cannot conclude that (the revoking officer) had the authority to revoke release" and petitioner is entitled to release on that basis alone. *Cesay v. Kurzendorfer*, 781 F. Supp. 3d 137, 162 (citing *Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); see also, e.g., *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025), petitioner revocation order is a violation of (AD).

1
2 Name: DIXAN Ricardo Gomez

3 A Number: [REDACTED]

4 Address: C.A.F.C.C.

5 P.O. BOX #6300

6 FLORENCE, AZ 85132

7 PRO SE

8
9
10 UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

11 Name: DIXAN Ricardo Gomez

12 Petitioner,

Case No.

13
14 MOTION FOR APPOINTMENT OF
COUNSEL PURSUANT TO 18
U.S.C. § 3006A

15 WARDEN OF ORDER CORE CIVIC
16 (C.A.F.C.C.), in His/HER OFFICIAL
17 CAPACITY: United STATES (DHS),
18 And United STATES (ICE).
19 Respondents.

20
21 Petitioner (name) DIXAN Ricardo Gomez has filed a petition for writ of
22 habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's indefinite detention by
23 Respondents. Petitioner was detained by Immigration and Customs Enforcement (ICE) on or
24 about (date) 08-30-2025. Petitioner has remained in ICE custody since that
25 date. An Immigration Judge ordered Petitioner removed and Petitioner's removal order became
26 final on or about (date) 02-04-2026, but ICE has been unable to remove
27 Petitioner.
28

1
2 In *Zadvydas v. Davis*, the Supreme Court held that the Immigration statute 8 U.S.C. §
3 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to carry out
4 removal. 533 U.S. 678, 689 (2001). After six months of presumptively-reasonable detention, if
5 the noncitizen provides good reason to believe that removal is not reasonably foreseeable, the
6 burden shifts to the government to rebut that showing. *Id.* at 701.

7 Petitioner moves the Court to appoint counsel to represent Petitioner in this case. The
8 Court may appoint counsel in a habeas action when the "interests of justice so require." 18 U.S.C.
9 § 3006A(a)(2)(B). Here, Petitioner has a strong chance of success on the merits because
10 Petitioner has been held for longer than six months since being ordered removed and Petitioner's
11 country still refuses to accept him or her. However, given the complexity of the law on
12 immigration detention and Petitioner's status as a detained immigrant, Petitioner would have
13 great difficulty presenting the case without the assistance of counsel. For these reasons, Petitioner
14 respectfully requests that the Court appoint counsel.

15 Date: 03-02-2026

16 Signature: 

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24
25
26
27
28
Petitioner

DIXAN RICARDO GOMEZ
(Name of alien(s) in proceedings)

A# [REDACTED]
(A-Number of alien(s) in proceedings)

CERTIFICATE OF SERVICE

On _____, I _____
(date) (printed name of person signing below)

served a copy of this PETITIONER ASK FOR A "WRIT OF HABEAS CORPUS"
(type of document)

and any attached pages to MOTION TO REQUEST FOR APPOINTED LAWYER
(name of party served)

at the following address: U.S. District Court 401 W. Washington St. Phoenix, AZ
(address of party served) 85003

(C.A.F.C.C.) P.O. BOX # 6300 FLORENCE, AZ 85132
(address of party served)

by: MAIL

(method of service – for example, overnight courier, hand-delivery, first-class mail, ICE OPLA eService)

(signature)

(date)

Certificate of Service

I, DIXAN RICARDO GOMEZ, hereby certify that a copy of the attached document was served to ICE Headquarters (ERO Removal Division) via mail at the following address: Potomac Center North, 500 12th Street, SW. Washington, D.C. 20536, and also to the ICE Field Office in Phoenix via mail to the following address: 2035 N. Central Ave. Phoenix, AZ 85004, both on the date indicated below.

Signature



Date

03-02-2026

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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: 03-02-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**Instructions**

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.