

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

UNITED STATES DISTRICT COURT

for the
District of Arizona

☒ FILED	☐ LODGED
☐ RECEIVED	☐ COPY
MAR 09 2026	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY <u> </u>	DEPUTY

Maribel Martinez Perez
Petitioner

v.

Warden, Eloy Federal Contract Facility;
Field Office Director, ICE Phoenix
Secretary of Homeland Security
Attorney General of the United States
Director, U.S. Immigration and Customs Enforcement*Respondent**(name of warden or authorized person having custody of petitioner)*

Case No.

CV26-01611-PHX-DJH-CDB

(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: Maribel Martinez Perez
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Eloy Federal Contract Facility (CoreCivic)
 - (b) Address: 1705 East Hanna RD. Eloy, AZ 85131
- (c) Your identification number: A 
3. Are you currently being held on orders by:

☒ Federal authorities
 ☐ State authorities
 ☐ Other - explain:

 U.S. Department of Homeland Security (ICE)
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 Department of Homeland Security (DHS) U.S Immigration Customs Enforcement (ICE) Eloy Federal Contract Facility (CoreCivic), Eloy Arizona.
- (b) Docket number, case number, or opinion number: N/A
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Petitioner challenges her continued and indefinite post-order detention by ICE at the Eloy Detention Center two failed removal attempts and no significant likelihood of removal in the reasonably foreseeable future, in violation of the Fifth Amendment.
- (d) Date of the decision or action: 01/10/2026

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: _____

8. **Second appeal**
 After the first appeal, did you file a second appeal to a higher authority, agency, or court?
☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: There is no available administrative appeal to challenge prolonged immigration detention without a meaningful bond hearing.

(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: 01/10/2026

(b) Date of the removal or reinstatement order: 03/29/1999

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

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: Prolonged Post-Order Detention

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 Do not cite cases or law.)*:

Under Zadvydas v. Davis, detention beyond the removal period is unconstitutional when removal is not reasonably foreseeable.

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

☒ Yes

☐ No

GROUND TWO: No Significant Likelihood of Removal

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

Two failed removal attempts demonstrate the absence of a realistic likelihood of removal.

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

☒ Yes

☐ No

GROUND THREE: Arbitrary and Punitive Detention

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

Petitioner has complied with supervision for over 20 years. Continued detention serves no legitimate immigration purpose.

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

☒ Yes

☐ No

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GROUND FOUR: Severe Medical Risk

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

Petitioner suffers from Stage IV kidney failure and lupus. Continued detention constitutes irreparable harm.

(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: Immediate release under supervision;
Temporary Restraining Order preventing transfer or removal; Any other relief the Court deems just and proper.

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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:

3-2-2026

Manuel Mantz
Signature of Petitioner

Signature of Attorney or other authorized person, if any