

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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MAR 09 2026	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

Maribel Martinez Perez,

A-Number: 

Petitioner,

v.

Warden, Eloy Detention Center;

Field Office Director, ICE Phoenix;

Secretary of Homeland Security;

Attorney General of the United States;

Director, U.S. Immigration and Customs Enforcement,

Respondents.

Case No. _____

CV26-01611-PHX-DJH--CDB

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR TEMPORARY RESTRAINING ORDER

28 U.S.C. § 2241

I. EMERGENCY NATURE OF PETITION

This is an emergency petition. Petitioner is currently detained at the Eloy Detention Center in Eloy, Arizona. Respondents have previously attempted to remove Petitioner to Mexico on two separate occasions despite her Cuban nationality. Petitioner fears imminent removal or transfer.

Petitioner suffers from lupus and Stage IV kidney failure. Continued detention and potential removal create a substantial risk of irreparable harm.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within this district. Petitioner challenges the legality of her continued post-order detention under the Fifth Amendment.

III. STATEMENT OF FACTS

- Petitioner is a native and citizen of Cuba who entered the United States in 1971 at four years of age.
- Petitioner was admitted as a lawful permanent resident.
- On March 29, 1999, an Immigration Judge ordered Petitioner removed.
- Petitioner has prior criminal convictions from the 1980s and 2003. She completed any sentence imposed and has had no criminal conduct for over twenty years.
- Following release in 1999, Petitioner complied with ICE supervision for more than two decades.
- Petitioner is currently detained at the Eloy Detention Center.
- Respondents physically attempted to remove Petitioner to Mexico twice, and Mexico refused to accept her.
- Petitioner is not a citizen of Mexico.

IV. LEGAL CLAIMS

Claim I – Prolonged Post-Order Detention Violates Due Process

Under Supreme Court precedent, post-order detention is limited to the time reasonably necessary to effectuate removal. When removal is not reasonably foreseeable, continued detention violates the Fifth Amendment.

Claim II – Removal Is Not Reasonably Foreseeable

Two failed physical removal attempts to Mexico demonstrate that removal is not reasonably foreseeable.

Claim III – Irreparable Harm

Petitioner's serious medical conditions, including lupus and Stage IV kidney failure, create a substantial risk of deterioration and irreparable harm if detention continues.

Claim IV – Unlawful Third-Country Removal Attempt

Federal law requires removal primarily to the country of nationality. Attempts to remove Petitioner to Mexico exceed lawful authority.

V. PRAYER FOR RELIEF

1. Issue an immediate Temporary Restraining Order preventing removal or transfer;
2. Declare that continued detention violates the Fifth Amendment;
3. Declare that removal is not reasonably foreseeable;
4. Order Petitioner's immediate release under reasonable supervision conditions;
5. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Maribel Martinez

Maribel Martinez Perez

A# 

Pro Se

Date: 3-2-2026

CERTIFICATE OF SERVICE

I hereby certify that on this 2 day of March 2026, I caused a true and correct copy of the Emergency Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order to be served by U.S. Mail, postage prepaid, upon the following:

Warden
Eloy Detention Center
1705 East Hanna Road
Eloy, AZ 85131

Field Office Director
ICE Phoenix Field Office
2035 North Central Avenue
Phoenix, AZ 85004

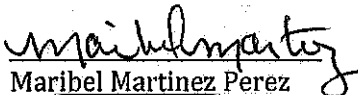
U.S. Attorney - District of Arizona
Two Renaissance Square
40 North Central Avenue, Suite 1200
Phoenix, AZ 85004

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2026.


Maribel Martinez Perez
A# 
Petitioner, Pro Se

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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MAR 17 2026	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

Maribel Martinez Perez,
Petitioner,
South Louisiana ICE Processing Center
3843 Stagg Avenue
Basile, LA 70515

v.

Eric Rokosky, Warden, et al.,
Respondents.

Case No.: 2:26-cv-01611

**EMERGENCY NOTICE REGARDING PETITIONER'S CRITICAL MEDICAL CONDITIONS
AND REQUEST FOR IMMEDIATE ACTION ON TEMPORARY RESTRAINING ORDER AND
RELEASE**

I, Maribel Martinez Perez, Petitioner in this matter, respectfully submit this Emergency Notice to inform the Court of my urgent and life-threatening medical conditions and to request immediate action on my pending request for a Temporary Restraining Order and my release from custody.

I suffer from Stage 4 kidney failure and lupus, both of which are serious and progressive medical conditions requiring continuous medical treatment, monitoring, and access to specialized care. These conditions place me at significant risk of severe complications, including organ failure and death, if proper medical care is interrupted.

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES
AND IS SUBJECT TO REJECTION BY THE COURT.
REFERENCE WRCP 5.4, 7.1 (D)(C)
(Rule Number/Section)

In addition, I experience significant swelling in my legs, which is consistent with my kidney condition. My immune system is severely compromised due to lupus, making me highly vulnerable to infections and serious complications. My condition requires careful medical monitoring, and any interruption in treatment or lack of proper care may result in rapid deterioration of my health.

I was transferred on or about March 15, 2026, to the South Louisiana ICE Processing Center, located at 3843 Stagg Avenue, Basile, Louisiana 70515. This transfer has significantly increased the risk to my health and safety, as it disrupts continuity of care and delays access to necessary medical treatment and medications.

This Court retains jurisdiction over this matter because jurisdiction properly attached at the time the Petition was filed while I was detained within the District of Arizona. My subsequent transfer outside the District does not divest this Court of jurisdiction. I respectfully request that this Court continue to exercise jurisdiction over this case notwithstanding my transfer.

I am at imminent risk of irreparable harm if I remain in detention without adequate and consistent medical care, or if I am removed from the United States before this Court adjudicates my claims.

Given the severity of my medical conditions, any delay in treatment or disruption in care may result in rapid deterioration of my health.

I have previously been taken for removal to Mexico on at least two occasions, but Mexico refused to accept me due to my serious medical condition. I am a citizen of Cuba, and my removal is not reasonably foreseeable at this time. My continued detention under these circumstances is unreasonable and violates my due process rights.

I respectfully request that this Court:

1. Immediately act on the pending request for a Temporary Restraining Order;

2. Enjoin Respondents from removing me from the United States while this action is pending;
3. Order that I not be transferred further or removed during the pendency of this case;
4. Grant any additional relief the Court deems just and proper; and
5. Order my immediate release from custody, as my continued detention is no longer reasonable where removal is not presently practicable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 17 day of March, 2026.

Maribel Martinez Perez
A-Number: 
South Louisiana ICE Processing Center
3843 Stagg Avenue
Basile, LA 70515