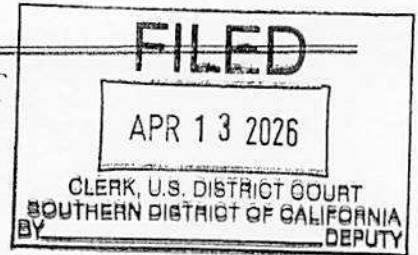


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



Giancarlo Avendano Martinez
Petitioner

v.

Case No. '26CV2328 JES MSB
(Supplied by Clerk of Court)

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

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

Personal Information

1. (a) Your full name: Giancarlo Avendano Martinez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: California City Detention Center
(b) Address: _____
- (c) Your identification number: 
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
Immigration Customs Enforcement
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: _____

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

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

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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:

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: 01/19/2026

(b) Date of the removal or reinstatement order: N/A

(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: Bond Denied

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 Do not cite cases or law.):

According to the District Attorney I'm not eligible for a bond even though I don't have any felonies or violent crimes, I have paid my dues and done the necessary programs to right my wrongdoings.

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

☐ Yes

☒ No

GROUND TWO: false Imprisonment

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 Do not cite cases or law.):

I am a detainee but I feel more like a criminal by the ways I'm being treated at this facility. I get locked in my cell for about an hour to hour and a half for simple counts. I feel as I'm being dehumanized by the food that we get served such as expired products and treatment of the officers.

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

☐ Yes

☒ No

GROUND THREE: I'm all my family has

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 Do not cite cases or law.):

I have a U.S.C partner and 11 month old son that depend on me to survive back at home, My lease is about to end and My partner fiancee has evictions on her rental history and soon they will be homeless, I'm head of household and her and my son have been struggling since I was taken into custody.

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

☐ Yes

☒ No

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GROUND FOUR: I was pulled over for looking latino

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

Sarasota Sheriff's Dept. Racially profiled me when I was pulled over, they said my bumper was over the white line at a Red light Stop. The officer pulled up next to me two traffic stops before pulling me over and I saw her staring me down. She crossed a double solid line to change where she was headed so that she can follow me. She then crossed two lanes of traffic in an intersection to get behind me and then she turned on her lights to pull me over.

(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: Money is tight as it is back home and I simply can't afford to use more resources, since I was head of household my fiancé and son need all the money they can spare.

Request for Relief

15. State exactly what you want the court to do: I would like immediate Release so that I can return home, file for a certificate of Marriage so that I can file for form I-30 adjustment of Immigration status and continue to provide for my family that are currently struggling to make ends meet.

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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: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

To the judge reading this letter My name is Giancarlo Avendano # [REDACTED] I'm writing this letter to better explain my situation. I was unlawfully pulled over on January 17th, 2026 on my way home from work. I felt as if I was Racially profiled before I was pulled over, The Sheriff that pulled me over had no cars in front of her yet she stopped right beside me and I was second in line to make a left turn. She got a good look at me before the light turned green and proceeded to follow me. I turned into the far right lane because my route needed me to turn soon and I saw the Sheriff cross two lanes of traffic at an inter section and pulled me over as I was getting ready to turn at the next intersection. When I asked what was the reason why I was pulled over she hesitated and came up with the excuse that my bumper was over the white line at the last Red light. I'm not a criminal, I was simply returning from work to provide for my family. I have my fiancé and my now eleven month old son. Soon to be one back at home dealing with the aftermath of this incident. I have missed my son learning how to crawl, how to wave, how to stand, his first solid foods, soon enough he will have said his first words and learned how to walk while I'm sitting in a cell locked away for 4-6 hours out of the day. I'm the head of household and my fiancé is struggling to make ends meet and I'm afraid she will be homeless when my lease ends mid-May. She has prior evictions on her record so it