

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

UNITED STATES DISTRICT COURT

for the

FILED
APR 20 2026
MD-CDL

Jose Mauro Diaz
Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

TODD BLANCHE - Acting Attorney General
MARK MULLEN - D.H.S. Secretary
Homer Bryson - ATLANTA FIELD OFFICE DIRECTOR
Deportation OFFICER "GUAYRA" STEWART DET. CTR.
Warden "Jason" STEWART
(name of warden or authorized person having custody of petitioner)
(5 in total)

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

Personal Information

1. (a) Your full name: JOSE MAURO DIAZ
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 CCA ROAD
Lumpkin GA 31815-0248
(c) Your identification number: _____
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
Department of Homeland Security / I.C.E.
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: N/A
(b) Docket number of criminal case: N/A
(c) Date of sentencing: N/A
☒ 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): N/A

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Petitioner is a non-deportable alien that was issued a "Final Order of Removal" on Dec, 1999.(b) Docket number, case number, or opinion number: A [REDACTED] /CUB4

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

Since Dec. 1999 Petitioner has been subject to over 6' Detentions by I.C.E. TO actually try to physically remove Petitioner from U.S.A. But failed on every attempt.(d) Date of the decision or action: Detained March 30, 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: Habias; The Middle District of Georgia (Columbus, GA)(2) Date of filing: 2018 & 2020 (see)(3) Docket number, case number, or opinion number: [REDACTED](4) Result: Petitioner was released about 45 days after filing date(5) Date of result: 2018 & 2020(6) Issues raised: Petitioner fled from Cuba (politically) via Mariel Boat Lift 1980. Fidel Castro refused all returns to Cuba from America that had fled during the Mariel Boat lift. Fidel released a list called "The Migrate Accord with about 2,000 names that would be allowed return to Cuba. Petitioner is not on that list.(b) If you answered "No," explain why you did not appeal: N/A

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: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A(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: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A(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: N/A
 (2) Case number: N/A
 (3) Date of filing: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A

- (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: N/A
 (2) Case number: N/A
 (3) Date of filing: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: March 30, 2026
 (b) Date of the removal or reinstatement order: December 1999
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

If "Yes," provide:

- (1) Date of filing: NA
 (2) Case number: NA
 (3) Result: NA
 (4) Date of result: NA
 (5) Issues raised: NA

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

- (1) Name of court: NA
 (2) Date of filing: NA
 (3) Case number: NA
 (4) Result: NA
 (5) Date of result: NA
 (6) Issues raised: NA

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: Habeas (2 separate filings)
 (b) Name of the authority, agency, or court: The Middle District of Georgia
(Columbus GA)
 (c) Date of filing: 024-680-658 / 2018 & 2020
 (d) Docket number, case number, or opinion number: [REDACTED] / 2018 & 2020
 (e) Result: Released from Detention & issued an I-122 O.S.P. (2cc)
 (f) Date of result: 2018 & 2020 (released both times)
 (g) Issues raised: Petitioner fled from Cuba 1990 Mariel Boat lift.

Fidel Castro refused the return to Cuba from anyone that fled during 'the Mariel Boat lift'. Fidel released a list called 'The Migrate Accord' during 1984. The names on that list are the only people he would receive. Petitioner is not on that list. To Honor Fidel's presidency, Cuba will not accept anyone who fled via Mariel Boat lift unless the person is on 'The Migrate Accord' list.

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: No Deportation/Removal in foreseeable future:
 Petitioner would be removed physically by now if there is a possibility that Cuba would have considered any return from the Mariel Boat lift that were not named on the lists.

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

For every time petitioner was retained by I.C.E., Petitioner has complied with assisting on his removal, with no resolve ever. Cuba will not accept petitioner by not issuing travel documents since 1999. D.H.S. & I.C.E. can not fashion a return to Cuba at all.

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

☒ Yes

☐ No

GROUND TWO: Petitioner has been Detained 6 previous times
for removal proceedings to ensure a physical removal
of petitioner's "body" to Cuba. Collectively petitioner has
been detained by I.C.E. for removal proceedings well over 36 months

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

the longer one is in Detention for I.C.E., the shorter the allotment of time for a foreseeable future applies. No New Migrate Accord has been updated or released since 1984 for Mariel Boat lift entry into the U.S.A from Cuba.

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

☐ Yes

☐ No

GROUND THREE: D.H.S. tropes has I.C.E. Attempting
to physically remove Cubans via the Mexican
boarder, without passport & with a financial
proposition for the Deportees to comply.

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

petitioner is not going to comply/assist in any removal from U.S.A. to any other country regardless of how much money I.C.E. OFFERS AS A seductive measure. Do Not even try to assist that strategy with petitioner. NOT SOLD!

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

☐ Yes

☐ No

GROUND FOUR:

Petitioner has filed 2 separate times in Federal Court against these proceedings. Two Habeas were filed from 2018-2023.

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

Habeas were decided & petitioner was released from detention & returned to O.SUP I-1-22 status from 21-45 days from original dates of filing.

(O.SUP = Released on a Supervision from Detention)

(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: N/A

Request for Relief

15. State exactly what you want the court to do:

To Release petitioner from Detention & reissue the ~~the~~ I-1-22 Order of Supervision for the 7th time - 2 of which were issued via Habeas for wrongful detention, within the last 10 years.

Thank you ☺

- Final order of removal - Dec 1999
- Entry in to USA: - 1980 Key West Motel Boat lift.
- 27 years of Attempted Removal with no resolve.
- 2 Habeas issued onto these proceedings & was released from Detention 21-45 days from date of filings. (2018-2023)
- Petitioner will not assist / comply with a removal to Mexico or any other country regardless of how much money I.C.E. OFFERS as an incentive.

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Declaration Under Penalty Of Perjury

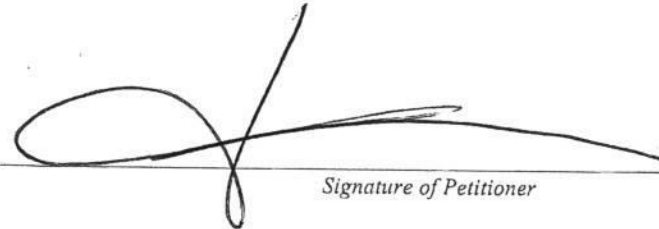
If you are incarcerated, on what date did you place this petition in the prison mail system:

April 10, 2026

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:

April 6 2026



Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any