

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

UNITED STATES DISTRICT COURT

for the

Gomez Martinez, Carlos Manuel,
A# XXXXXXXXXX

Petitioner

v.

Field Office Director, ICE,

Respondent

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

Case No. 3:26-cv-1007-MMH-M
(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: Carlos Manuel Gomez Martinez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Detained under ICE Custody at Baker County Detention Center
(b) Address: 1 Sheriff's Office Drive
Macclenny, FL 32063
(c) Your identification number: A# XXXXXXXXXX
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
Petitioner under ICE Custody
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):

I am challenging my continued detention by ICE without a final order of removal.I have been detained since December 15, 2025 and my bond was denied.My detention is prolonged and violates due process.(d) Date of the decision or action: December 15, 2025**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: Immigration Court(2) Date of filing: During my first hearing(3) Docket number, case number, or opinion number: A (4) Result: Denied(5) Date of result: Same day, during my first hearing(6) Issues raised: Petitioner requested release on bond before the Immigration Judge, the request was denied.Petitioner has no other adequate administrative remedies available to change his continued detention.

(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: _____

Filling this form _____

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: _____

Filling this form _____

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: _____

28 U.S.C. § 2255 is not applicable because Petitioner is not challenging a federal criminal conviction or sentence.

Petitioner is in immigration custody under the authority

of U.S. Immigration and Customs Enforcement (ICE),

and is challenging the legality of his detention under 28 U.S.C. § 2241.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: December 15, 2025

- (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: Petitioner has been detained since December 15, 2025,
by U.S. Immigration and Customs Enforcement (ICE)
without a final order of removal.

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

The length of detention has become unreasonable and prolonged. Petitioner remains in removal proceedings
and has not received a meaningful opportunity for release.
Continued detention without a final order violates the Due Process Clause of the Fifth Amendment.

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

☒ Yes

☐ No

GROUND TWO: Petitioner requested release on bond before an Immigration Judge, and the request was denied.
The bond proceeding did not result in release despite Petitioner having no criminal history
and presenting no danger to the community or risk of flight.

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

As a result, Petitioner is being detained without a meaningful opportunity for release.

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

☒ Yes

☐ No

GROUND THREE: Petitioner has no criminal record and poses no danger to the community.
Petitioner has family ties and a pending I-130 petition filed with USCIS,
demonstrating eligibility for immigration relief.
Petitioner is also a holder of a valid Employment Authorization Card.

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

There is no justification for continued detention under these circumstances.

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

☒ Yes

☐ No

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GROUND FOUR: Petitioner's continued detention is excessive in relation to its purpose.

There is no evidence that Petitioner's detention is necessary to ensure
appearance at future proceedings or to protect the community.

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

Less restrictive alternatives to detention are available.

(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: Petitioner respectfully requests that this Court:

1. Order Petitioner's immediate release from ICE custody; OR

2. In the alternative, order an individualized bond hearing before an Immigration Judge
where the government bears the burden of justifying continued detention;

3. Grant 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:

04/20/2026

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:

04/20/2026

Carlos Manuel Gomez Martinez Lopez
Signature of Petitioner

Signature of Attorney or other authorized person, if any

CERTIFICATE OF SERVICE

GOMEZ MARTINEZ, CARLOS MANUEL,


Petitioner

I do hereby certify that I have served a copy of this **PETITION FOR A WRIT OF HABEAS CORPUS**
by ☒ Mail or ☐ in person to:

U.S Department of Justice

950 Pennsylvania Ave, NW

Washington, DC 20530



Carlos Manuel Gomez Martinez
Full Name

04/20/2026
Date

CERTIFICATE OF SERVICE

GOMEZ MARTINEZ, CARLOS MANUEL,

A# 
Petitioner

I do hereby certify that I have served a copy of this **PETITION FOR A WRIT OF HABEAS CORPUS**
by ☒ Mail or ☐ in person to:

U.S Attorney's Office

300 North Hogan St

Suite: 700

Jacksonville, FL 32202



Carlos Manuel Gomez Martinez
Full Name

04/20/2026
Date

CERTIFICATE OF SERVICE

GOMEZ MARTINEZ, CARLOS MANUEL,

A# 
Petitioner

I do hereby certify that I have served a copy of this **PETITION FOR A WRIT OF HABEAS CORPUS**
by ☒ Mail or ☐ in person to:

U.S Immigration And Customs Enforcement

9495 Delegates Dr

Orlando, FL 32837



Carlos Manuel Gomez Martinez
Full Name

04/20/2026
Date