

Free Paid

UNITED STATES DISTRICT COURT

for the

JUL 06 2026

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

126 CV 5203 EJD
Case No. _____
(Supplied by Clerk of Court)

(HE)

Rodery Hernandez-Martinez
Petitioner

Petitioner

v.

Christopher Chestnut

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: Rodery Hernandez-Martinez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Core Civic Immigration Processing Center
(b) Address: 22844 Virginia BLVD
California City, CA
(c) Your identification number: _____
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
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)

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

- ☐ 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: Core Civic Immigration Processing Center ICE

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

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

Bond was approved then appealed and later denied.

(d) Date of the decision or action: June 3, 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: _____

(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

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

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: _____

2/2/2026

(b) Date of the removal or reinstatement order: _____

(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: _____

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: On 2/2/2026 I was detained by ICE Agents in Sumter County, they did not inform me why they simply asked for my paperwork which I provided. I was then placed under arrest and taken to Sumter County Sheriff's Office. I spent 2 days

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 Do not cite cases or law.):

there before being taken to Miami Alligator Alcatraz on 2/4/2026. I was taken to Krome Processing after later being taken to Texas for a night, Florence Arizona for a week and lastly to California where I am now located, with zero communication with my family until I arrived here.

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

☐ Yes

☒ No

GROUND TWO: I and my family hired an immigration attorney who got me a bond hearing for 6/3/2026, bond was granted for \$7500, but my attorney later informed me that the district attorney appealed the judge's grant for bond. On

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

6/23/26 I was told I had a new bond hearing as my attorney assured me that's what it was but it turned out to be an Asylum hearing which the judge denied. My attorney without my authority suggested voluntary departure which I don't want and charged \$7000 to appeal all bad advice.

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

☐ Yes

☒ No

GROUND THREE: I entered the United States January 3, 2022 to Miami International Airport with my family with VISA's. We later on began processing our asylum and we obtained work permits, Driver Licenses, and Social Security

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

numbers. I'm the head of my family, a father 2 of which has a growth disorder. The latter has not been receiving proper care since me being detained as my wife is unemployed. I am also the support of my parents in Venezuela who are going through hardships.

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

☐ Yes

☒ No

GROUND FOUR: This facility where I am detained is severely under staffed, the food they give us is unhealthy, the medical care is below average. Also there are many code violations throughout the entire facility. It is

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

unsafe, inhumane, and insecure for myself and others to be detained under these conditions.

(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: I would like for the court to strongly consider my release as I was wrongfully detained and not given any reason as to why. I've been detained nearly 5 months now experiencing terrible conditions. I believe with the facts that I have provided I should be released. Thank you.

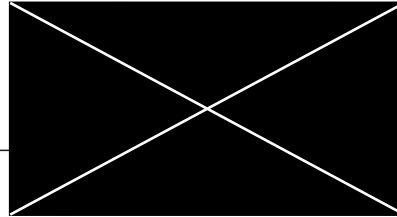
Declaration Under Penalty Of Perjury

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:

6/29/26



Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Rodery Hernandez Martinez
Petitioner

CONSENT TO
MAGISTRATE JUDGE

Christopher Chestnut
Respondent(s)

I. NOTICE OF MAGISTRATE JUDGE'S AVAILABILITY

1. Under the Court's rules, habeas cases are ordinarily assigned to a district judge and referred to a magistrate judge. For any final ruling in the case, the assigned magistrate judge prepares a "Report and Recommendation" for the district judge to review. After reviewing the "Report and Recommendation," the district judge will make a final ruling.
2. A magistrate judge is available under 28 U.S.C. § 636 (c) to conduct all proceedings in this case, including a final ruling on your claims. However, a magistrate judge can handle all matters in the case if all parties voluntarily consent.
3. The Court encourages parties to consent to magistrate judge jurisdiction. Consent allows the case to proceed before a single judicial officer and avoids the delay associated with the preparation and review of a "Report and Recommendation."
4. However, consent is entirely voluntarily and you are free to withhold consent to magistrate judge jurisdiction. There is no penalty for declining consent.
5. If both parties consent to have a magistrate judge decide the case, the Court will determine whether to assign the case to a magistrate judge for all purposes. If the case is so assigned, the case will proceed only before the magistrate judge. Either party may appeal the magistrate judge's rulings directly to the Ninth Circuit Court of Appeals, as if a district judge had decided the matter.
6. If both parties do not consent to have a magistrate judge decide the case, the case will be assigned to a district court judge and referred to a magistrate judge.

II. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES

- ☒ I consent and agree the case can be assigned only to a Magistrate Judge
- ☐ I do not consent that the case can be assigned only to a Magistrate Judge

Executed on: 6/29/26
Date



Signature of Petitioner