

UNITED STATES DISTRICT COURT

for the

Eastern District of California

JUL 10 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY _____
DEPUTY CLERKJUAN JOSE GARCIA LOPEZ
PetitionerUS Attorney General v.
US Immigration and Customs Enforcement
Department of Homeland Security
Warden, California City, Christopher Chestnut
Respondent
(name of warden or authorized person having custody of petitioner)Case No. 1:26-cv-5318-DJC-AC
(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: JUAN JOSE GARCIA LOPEZ
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: California City Immigration processing Center
 - (b) Address: 22844 Virginia Blvd
California City, CA 93505
 - (c) Your identification number: 
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:

Immigration and Customs Enforcement, California City (ICE)
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): Held on Immigration detention at California City Immigration Processing Center Facility.

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): Challenges the Legality of detention under the framework devised by supreme court in Zadvydas v. Davis 533 US 678 (2001).

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

(a) Name and location of the agency or court: Immigration and Customs Enforcement, California City (ICE)

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

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

Deprivation of Freedom and Liberty, indicating that ICE is incapable of executing his removal, therefore this detention is indefinite.

(d) Date of the decision or action: October 27, 1992

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: ICE improperly continue petitioned detention without privilege to consult a counsel or free legal representation at time to accept my case.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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

(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: 2004-2015 and January 13, 2026
- (b) Date of the removal or reinstatement order: Final order of removal October 27, 1992
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

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

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: Prolonged time greatly exceeding the 180-days statutory period for removal violated the due process clause of the Fifth amendment and Immigration Nationality Act *Zadvydas v. Davis*, 533 US 678 (2001).

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

Petitioner is a Cuban national who was admitted to United States on January 1973 and became permanent resident in 1979 with 12 years old. The Enforcement removal operation determined order of final removal on October 27, 1992. In 2004 ICE arrest petitioner again for 180-days and release under supervision

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

☐ Yes ☒ No

GROUND TWO: Petitioner argues that he is entitled to release because his post-removal order of detention exceeds six months and there is no significant likelihood of removal in the reasonably foreseeable future 8 U.S.C. § 1231 (a)(7)(A).

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

Petitioner third time 180-days statutory period is no longer reasonably foreseeable. ICE detention for 180 days on 2004 and again 180-days on 2015. And now over 180-days provide, not only post-removal order detention in excess of six months, but also evidence of a good reason to believe that there's no significant likelihood of removal in reasonably foreseeable future.

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

☐ Yes ☒ No

GROUND THREE: ICE detention violates the due process clause that forbids Federal government to deprive any person of life, liberty or property. No distinction between Americans and Aliens held in Federal custody.

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

Immigration and customs enforcement made another attempt to remove Petitioner to Cuba. There's no repatriation agreement between Cuba and United States. Removal to Cuba or any other country would not occur in the reasonably foreseeable future. There is no evidence of any travel or other documents at hand necessary for promptly departure.

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

☐ Yes ☒ No

GROUND FOUR: Constitution forbids pre-existing removal detention unless is a realistic chance that detainee will be removed promptly. No such chance existed here. Cuba has no repatriation treaty with the United States. Removal has not occurred, there is no indication that any travel documents will be issued promptly.

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

DHS is asserting a right to stash away petitioner of this country without providing any process that allowed petitioner to present evidence supporting his fear of removal to that other or 3rd country. His removal order designated Cuba as his country of removal. Mexico was not mentioned in the order of removal. Due process requires non-citizen opportunity to adjudicate fear-based claim in-front of an IJ. Due process requires receive a full and fair hearing of fear-based claim in-front of a neutral adjudicator. Eduardo VM v. Warden of Golden State

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

☐ Yes

☒ No Annex Det. Facility, 2026.....

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: Request this honorable Federal Court grant writ of habeas corpus for petitioner in custody, in violation of the Constitution or Law or treaties of United States under Zadvydas, and order release petitioner immediately and reinstate the release condition as this Court deems just and proper.

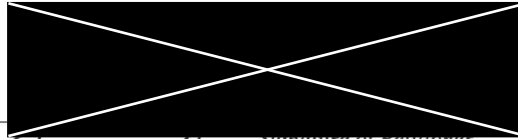
Declaration Under Penalty Of Perjury

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

07/2/26

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: 07-2-2026

A black rectangular box with a white 'X' drawn across it, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any