FILED

JUL 13 2026

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

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

UNITED STATES DISTRICT COURT

for the

Eastern District of California

Gil Gomez, Rolando
Petitioner

v.

US Attorney General
U.S Immigration, and Customs Enforcement
U.S Department Homeland security
Warden, Christopher Chestnut California City (ICE)
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. 1:26CV05409-JLT-FJS (HC)
(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: Gil Gomez, Rolando
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: California City Immigration processing Centre
   (b) Address: 22844 Virginia Blvd
   California City, CA 93505
   (c) Your identification number: [redacted]
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 Final order of Removal on Immigration facility since JAN 26, 2025.

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)

☐ 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 unlawful detention under a framework, divised by the 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)*:
This case, Petitioner seek a writ of Habeas Corpus to challenge his detention in the event that the statutes review Procedures are insufficiently protective, In violantion of due process clause
(d) Date of the decision or action: JAN 26, 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:
(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

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: 01/26/2025

(b) Date of the removal or reinstatement order: 1999

(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: Prolonged time greatly exceeding the 180-days statutory period for removal violated the Due process clause of the Fifth amendment and fundamental right to freedom and Liberty under Zadvydas v. Davis, 533 U.S. 678 (2001).

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 Do not cite cases or law.)*:

Petitioner is a Cuban national who was admitted to USA on MAY 20, 1980. As a Cuba citizen arrived during the mariel boatlift. Upon arrival, Petitioner was release under the attorney General's authority Parole 8 USC § 1182(6) (A) Petitioner reside on New York. eventually, Petitioner was deported from IJ on 1999 but release on supervision because no significant Likelihood of removal on Foreseeable Future.

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

☐ Yes ☒ No

GROUND TWO: Detained Alien seek a Petition for writ of habeas corpus to challenge his detention in the event that the statute's review procedures are insufficiently protective 8 U.S.C § 1231(a)(1)(A), (a)(6). Detention that no longer bear a reasonable relation to the purpose of effectuating removal become punitive and

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: violates the Due Process Clause. In Rosales-Garcias v Holland, 238 F. 3d 704 (CA6 2001) the DHS/INS hold him pending deportation, subject to Periodic supervision under the Cuban review Plan. 8C.F.R § 212.12 (a)(2) Petitioner case is remarkably similar to the majority's, of the circuit of appeal that the indefinite detention... violated the Fifth Amendment due process right.

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

☐ Yes ☒ No

GROUND THREE: Petitioner argues that he is entitled to release under Zadvydas, because his post-removal order exceeds the six months, and there is no significant Likelihood of removal in the reasonably future See: Siguenza v. Moniz U.S. Mass., Sept 25, 2025.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: Petitioner was taken into Ice custody on Jan 26, 2025 and has remained continuously detained since that date. Removal has not occured and there is no indication that travel documents will be issued or that deportation will occur in the reasonably foreseeable future. Accordingly, continued detention has exceeded the constitutionally permissible period recognized in Zadvydas v. Davis and no longer serves a Legitimate immigratio purpose. Petitioner respectfully request expedited consideration because continued detention

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

☐ Yes ☒ No is causing ongoing loss of Liberty without a realistic prospect of removal.

GROUND FOUR: Constitution forbids Pre-existing removal detention unless is a realistic Chance that detainee will be removal promptly. No such chance existed here. Cuba has no repatriation treaty with the united state. 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 and did not list an alternative 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 V.M. v Warden of Golden State annex Det. Facility, 2026.

(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 request that this Honorable Court grant the writ of this habeas corpus and order Petitioner's immediate release from ICE custody reinstated the reasonable condition of supervision and any other relief the 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:

x 7-6-26

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: x 7-6-26

[redacted]

Signature of Petitioner

Signature of Attorney or other authorized person, if any