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 AUG21'26PM3:59 MDGA-VAL

MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

WILFOR GUTIERREZ MARTINEZ
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

WARDEN, IRWIN COUNTY DETENTION CENTER
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: Wilfor Gutierrez Martinez
   (b) Other names you have used: None
2. Place of confinement:
   (a) Name of institution: Irwin County Detention
   (b) Address: 132 Cotton Dr, Ocilla, GA 31774
   (c) Your identification number: [redacted]
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)

☐ 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) Irwin County Detention Center Ocilla, Georgia

(b) Docket number, case number, or opinion number: A # [redacted]

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

I challenging my Continued Immigration detention after the Immigration Judge determined that he lacked Jurisdiction to Grant me a bond hearing while my Immigration Proceed remain Pending

(d) Date of the decision or action: June 9, 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: Immigration Court

(2) Date of filing: July 20, 2026

(3) Docket number, case number, or opinion number: A # [redacted]

(4) Result: Pending

(5) Date of result: N/A

(6) Issues raised: Review of the negative Credible Fear determination

(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: My first appeal is still Pending before the Immigration Court.

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: I did not file a third appeal because my first appeal is still Pending before the immigration court

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: June 9, 2026

(b) Date of the removal or reinstatement order: N/A

(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: Unlawful Continued Immigration Detention

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 Do not cite cases or law.)*:

I complied with all immigration requirements and voluntarily appeared at my scheduled ICE appointment on June 9, 2026. Instead of being allowed to continue my Pending Immigration Proceedings, I was taken into custody and have remained detained since that date.

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

☒ Yes ☐ No

GROUND TWO: Denial of Bond due to lack of Jurisdiction.

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 Do not cite cases or law.)*:

The Immigration Judge determined that he lacked Jurisdiction to grant me bond. As a result, I have remained in detention while my Immigration proceedings are still Pending.

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

☒ Yes ☐ No

GROUND THREE: Pending Review of the negative credible fear determination.

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

After receiving a negative credible fear determination, I timely requested review by an Immigration Judge. that review is still Pending, and I remain detained while awaiting a decision.

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

☒ Yes ☐ No

GROUND FOUR: I have been unlawfully subjected to continued immigration detention despite having lived in the United State Under ICE supervision since June 1, 2022, and fully complying with all reporting requirements imposed upon me.

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

I was released by U.S Immigration and customs enforcement (ICE) under, Parole with reporting requirements on June 1, 2022. From that date until June 9, 2026, I fully complied with every reporting requirement imposed upon me. I maintained a fixed residence, obtained employment authorization, a social security number and valid driver's license. I worked legally to support my wife and two minor children. I voluntarily appeared at every sheduled ice appointmet including my appointmet on June 9, 2026, when I was taken into custody.

(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: I did not previously present these grounds because this Petition for a writ of Habeas corpus challenges the legality of my continued detention under federal law.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that this court Grant my Petition for Writ of Habeas corpus, orden my immediate release or, alternatively, Order an individualized bond hearing, and grant 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:
August 17, 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: 08-17-2026

WPITor GM
Signature of Petitioner

Signature of Attorney or other authorized person, if any

Print Save As... Reset

Certificate Of Service

I hereby Certify that on August 17, 2026, I Placed true and Correct copies Of this Petition For Writ Of Habeas Corpus in the institutional mailing system, addressed to the Warden Of Irwin County Detention Center and the United States Attorney Office Middle District Of Georgia.

Wilfor Gm

WILFOR GUTIERREZ MARTINEZ
Petitioner, Pro se

Date: August 17, 2026