

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

UNITED STATES DISTRICT COURT  
for the

OCT 20 2025

Diaz Garcia Lazo

Petitioner

v.  
Warden - Dr. Scarlet Grant  
DHS / ICE

Respondent

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

JOAN KANE, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY JP DEPUTY

Case No. CIV-25-1239-D  
(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: Diaz Garcia, Lazo
- (b) Other names you have used: N/A
2. Place of confinement:
  - (a) Name of institution: Cimarron Correctional Facility
  - (b) Address: 3200 S Kings Highway, Cushing Oklahoma 74023
- (c) Your identification number: 
3. Are you currently being held on orders by:  
☐ Federal authorities ☐ State authorities ☒ Other - explain: Immigration and Customs Enforcement  
Department of Homeland Security
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): Being held past 6 months post removal period under immigration law.

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: Department of Homeland Security, Immigration and Customs Enforcement, Cimarron Correctional Facility, 3200 S Kings Hwy, Cushing Oklahoma, 74023
- (b) Docket number, case number, or opinion number: 022787399
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Post detention period past the 6 months post-removal period based on Zavydavis ruling by the Supreme court.
- (d) Date of the decision or action: 02/26/2025

## 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:

I had to wait the six months post-removal period before I challenge my detention.

## 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:

N/A

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:

N/A

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:

N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 02/26/2025
- (b) Date of the removal or reinstatement order: 01/19/1999
- (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:**

I am being held in detention more than 6 months post-removal order against what the supreme court intended.

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 Do not cite cases or law.):

I was arrested and detained by DHS/ICE in Dallas Texas, and have been in detention since the 26<sup>th</sup> of February 2025 till present and I am yet to be deported neither have I been released by ICE I have been in detention well over 6 months.

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

☐ Yes

☐ No

**GROUND TWO:**

N/A

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

N/A

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

☐ Yes

☐ No

**GROUND THREE:**

N/A

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

N/A

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

☐ Yes

☐ No

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**GROUND FOUR:**

N/A

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

N/A

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

☐ Yes

☐ No

N/A

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

**Request for Relief**

15. State exactly what you want the court to do:

I kindly request that this honorable court grant my habeas corpus and release me, and pending the decision of this court, I kindly ask that this court orders respondents to not move me pending the adjudication of this motion. Thanks.

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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:

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: 10/02/2025

*Lazaro Diaz* ✓  
Signature of Petitioner

*Signature of Attorney or other authorized person, if any*