

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

UNITED STATES DISTRICT COURT

FILED

JAN 30 2026

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY Cal DEPUTY

for the

Western

District of

Texas

LEONARDO MATOS MARTINEZ,

by and through his Next Friend,
LEANDRO MATOS MARTINEZ,
Petitioner,

v.

Case No. 1:26 CV 00247 ADA
(Supplied by Clerk of Court)

WARDEN, T. DON HUTTO RESIDENTIAL 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: LEONARDO MATOS MARTINEZ

(b) Other names you have used: None

2. Place of confinement:

(a) Name of institution: T. Don Hutto Residential Center

(b) Address: 1001 Welch Street, Taylor, Texas 76574

(c) Your identification number: 

3. Are you currently being held on orders by:

☐ Federal authorities ☐ State authorities ☒ Other - explain U.S. Immigration and Customs Enforcement (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

☒ Being held on an immigration charge

☐ Other (explain):

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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

☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence was imposed

☐ Disciplinary proceedings

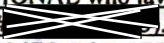
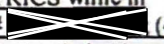
☒ Other (explain): Detention of Cuban national eligible for adjustment of status under Cuban Adjustment Act; pending I-485 application with biometrics completed.

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

(a) Name and location of the agency or court: Immigration Court, 566 Veterans Drive, Pearsall, TX 78061; Immigration Judge Eric J. Tijerina

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

(c) Decision or action you are challenging:

Petitioner is a CUBAN NATIONAL who lawfully entered the United States on January 21, 2024, with a valid I-94 (Class of Admission: DT, Admission # ). Petitioner is eligible for adjustment of status under the CUBAN ADJUSTMENT ACT. Petitioner has: (1) APPLIED FOR PERMANENT RESIDENCY (I-485); (2) COMPLETED BIOMETRICS while in detention; (3) His brother LEANDRO MATOS MARTINEZ is a U.S. PERMANENT RESIDENT (USCIS# ); (4) A scheduled Master Calendar Hearing on February 3, 2026 at 1:00 PM; (5) NO CRIMINAL RECORD; (6) Previously held a valid EMPLOYMENT AUTHORIZATION DOCUMENT (Category C11). Despite these factors, Petitioner remains detained since March 19, 2025.

(d) Date of the decision or action: Detention began: March 19, 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

(b) If you answered "No," explain why you did not appeal: Petitioner has a pending I-485 application for adjustment of status under the Cuban Adjustment Act. His biometrics have been completed. There is no final removal order to appeal. Petitioner seeks release from detention while his adjustment application is processed.

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8. Second appeal

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

☐ Yes ☒ No

(b) If you answered "No," explain: No first appeal was filed. See explanation above.

9. Third appeal

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

☐ Yes ☒ No

(b) If you answered "No," explain: No prior appeals were filed. See explanation above.

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 (*This is an immigration detention case, not a criminal conviction*)

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: March 19, 2025

(b) Date of the removal or reinstatement order: No removal order has been issued. Petitioner has pending I-485 application.

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No (*No removal order to appeal; pending adjustment application*)

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

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

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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. State the facts supporting each ground.

GROUND ONE: Cuban National Eligible for Adjustment of Status Under Cuban Adjustment Act

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

Petitioner is a native and citizen of CUBA who lawfully entered the United States on January 21, 2024 with a valid I-94 (Class of Admission: DT). As a Cuban national, Petitioner is eligible for adjustment of status to permanent resident under the Cuban Adjustment Act after being physically present in the United States for one year. Petitioner has been in the United States for MORE THAN ONE YEAR and has APPLIED for adjustment of status. His BIOMETRICS have been COMPLETED while in detention, demonstrating that USCIS is actively processing his application.

(b) Did you present Ground One in all appeals that were available to you? ☐ Yes ☒ No

GROUND TWO: Brother is U.S. Permanent Resident - Strong Family Ties

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

Petitioner's brother, LEANDRO MATOS MARTINEZ, is a UNITED STATES PERMANENT RESIDENT (USCIS# [REDACTED] Category CU6). Leandro has been a permanent resident since July 31, 2022 - more than three years. The brothers lived together at [REDACTED] before Petitioner's detention. Petitioner has strong family ties to the United States through his brother. Petitioner is NOT a flight risk because he has family in the United States.

(b) Did you present Ground Two in all appeals that were available to you? ☐ Yes ☒ No

GROUND THREE: Pending Adjustment Application with Completed Biometrics

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

Petitioner has a PENDING APPLICATION for adjustment of status (I-485). His BIOMETRICS were COMPLETED while in detention, demonstrating that USCIS is actively processing his application. The government has invested resources in processing Petitioner's adjustment application. Detaining Petitioner while his adjustment application is pending serves no legitimate purpose.

(b) Did you present Ground Three in all appeals that were available to you? ☐ Yes ☒ No

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GROUND FOUR: No Criminal Record - Not a Danger to Community

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

Petitioner has NO CRIMINAL RECORD in the United States or Cuba. He is NOT a danger to the community. The government previously issued Petitioner an EMPLOYMENT AUTHORIZATION DOCUMENT (Category C11), demonstrating that the government trusted him to live and work in the community. There is no legitimate reason to continue detaining a Cuban national with no criminal record who is eligible for adjustment of status and has strong family ties to a U.S. permanent resident.

(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:

There is no final removal order to appeal. Petitioner has a pending adjustment of status application under the Cuban Adjustment Act. This habeas petition challenges the detention itself, not a removal order. Constitutional challenges to detention do not require exhaustion of administrative remedies.

Request for Relief

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

1. Issue a Writ of Habeas Corpus and order Respondents to immediately release Petitioner from custody.
2. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge.
3. Declare that Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.
4. Request that USCIS be directed to promptly adjudicate the pending I-485 application, consistent with applicable law.
5. Grant Petitioner leaves to proceed in forma pauperis.
6. Award any other relief 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: 27 January 2026

I declare under penalty of perjury that I am the Next Friend filing this petition on behalf of the Petitioner, LEONARDO MATOS MARTINEZ, who is detained and unable to file on his own behalf. Petitioner is my brother. I am a United States Permanent Resident (USCIS# [REDACTED]). I am dedicated to acting in his best interests. 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 material fact may serve as the basis for prosecution for perjury.

Date: 01/27/2026

[Signature]
Signature of Next Friend

LEANDRO MATOS MARTINEZ

U.S. Permanent Resident (USCIS# [REDACTED])

[REDACTED]
AUSTIN, TX-78731