Delmar Garcia-Vasquez
A No. [redacted]
1100 Bowling Rd
Florence, AZ 85132

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APR 17 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Delmar Garcia-Vasquez,

Petitioner,

v.

Luis Rosa, Jr. in his official capacity as Facility Administrator of the Florence Correctional Center;

John Cantu, in his official capacity as Phoenix Field Office Director for U.S. Immigration and Customs Enforcement;

Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

Markwayne Mullin, in his official capacity as Secretary of the Department of Homeland Security; and

Pamela Bondi, in her official capacity as Attorney General of the United States,

Respondents,

Case No. CV26-2666-PHX-RM--ASB

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the District of Arizona

DELMAR GARCIA-VASQUEZ
Petitioner

v.

LUIS ROSA Jr. et. AL.,
Respondent
(name of warden or authorized person having custody of Petitioner)

Case No. _____
(supplied by Clerk of Court)

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C § 2241

Personal Information

1. (a) Your full name: DELMAR GARCIA VASQUEZ
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: C.A.F.C.C. CORE CIVIC FLORENCE, ARIZONA
   (b) Address: 1100 Bowling Rd. Florence, AZ 85132
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   [X]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: _____
   [X]Being held on an immigration charge
   [ ]Other *(explain)*: _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   [ ] How your sentencing is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

[ ]Pretrial detention
[X]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: _____
(b) Docket number, case number, or opinion number: _____
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: _____
(d) Date of the decision or action: _____

Your Earlier Challenging of the Decision or Action

7. **First appeal**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
[ ] Yes [X] 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**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
[ ] Yes [X] 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: _____

9. **Third appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

[ ] Yes [X] No

(a) If "Yes" provide:

(1) Name of the authority, agency, or court: N/A

(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: 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 [X] 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 [X] No

If "Yes" provide:
(1) Name of court:
(2) Case number:
(3) Date of filing:
(4) Result:
(5) Date of result:
(6) Issues raised: N/A

(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 [X] No

If "Yes" provide:
(1) Name of court:
(2) Case number:
(3) Date of filing:
(4) Result:
(5) Date of result:
(6) Issues raised: N/A

(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 [X] No

If "Yes", provide:

(a) Date you were taken into immigration custody: N/A
(b) Date of the removal or reinstatement order:
(c) Did you file with the Board of Immigration Appeals?

[ ] Yes [X] No

If "Yes" provide:
(1) Name of court:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised: N/A

(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: N/A
(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 [X] No
If "Yes", provide:
(a) Kind of petition, motion, or application: N/A
(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: Violation of Fifth Amendment Due Process Clause. Petitioner was detained, released on an juvenile (O.S.U.P.) and re-detained without a pre-deprivation hearing before a neutral arbiter. **Petitioner seeks immediate release from custody**

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

Petitioner was detained by Immigration and Customs Enforcement (ICE) on or about June 6th, 2018. he was released on juvenile (O.S.U.P.) on March of 2019. Petitioner was re-detained on or about June 6th, 2025 without a hearing, notice or explanation.

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

Yes No (X)

GROUND TWO: Violation of Administrative Procedure Act (APA) & Fifth Amendment Due Process Clause. ICE violated it's own rules and procedures in the revocation of terms of release without Due Process or authorization of appropriate supervisor according to 8 C.F.R. 241.4 & 241.13. **Petitioner seeks immediate release.**

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

Petitioner followed all conditions of bond, scheduled check-in's from 2019 to 2025 when he was detained by ICE. When he was re-detained he was not served with revocation, notice or any type of document signed by appropriate supervisor or a warrant. He was deprived a day in court and he was not given an "INFORMAL INTERVIEW" per 8 C.F.R § 241.4 and 8 C.F.R § 241.13, Petitioner seeks immediate release.

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

Yes No (X)

GROUND THREE: Punitive and unconstitutional conditions of detention for a civil detainee. Petitioner is held, in conditions similar or more restrictive as convicted criminals and pre-trial detainees in violation of the Eight and Fourteenth Amendments. Petitioner request immediate release.

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

Petitioner is held by ICE at the CoreCivic Central Arizona Florence Correctional Complex (CAFCC) in Florence, AZ, a private facility sub-contracted for county jail, federal prison, state prison and immigration. Petitioner is subject to 23 hour pod lock downs with 1 hour of yard in 2 man cells, locked down several times during the day and subpar medical and mental health providers and supplies.

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

Yes No (X)

GROUND FOUR: _____

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

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

Yes No (X)

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

Yes No (X)

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 requests this court to do*;

(1) assume jurisdiction;

(2) consider preliminary injunction;

(3) grant petition for Habeas Corpus

(4) order his immediate release to same terms of previous release

(5) Enjoin all respondents, their agents, officers, lawyers and restrict them from;

a. Re-detaining Petitioner without "Notice", and a Pre-deprivation hearing before a neutral arbiter.

b. Relocating or transferring Petitioner from this district before this court decides this case.

(6) Any other relief the court feels is appropriate and just

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date 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: 04/06/26

Signature of Petitioner

Signature of Attorney or other authorized person, if any