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APR 24 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY

UNITED STATES DISTRICT COURT

for the

Phoenix & Prescott Division
U.S. District Court Clerk
U.S. Courthouse, Suite 130

ERNESTO WILSON BROOKS
Petitioner

v.

Case No. CV26-02864-PHX-SHD--JZB
(Supplied by Clerk of Court)

E. ROKOSKY
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: ERNESTO WILSON BROOKS
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: ELOY DETENTION CENTER
   (b) Address: 1705 E. HANNA RD, ELOY, AZ. 85131
   (c) Your identification number: A- [redacted]
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain:
   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)*:

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)*: unlawful detention

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 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: it would have been futile to appeal the immigration Judge lack of Jurisdiction only to be deny a bond hearing

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: 09-23-25

(b) Date of the removal or reinstatement order: 01-02-26

(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: STATUTORY VIOLATION

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: PETITIONER'S continued detention by Respondents is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-month presumptively reasonable period for continued removal efforts has expired, Petitioner removal to Cuba is not foreseeable

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

☐Yes ☐No

GROUND TWO: SUBSTANTIVE Due PROCESS VIOLATION

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: PETITIONER'S continued detention violates PETITIONER'S RIGHT TO Substantive Due Process through A deprivation of the Core liberty interest in freedom from bodily restraint. Petitioner retain substantive due process right which are being violated by Respondents.

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

☐Yes ☐No

GROUND THREE: Procedural Due PROCESS VIOLATION

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: Under the Due PROCESS Clause of the fifth Amendment PETITIONER'S entitled TO A timely and meanin ful opportunity TO demonstrate that he should not be detained. Respondent in this case had denied Petitioner THAT OPPORTUNITY, ICE does not make decision concerning custody in a neutral and impartial manner.

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

☐Yes ☐No

GROUND FOUR:

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

(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 administrative mechanism in place for Petitioner to demand a decision, ensure that a decision will ever be made or appeal a custody decision that violate 7 adv/dns.

Request for Relief

15. State exactly what you want the court to do: 1- Assume dunsdiction over this matter; (2) Grant Petitioner a writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody, under Reasonably Condition of Supervision; (3) Order Respondents to refrain from transferring the Petitioner out of the dunsdiction of this Court while the Petitioner remain in Respondent's custody.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

04/20/2026

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. And That A Copy of This Writ was Served on The U.S. Attorney General at 950 Pennsylvania Ave. N.W. Washington DC. 20530

Date: 04/20/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any