RECEIVED
JUL 24 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

JUDGE DAVID BRIONES

UNITED STATES DISTRICT COURT

for the

FILED
July 29, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: MRC DEPUTY

EP26CV1997

Dainurys Cuba Lopez
Petitioner

v.

Case No. A# [redacted]
(Supplied by Clerk of Court)

Department of Homeland Security
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: Dainurys Cuba Lopez
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: El Paso SPC, Department of Homeland Security
   (b) Address: 8915 Montana Ave, El Paso, TX 79925
   (c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   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: N/A
   (b) Docket number of criminal case: N/A
   (c) Date of sentencing: N/A
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: N/A

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)*: N/A

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

(a) Name and location of the agency or court: El Paso Spc, Department of Homeland Security ; 8915 Montana Ave, El Paso, Tx 79925

(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 entered the USA with a CBP-one on 03/11/2024. I have a valid social Security card and work permit. I was detained 02/06/2026 since my detention I have filed for asylum. I am pleading with the court the chance of a bond hearing.

(d) Date of the decision or action: 02/06/2026

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: I have not had to appeal anything.

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: I have not had to appeal anything

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: I have not had to appeal anything

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: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(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 ☑ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(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: 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: 02/06/2026

(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: N/A
(2) Case number: N/A
(3) Result: N/A
(4) Date of result: N/A
(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: N/A
(2) Date of filing: N/A
(3) Case number: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A

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: I-589 Asylum
(b) Name of the authority, agency, or court: Department of Homeland Security
(c) Date of filing: 06/05/2026
(d) Docket number, case number, or opinion number: [redacted]
(e) Result: Pending
(f) Date of result: Pending
(g) Issues raised: I qualify for the Cuban Adjustment Act but My immigration judge had me file a I-589 Asylum application, as a relief. I have been detained since February 6, 2026. I am requesting with the court a possibility of a bond hearing to finish my process outside

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: On March 11, 2024 I entered the USA with a CBP-One Parole through the Brownsville, Texas port of entry. I am a citizen and native of Cuba.

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

I respectfully request this court the opportunity of a bond hearing.

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

☐ Yes ☒ No

GROUND TWO: After entering the U.S I applied for my work permit and social security which were both approved. I started working legally with my work permit. I was not able to file taxes due to my prolong detention

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

Ever since being in this country I have not broken any laws. I have remained a contributing member for the society. I request a bond hearing due to my prolonged detention.

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

☐ Yes ☒ No

GROUND THREE: On April 18, 2025 I filed my Cuban Adjustment act application which is still pending. My immigration judge shortly after had me file a I-589 asylum application on 06/05/2026

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

I respectfully request this court the opportunity of bond hearing so I may continue this process outside.

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

☐ Yes ☒ No

GROUND FOUR: while detained I was able to do my immigration medical exams for my application.

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

I am respectfully requesting this honorable court the opportunity of a bond hearing due to my prolonged detention.

(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: Ever since coming to the U.S I have abide by the laws and have not committed any crimes. I have been a contributing member to society. Please consider my case.

Request for Relief

15. State exactly what you want the court to do: I respectfully request this honorable court the opportunity of a bond hearing due to my prolonged detention.

Declaration Under Penalty Of Perjury

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

July 21, 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: 07/21/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

For: **DAINURYS CUBA LOPEZ**

U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Note to employers, local, state or federal agency granting benefits:
Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: [redacted]

Arrival/Issued Date: 2024 March 11

Class of Admission: DT

Admit Until Date: 2025 April 18

Details provided on the I-94 Information form:

Last/Surname: CUBA LOPEZ

First (Given) Name: DAINURYS

Birth Date: 2005 [redacted]

Document Number: [redacted]

Country of Citizenship: Cuba

- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94/I-95. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- What to do if someone requests your admission info: If an employer, local, state or federal agency requests admission information, present your admission (I-94/I-95) number along with any additional required documents requested by that employer or agency.
- For security, close your browser after retrieving your I-94/I-95 number.

OMB No. 1651-0111
Expiration Date: 02/28/2026

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Fee Waiver Approved	NOTICE DATE May 07, 2025
CASE TYPE I-485, Application to Register Permanent Residence or Adjust Status	USCIS ALIEN NUMBER [redacted]
RECEIPT NUMBER [redacted]	RECEIVED DATE April 18, 2025
PRIORITY DATE	PREFERENCE CLASSIFICATION Cuban Adjustment Act
	PAGE 1 of 1
	DATE OF BIRTH [redacted]2005

DAINURYS CUBA LOPEZ
[redacted] 39 00012985

PAYMENT INFORMATION:

Application/Petition Fee:	$0.00
Total Amount Received:	$0.00
Total Balance Due:	$0.00

NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.

USCIS Office Address:
USCIS
National Benefits Center
P.O. Box 648003
Lee's Summit, MO 64002

USCIS Contact Center Number:
(800)375-5283

[redacted]

[redacted]

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice	CASE TYPE I485; I765		NOTICE DATE 05/09/2025
APPLICATION/PETITION/REQUEST NUMBER [redacted]		USCIS A# [redacted]	CODE 3
ACCOUNT NUMBER [redacted]	TCR	SERVICE CENTER NBC	PAGE 1 of 2

DAINURYS CUBA LOPEZ
[redacted]

BIOMETRICS PROCESSING STAMP
ASC SITE CODE XLC
BIOMETRICS QA REVIEW BY:
ON MAY 29 2025
TENPRINTS QA REVIEW BY:
ON

[redacted]

READ THIS ENTIRE NOTICE CAREFULLY. To process your application, petition, or request, U.S. Citizenship and Immigration Services (USCIS) must collect your biometrics. Please appear at the Application Support Center (ASC) at the date and time specified. **TO REQUEST THAT USCIS RESCHEDULE YOUR APPOINTMENT,** SEE THE INSTRUCTIONS AT THE BOTTOM OF THIS NOTICE. IF YOU FAIL TO APPEAR AS SCHEDULED, USCIS WILL CONSIDER YOUR BENEFIT REQUEST ABANDONED AND IT MAY BE DENIED.

APPLICATION SUPPORT CENTER	DATE AND TIME OF APPOINTMENT
USCIS ALBUQUERQUE 3200 Coors Blvd NW Suite L, M, N Albuquerque NM 87120	05/29/2025 11:00AM

WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE.** If you received multiple ASC notices, bring **all** notices to your first appointment, and
2. **PHOTO IDENTIFICATION.** You must bring a valid government-issued photo identification. If the name on your identification is different than the name on your ASC notice, bring supporting documents. If you filed an Application for Naturalization (Form N-400) or Application to Replace Permanent Resident Card (Form I-90), you must bring your Permanent Resident Card (also known as a Green Card).

If you are sick, do not visit a USCIS office, follow the instructions on this notice to reschedule your appointment. If you have injuries that may interfere with your biometrics submission, USCIS may reschedule your appointment.

Cell phones or electronic devices must be turned off during biometrics submission. No one may photograph or record at an ASC.

For more information regarding your ASC appointment, visit https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment.

NOTE: If an ASC closes due to weather or other reasons, USCIS will automatically reschedule your appointment for the next available date and time and you will receive a new ASC appointment notice. For the latest information on the status of an office, visit https://www.uscis.gov/about-us/uscis-office-closings. Please check this page on the day of your appointment.

You must update your address if you move. For instructions, visit https://www.uscis.gov/addresschange.

USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or for any purpose authorized by the Immigration and Nationality Act.

You may obtain a copy of your FBI record using the procedures outlined in 28 C.F.R. 16.32. Visit: https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks for more information. For Privacy Act information, please visit https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement.

If you cannot attend your scheduled appointment, you may request to reschedule at https://my.uscis.gov/accounts/biometrics/overview or by calling the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833). You must make your request before the date and time of the original appointment, and you must establish good cause for rescheduling. If you fail to make a request before your scheduled appointment or fail to establish good cause, and you do not appear at your appointment, USCIS may consider your application, petition, or request abandoned and, as a result, it may be denied. For more information about rescheduling, see https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment.

If you cannot leave your home/hospital due to a serious ongoing medical condition, you may request a mobile biometrics appointment by following the instructions on the back of this notice under "Notice for People with Disabilities," or by visiting uscis.gov/accommodations.

If you have any questions regarding this notice, please contact the USCIS Contact Center at 1-800-375-5283.

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number		Case Type
[redacted]		1765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date	Priority Date	Applicant A[redacted]
05/05/2024		CUBA LOPEZ, DAINURYS
Notice Date	Page	
05/05/2024	1 of 2	

CUBA LOPEZ, DAINURYS
[redacted]

Notice Type: Receipt Notice
Amount received: $470.00 U.S.
Class requested: C11

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at www.uscis.gov/contactcenter or ask about your case online at www.uscis.gov/e-request. You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting www.uscis.gov/casestatus to get the latest status or you can create an account at my.uscis.gov/account and receive email updates for your case.

Automatic Employment Authorization Document (EAD) Extension - This notice, by itself, does not grant any immigration status or benefit, nor is it evidence that this case is still pending. However, if you are eligible, you may to use this notice in conjunction with your facially expired Form I-766, Employment Authorization Document (EAD), as proof of an automatic extension of employment authorization and/or EAD, as applicable.

You are eligible for an automatic extension of your employment authorization and/or EAD if:

- You have timely and properly filed to renew your current employment authorization and/or EAD;
- Your EAD renewal request is under a category that is eligible for an automatic extension (see uscis.gov/eadautoextend for a list of eligible categories);
- The category on your current EAD matches the "Class Requested" listed on this notice (if you are a Temporary Protected Status (TPS) beneficiary or applicant, your EAD and this notice must contain either the A12 or C19 class, but they do not need to match each other); and
- Your EAD renewal application is still pending with USCIS when your current EAD expires.

If eligible, you may present this notice to an employer with your expired EAD (and Form I-94, Arrival/Departure Record, if applicable) for employment eligibility verification (Form I-9) purposes.

If eligible, your automatic extension is for up to 540 days from the expiration date printed on the front of your EAD. If we deny your EAD renewal application, the automatic extension immediately ends, and you can no longer present this notice to your employer for Form I-9 purposes. If your EAD is also your Advance Parole document, the automatic extension does not apply to advance parole.

If you are applying to renew A17, A18, or C26 employment authorization and you are relying upon the automatic extension to demonstrate your employment authorization during the automatic extension period, you must show this receipt notice, an unexpired I-94 showing valid E, L-2, or H-4 status, and a facially expired A17, A18, or C26 EAD that matches this receipt notice. Your EAD automatic extension terminates the earliest of: the end date on your I-94, the date we adjudicate this application, or 540 days after the expiration date on your EAD.

For more information, please see our website at uscis.gov/eadautoextend.

Processing time - Processing times vary by form type.

- Visit www.uscis.gov/processingtimes to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at www.uscis.gov/tools or ask about your case online at www.uscis.gov/e-request.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

You can receive updates on your case.

- Visit the Case Status Online website at www.uscis.gov/casestatus. Provide your receipt number and get the latest update on your case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

National Benefits Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter

If this is an interview or biometrics appointment notice, please see the back of this notice for important information.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number		Case Type
[redacted]		1765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 05/05/2024	Priority Date	Applicant [redacted] CUBA LOPEZ, DAINURYS
Notice Date 05/05/2024	Page 2 of 2	

- Create an account at my.uscis.gov/account and receive email updates on your case.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

If your address changes - If you move while your case is pending, please visit www.uscis.gov/addresschange for information on how to update your address. Remember to update your address for all your receipt numbers.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

National Benefits Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002

USCIS Contact Center: www.uscis.gov/contactcenter

APD BACKGROUND CHECK

NAME: Cuba Lopez, Dainurys

DOB: --/--/2005

SSN:

NO HITS/REPORTS ON FILE

Albuquerque Police Department Certified Copy Records Division

APD RECORDS: MAR 2008-PRESENT / BCSO: MAR 2008-JUN 2018

5/11/26