

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

UNITED STATES DISTRICT COURT
Middle District of Pennsylvania

FILED
HARRISBURG, PA

MAR 07 2025

Karel Omar Aguilar Estrada
Petitioner

v.

PER 
DEPUTY CLERK


Case No. _____
(Supplied by Clerk of Court)

ICE IEO Williamsport Sch Office
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: Karel Omar Aguilar Estrada
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Low FCI Allenwood
(b) Address: PO Box 1000, White Deer, PA 17887
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ 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: Western District of Kentucky, U.S. Courthouse, 601 W. Broadway, Rm 106, Louisville, KY 40202
(b) Docket number of criminal case: 3:21-cr-32-1-DJH
(c) Date of sentencing: 12-19-2022
☐ 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)

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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: ICE ERO Williamsport Sub Office, 2851 South Beach Road

(b) Docket number, case number, or opinion number: ALW2304000010

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The Immigration Officer based a Notice of Fiction (Immigration Detention) on an order of removal under appeal, claiming that order was then final and notifying the institution of confinement.

(d) Date of the decision or action: February 24, 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: DHS/Office of Principal Litigator, 2050 Freedom Way, Suite 254, York, PA 17402

(2) Date of filing: 02/27/2025

(3) Docket number, case number, or opinion number: A [REDACTED]

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised:

The DHS/ICE Officer (SOBO Stephen White) issued a Notice of Action (FORM I-247A) claiming an order of removal by an Immigration Judge is now final. The finality of an order occurs when 1) the time period to appeal expires (30 days) or 2) the appeal is waived. The DHS/ICE officer issued a statement claiming the order of removal is now final within the time period to appeal.

(b) If you answered "No," explain why you did not appeal:

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: DHS / BIA, 31 Hopkins Plaza, Baltimore, MD
- (2) Date of filing: 02/28/2025
- (3) Docket number, case number, or opinion number: A [REDACTED]
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: The Board of Immigration Appeals issued their decision on January 30, 2025. Alien issued his notice of appeal before February 21, 2025, within the 30 day appealability period, and then docketed by the US Court of Appeals (3rd Cir.) as 25-1312. The SOO of Williamsport City-Office erroneously claimed an order of removal was final upheld by the BIA within the appealability period.

(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: US Court of Appeals (3rd Cir.),
- (2) Date of filing: 02/28/2025
- (3) Docket number, case number, or opinion number: 25-1312 (Aguilar Estrada vs. AG)
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: The Actions of DHS/ICE counter the appealability of the current matter regarding the order of removal claiming the finality of such an order, and the notification to the Bureau of Prisons substantively altering the place of confinement and commitments.

(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

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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:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (b) Date of the removal or reinstatement order:
- (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:

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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. 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: The Actions of the Respondent has substantively affected the duration of Petitioner's commitment within the Bureau of Prisons.

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

The Petitioner lost all benefit under a First Step Act release and is now projected to release under Good Conduct Time only. Without the Respondent claiming the order of removal was final, the Petitioner would have been transferred to the commitment of ICE and eligible for bond proceedings. (See Attached Monitoring Data BOP dated 01/10/2025)

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

☐ Yes

☒ No

GROUND TWO: The Respondent erroneously claimed an order of removal was final within the period of appealability without the Petitioner's waiver.

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

The time period for an alien to appeal a decision by the BIA is 30 calendar days. The appealability of the BIA's decision from January 30, 2025 was available to the Petitioner when the Respondent made the claim the order is final. (See Notice of Action DHS Form I-247(A) dated February 24, 2025)

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

☒ Yes

☐ No

GROUND THREE: The Respondent erroneously claimed an order of removal was final while such an order is under the jurisdiction of the 3rd Circuit Court of Appeals.

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

The Respondent acting under Department of Homeland Security issued their Notice of Action dated February 24, 2025, after U.S. 3rd Circuit of Appeal docketed an appeal of the information claimed in said Notice. By doing so, the Respondent claimed no appeal was available to the Petitioner on the matter. (See Order to EOIR from 3rd Cir. (02/24/2025))

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

☒ 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

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Ground One is regarding the current commitment within the Bureau of Prisons and not within the purview of appeals available to Petitioner via the Respondent and their agencies.

Request for Relief

15. State exactly what you want the court to do: The Respondent revokes the Notice of Action which claims a final order of removal has been issued under A [REDACTED] and then notifies the Bureau of Prisons; there is no final order of removal for [REDACTED] until the appeal is pending under 25-1312 (3rd Cir.).

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Declaration Under Penalty Of Perjury

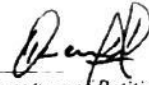
If you are incarcerated, on what date did you place this petition in the prison mail system:

03-01-2025

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:

03-01-2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

INMATE NAME/NUMBER: Isabel Aguilar Estrada #23493-509
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD
P.O. BOX 1000
WHITE DEER, PA 17887

RECEIVED
HARRISBURG, PA

MAR 07 2025

CLERK

<>23493-509<>

Clerk of the Court
Middle District of Pennsylvania
1501 North 6th St.
Harrisburg PA 17102
United States



