

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

APR 21 2025

AGBETO, Atsu
Petitioner

v.


Nathan Ochsner, Clerk of Court

Case No. 221-DB2-468
(Supplied by Clerk of Court)

U.S. Immigration and Customs Enforcement
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: ATSU AGBETO
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Houston Contract Detention Facility (CDF)
(b) Address: 15850 Export Plaza Drive
Houston, TX 77032
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE Detention
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)

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

- ☐ 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: U.S. Immigration and Customs Enforcement refusal to release me from Immigration Detention
(b) Docket number, case number, or opinion number: none
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
U.S. Immigration and Customs Enforcement
Refusal to release me from Immigration Detention
(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: _____

8. **Second appeal**

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

☐ Yes ☐ No

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

(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

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

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: 06/27/2024

(b) Date of the removal or reinstatement order: 08/29/2024

(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: Violation of 8 U.S.C. § 1231 (a) (6)

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 Do not cite cases or law.):

I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future. See attached memorandum with additional specific facts. Question (b) below is not applicable.

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

☐ Yes

☐ No

GROUND TWO: Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

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 Do not cite cases or law.):

ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period. See attached memorandum with additional specific facts. Question (b) below is not applicable.

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

☐ Yes

☐ No

GROUND THREE:

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

(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: This is not applicable to this matter.

Request for Relief

15. State exactly what you want the court to do: Order my immediate release from ICE custody.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did 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:

04-01-2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

1

My name is AGBETO ATSU [REDACTED] Togolese by nationality, a building electrician by profession. I am gay, I fight and I protect the cause of homosexuals in my psychiatry. Homosexuality is prohibited by the government in place being considered a shame for the image of the country and tradition, I was the victim in 2018-2019 of an attack by gangs that the police could not control, I was beaten to death in front of my appartement by 03 heavily armed gangs with big sticks and machetes who were waiting for me just in front of the exit of the house.

I was beaten and I lost consciousness all covered in blood and pain, I woke up after a few hours with my whole head bandaged, my right foot and leg hanging in the air, the only things I ask where am I? and where is my child, since I had a 2 and half year old boy and the only things I remember is that he was on the back of his mother who was running to rescue me. Four days they informed me of the death of my child who received a blow to the head during the gang attack, I cried and screamed, but I was unable to make a move whatsoever. These gang claimed 03 gay boys successively 22-23-24 years old who were sent back by their parents at home and whom I accommodated in my appartement and who learned the electricity trade at my home knowing that they would kill the as usual in our country.

Six months spent in the home hospital I was operated on where my right leg and arm were pinned with an iron to support my broken bones, a large opening of wounds between my two legs leaving me with scars from machete blows received, my head, my face, all healed also leaving me the physical evidence of my persecution and torture received for my sexual affiliation and also for having saved young people that they wanted to kill.

I am abandoned by everyone including my own family, the only person who supported me was my lord KPOKPO and the former minister of Togo Mr AGBEYOME Kodjo because I was their electrician but unfortunately they both also died in asylum in Switzerland in 2024. Bishop my lord BARIGA who called in phone and said: my son you must leave this country otherwise they will not hesitate to kill you the next opportunity.

The government in power has the police patrolling every locality to capture homosexuals, lesbians once caught, without judgement, they put them in prison for 2 years, and you who protect and defend them, like my case, receive a sentence of 5 years. And during these years you will be subjected to torture of all kinds so that you confess to renounce belonging to these shameful groups.

Once in prison, knowing the exaggeration of the police there is no guarantee of getting out of this prison alive. After a few months or years, they let you out, but during your detention, they poison your food before letting you go, and after a week, you go home. This is the price you have to pay for belonging to this group. I witnessed two similar deaths in 2000.

I was chased several times by the police to capture me and suffer the same fate. Knowing what awaited me I could do nothing but run away to save my life where I left the country in 2024 for Brazil, and return to the United States in ARIZONA on June 2024. But well before my departure I brought my 03 apprentices to Benin to a friend. But Benin was also raised for the ban on gays and homosexuals which made them leave Benin, they are currently in Brazil January 2025.

I was afraid to return to the country because I will still suffer the persecution and torture done in the past, a gay tailor whom I know well was stabbed in December 2024 in his apartment after his return to the country.

These gang groups went to visit my family as well as the police asking him what I think and said: we will find him wherever he is; and threatens my family with death if they don't find me. Currently my family has fled to Burkina-Faso in a village so as not to be spotted, currently these localities are invaded by the rape of women, minors,

theft by groups of hiadists and soldiers who are there to intervene in the event of an attack. So my family is living in hell because their government is threatening them with death and they cannot stay knowing the regime in place.

After my operation a few months later my genitals became irrestible just stinging. My penis is soft no erection, since my entry in the United States it has happened to me than 5 times. I was demoralized mentally, physically and emotionally, it is thanks to the prayer of the reverend pastor Noumovi DODZI PAUL that I was able to find my peace of mind, I went to stay at the prayer camp in Benin in 2020-2021.

* My native language is French but

I used the Google Translate

AGBET ATSU

A 

I agree with the deportation and I have no problem being deported.

I have never had any issue with the Immigration officers.

I am currently trying to find a way to get a copy of my passport.

I have an uncle who is an American citizen and who can sponsor me.

I have never committed any crime here or elsewhere, and I've never served in the military.

I authorize the YMCA International to translate this document.

04/01/2025


Signature,

- Je suis
- 01- Je suis d'accord avec la déportation
- 02- Je n'ai jamais eu de problème avec les officiers ici (ICE)
- 3- Je suis entrain de chercher un moyen de trouver une copie de mon passeport.
- 4- J'ai un oncle citoyen américain qui va m'héberger
- 5- Je n'ai jamais commis de crime ici ou d'ailleurs et je n'ai jamais fait du militaire
- Je donne l'autorisation à YMCA de traduire ce document pour moi

AGBETO ATsu

A

04-01-2025



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:

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

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

☐ Yes

☐ No

GROUND TWO:

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

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

☐ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No



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CERTIFICATE OF TRANSLATION

I, Malika Larbi, certify that I am proficient in both French and English languages and I am competent to translate this attached document. The translation is true and accurate, to the best of my abilities. I certify under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Malika Larbi
LOP Administrative Assistant
YMCA International Services
P.O. Box 740425
Houston, TX 77274

04/15/2025
DATE

US PO
\$00



LEGAL MAIL

United States Courts
Southern District of Texas
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Nathan Ochsner, Clerk of Court

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