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

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

MARVIN TORRES SIS

Petitioner

v.

WARDEN OF THE MOSHANNON VALLEY
CORRECTIONAL INSTITUTION

Respondent

(name of warden or authorized person having custody of petitioner)

3:25-cv-130

Case No.

~~A~~
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: MARVIN TORRES SIS
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: Moshannon Valley Processing Center
(b) Address: 555 GEO Drive, Philipsburg, PA 16866
- (c) Your identification number: _____
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
IMMIGRATION AND CUSTOMS ENFORCEMENT
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)

FILED

MAY 01 2025

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

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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: ELIZABETH IMMIGRATION COURT
25 Evans St Room #148A, Elizabeth, NJ 07201

(b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
CHALLENGING DENIAL OF BOND. DENIAL OF WITHHOLDING OF REMOVAL AND CAT.

(d) Date of the decision or action: 03/20/2025

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: BOARD OF IMMIGRATION APPEALS

(2) Date of filing: 03/28/2025

(3) Docket number, case number, or opinion number: 240104800

(4) Result: STILL PENDING

(5) Date of result: _____

(6) Issues raised: CHALLENGING IMMIGRATION JUDGE DECISION DENYING BOND ON
PENDING CRIMINAL CHARGE WHICH COULD NOT BE ADJUDICATED BECAUSE OF PETITIONERS
PROLONGED DETENTION AND DENIAL OF BOND.

(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: _____

(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:

FIRST APPEAL STILL PENDING

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

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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: 10/07/2024
- (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: 03/28/2025
- (2) Case number: ~~XXXXXXXXXX~~
- (3) Result: STILL PENDING
- (4) Date of result:
- (5) Issues raised: CHALLENGING DECISION OF IMMIGRATION JUDGE DENYING REQUEST FOR BOND

(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: DENIAL OF IMMIGRATION BOND

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

I am not a danger to the community. After arrested, I was released and then detained by ICE. I have no prior criminal history. I only have 1 criminal case pending that has not yet been resolved due to my detention. ICE has not presented me for my criminal case court date. The Immigration Court failed to consider factors indicating that I am not a danger to the community. I have never plead guilty to any crime.

(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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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:

Request for Relief

15. State exactly what you want the court to do: RELEASE PETITIONER FROM DETENTION

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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:

04/20/25

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: 04/27/25

MARVIN TORRES SIS

Signature of Petitioner

Signature of Attorney or other authorized person, if any