

FILED

MAY 16 2025

UNITED STATES DISTRICT COURT

for the

Western District of Texas, San Antonio Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY J. J. DEPUTY CLERKAndré Dawid Lötter
PetitionerCase No. **25CA0568 JKP**
(Supplied by Clerk of Court)

- (1) - Todd M. Lyons, Acting Director, United States Immigration and Customs Enforcement, in his official capacity;
 (2) - Pamela Bond, US Attorney General, in her official capacity;
 (3) - Kristi Noen, Secretary of Homeland Security, in her official capacity;
 (name of warden or authorized person having custody of petitioner)
 (4) - Sestenes M. Gutierrez, Supervisory Detention and Deportation Officer, ICE, San Antonio, in his official capacity.

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

Personal Information

1. (a) Your full name: André Dawid Lötter
 (b) Other names you have used: NA
2. Place of confinement:
 (a) Name of institution: Karnes County Immigration Processing Center
 (b) Address: 409 FM 1144
Karnes City, TX 78118
 (c) Your identification number: A [REDACTED]
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: _____
 (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: I challenge my arrest by Customs and Border Protection (CBP) at the Miami Int. Airport on March 8, 2025, and my detention by ICE since March 9, 2025 to this day.
- (b) Docket number, case number, or opinion number: File number: A ~~XXXXXXXXXX~~
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
My case is being handled by: United States Department of Justice
Executive Office for Immigration Review
566 Veterans Drive, Ste 181 Pearsall, TX 78061
- (d) Date of the decision or action: My credible fear interview was approved by Judge Thomas Crossan on April 29, 2025
My Master Hearing will take place on May 28, 2025 in Pearsall, TX at EOIR.
- 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

NA

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: _____

NA

(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: _____

NA

(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

NA

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: NA

(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: NA

(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: _____

NA

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: March 8, 2025

(b) Date of the removal or reinstatement order: NA

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

NA

(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: _____

NA

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: _____

NA

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 my 1st Amendment right of access to the courts (please see the attached handwritten supporting facts)

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

(Please see the attached handwritten supporting facts)

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

☐ Yes

☒ No

NA

GROUND TWO: Denial of my 4th Amendment right to freedom from arbitrary, warrantless, unreasonable searches and seizures (please see the attached handwritten supporting facts).

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

(Please see the attached handwritten supporting facts)

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

☐ Yes

☒ No

NA

GROUND THREE: Denial of my 5th Amendment right of freedom from self-incrimination and my right to due process, and my daughters and my right to family integrity.

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

(Please see the attached handwritten supporting facts)

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

☐ Yes

☒ No

NA

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

GROUND FOUR:

Denial of my 6th Amendment rights to:

(i) legal representation, and

(ii) be told the crime(s) on account of which I've been arrested and am detained

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

(Please see the handwritten supporting facts)

GROUND FIVE: Denial of my 8th Amendment right to be free from cruel, unusual and inhumane detention.

(a) Supporting facts:

(Please see the attached handwritten supporting facts)

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

☐ Yes

☒ No

NA

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

NA

Request for Relief

15. State exactly what you want the court to do:

(Please see the handwritten notes attached hereto for my detailed Request for Relief)

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

Declaration Under Penalty Of Perjury

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

May 12, 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: May 12, 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any