

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Maria Concepcion Chopite-Rodriguez

Petitioner

v.

Miguel Vergara, San Antonio Field Office Director, US
Immigration and Customs Enforcement; Todd M. Lyons,
Acting Director of US ICE

Respondent


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

Case No. 5:25-cv-644

(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: Maria Concepcion Chopite-Rodriguez
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Karnes County Residential Center
(b) Address: 409 FM1144, Karnes City, TX 78118
(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:
(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)

☐ 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: US Immigration and Customs Enforcement

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

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

(d) Date of the decision or action: 06/03/2025

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: _____

(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

(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: _____

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(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

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:

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- (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: 06/03/2025
- (b) Date of the removal or reinstatement order: _____
- (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: _____

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(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.

GROUND ONE: Unlawful detention

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 Do not cite cases or law.)*:

I was unlawfully detained during a check-in with ICE on June 3, 2025. I was detained for no other reason than to meet immigration detention quotas. I have no criminal record and I have pending relief in immigration court since November 15, 2022. I was not provided any lawful reason for my detention.

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

☒ Yes

☐ No

GROUND TWO: Violations of the conditions of my release from immigration detention

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 Do not cite cases or law.)*:

I was released from immigration detention on November 19, 2021, on my own recognizance. I was unlawfully detained on June 3, 2025 in violation of my prior order of release.

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

☐ Yes

☒ No

GROUND THREE: I have been unlawfully subjected to mandatory detention

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

US Immigration and Customs Enforcement is unlawfully subjecting me to mandatory immigration detention. The agency is refusing to grant me a bond or otherwise release me from detention.

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

☐ Yes

☒ No

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GROUND FOUR: Constitutional violation of due process

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

I am being deprived of my right to counsel. The government is refusing to follow their established procedures to allow me to talk with my attorney. The government staff at the detention center have ignored repeated requests for scheduling legal counsel visitation with me.

(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: I have not filed any appeal and so this question does not apply to my case.

Request for Relief

15. State exactly what you want the court to do: I ask the court to order my release from immigration detention. I also ask the court to prohibit my transfer outside of the jurisdiction of this Court. In the alternative, I ask the court to order US ICE to grant me release upon payment of a \$1,500 bond. During the time that I am detained, I ask the court to order US ICE to facilitate attorney video or phone meetings within 24 hours of receipt of a request.

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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:

06/10/2025

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: 06/10/2025

DETAINED

Signature of Petitioner

s/ Joseph Krebs Muller

Signature of Attorney or other authorized person, if any

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