

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

UNITED STATES DISTRICT COURT

for the

United States Courts
Southern District of Texas
FILED

JUN 09 2025

Nathan Ochsner, Clerk of Court

Joel samir Ballesteros gonzales
Petitioner

v.

Case No.

(Supplied by Clerk of Court)

Randy Tate and Ice DHS
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: Joel samir Ballesteros Gonzales
(b) Other names you have used: Joel Ballesteros
2. Place of confinement:
(a) Name of institution: montgomery processing center
(b) Address: 806 Hilbig RD, conroe TX 77301
3. (c) Your identification number: A# [REDACTED]
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: N/A
(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: MPC 806 Hilbig RD Conroe TX 773
ICE DHS
(b) Docket number, case number, or opinion number: [REDACTED]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
continued detention
(d) Date of the decision or action: 10-02-2024

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: N/A
(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: N/A

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:

N/A

N/A

(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:

N/A

N/A

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

N/A

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:

N/A

- (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:

N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody:

10-02-2024

(b) Date of the removal or reinstatement order:

02-03-2025

(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: 02-10-2025

(2) Case number: 200126233

(3) Result: still pending

(4) Date of result: still pending

(5) Issues raised: The JJ interpretation of a breach of 8 C.F.R. 208.6 and 8 C.F.R. 1208.6 was inconsistent with the government prior interpretation of the regulations found in the memo fact sheet of the asylum manual and the copper memo. The JJ believe that was a limited information of my asylum case was disclosed without my written consent, see 8 C.F.R. 208.6

(d) Did you appeal the decision to the United States Court of Appeals? and 1208.6

☐ 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:

N/A

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:

N/A

N/A

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

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: I am challenging my unlawful continued detention, I been ICE and DHS custody since 10-02-24 and my six months presumptive reasonable period has expired base on *Zadvydas v. Davis*, is a violation of my fifth amendment due process clause of The U.S. constitution.

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

Base on *Zadvydas v. Davis*, 533 U.S. 678 The fifth amendment due process clause U.S. constitution, forbids The government to deprive an person of liberty without due process from government custody or detention of any person within The united state.

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

☐ Yes

☒ No

GROUND TWO: I am challenging my final order of removal that was made on 02-03-2025 and my 90 days period has expired, that violate The fifth amendment due process clause of U.S. constitution Base on *Zadvydas v. Davis*, 533 U.S. 678.

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

Base on *Zadvydas v. Davis*, 533 U.S. 678, once removal of a deportable alien is no longer reasonable foreseeable continued detention is not longer authorized by 8 U.S.C. § 1231(a)(6), otherwise could be violating The fifth amendments due process clause of The united state constitution.

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

☐ Yes

☒ No

GROUND THREE: I been in ICE and DHS custody for more Than 8 mo and my reasonable period of detention is more Than expired and my final order of removal was 4 months ago and my 90 days removal period is more Than expired too, Base on *Zadvydas v. Davis*, 533 U.S. 678.

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

Base on *Zadvydas v. Davis*, 533 U.S. 678, and 8 U.S.C. § 1231(a)(6). The U.S. Supreme court concluded That six months a presumptively reasonable period of detention beyond The 90 days removal period in which to effectuate a deportation of a alien, and should be consistently without exceptions.

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

☐ Yes

☒ No

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

GROUND FOUR: I been in custody by ICE and DHS for more than 8 months and my 6 months period detention and my 90 days removal has been expired. Base on Zadvydas v Davis 533, US 678, and Base on 8, USC, 1225(a)(6) my continued detention is not longer authorized Base on this law I am asking the court for immediately release from ICE and DHS custody.

Base on Zadvydas v Davis 533, US 678, and the statute Text 1225(a)(6) should be consistently without exceptions, my unlawful continued detention violate the fifth amendments due process of the US constitutions, and should applies to all person within the United State including me. Thank, Joel Ballesteros Gonzales

(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:

[Handwritten signature]

Request for Relief

15. State exactly what you want the court to do: Base on Zadvydas v Davis 533, US 678, and the fifth amendments due process clause of the United State constitutions and the statutory Text 1225(a)(6) am asking the for a immediately release from ICE and DHS custody. Thank, Joel Samir Ballesteros Gonzales Att 

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:

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: 06-05-2025


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Joel Ballesteros Gonzales

A# [REDACTED]

M.P.C

806 Hilbig Rd

Conroe Tx 77301

United States Courts
Southern District of Texas

FILED

JUN 09 2025

Nathan Gehlmer, Clerk of Court



clerk.

United State District Court
Southern District of Texas

P.O Box 61010

Houston Tx 77208-1010