

UNITED STATES DISTRICT COURT

for the

Wesley A. Brissett

Petitioner

v.

U.S. immigration and customs
enforcement

Respondent

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

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

AUG 18 2025

DANIEL J. MCCOY, CLERK

BY: 

Case No.

(Supplied by Clerk of Court)

25-cv-1187 Sec P

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

Personal Information

1. (a) Your full name: Wesley A. Brissett
- (b) Other names you have used:
2. Place of confinement:
 - (a) Name of institution: Pine Prairie correction facility
 - (b) Address: P.O. Box 650
Pine Prairie, LA 70576
 - (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: U.S. immigration and customs enforcement
Refusal to release me from immigration detention

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

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

U.S. immigration and custom 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: Executive office for immigration Review
Board of immigration appeals
- (2) Date of filing: 07-9-25
- (3) Docket number, case number, or opinion number: 055560836
- (4) Result: Returned-no certificate of service
- (5) Date of result: 07-11-2025
- (6) Issues raised: 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

(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

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: *Denial of Bond October 31, 2024*
- (b) Date of the removal or reinstatement order: *No court date since 08-1-2025*
- (c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: 07-9-25
(2) Case number:
(3) Result: Return - No certificate of service
(4) Date of result: 07-11-2025
(5) Issues raised: Denial of 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:

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: ground one denial of Bond Violate my due Process clause

(a) Supporting facts (Be brief. Do not cite cases or law.): My criminal history alone should not be sufficient to justify denial of bond on the basis of dangerousness rather the recency and severity of my offense

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

☒ Yes

☐ No

GROUND TWO: Rehabilitation

(a) Supporting facts (Be brief. Do not cite cases or law.): On the other hand an Immigration Judge (IJ) may consider an alien's criminal activity and the seriousness of the offenses. When it comes to non-violent crimes especially those caused by addiction, the passage of time does make a difference as does the availability of treatment options

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

☒ Yes

☐ No

GROUND THREE: Non-violent crime should not deny me for bond also violate my due Process

(a) Supporting facts (Be brief. Do not cite cases or law.): therefore it violate my due Process to keep me in immigration detention for more than 8 months on the basis of dangerousness where the overriding reason is that a non-violent crime was committed as a result of my addiction, and I have available plan for rehabilitation and compliance with pertinent conditions of release.

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

☒ Yes

☐ No

GROUND FOUR: substantial evidence for relief

(a) Supporting facts (Be brief. Do not cite cases or law.): I also submitted substantial evidence of my rehabilitation and have robust re-entry plan to address any concern about danger to ~~the~~ the community given this context the risk of an erroneous deprivation on my high unless a neutral decision maker and weights my evidence

(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: Respectfully release me on bond and grant me that I seek an individualized bond hearing before an immigration judge for these reasons (1) I have a fix address 827 east Price st. Phila P.A. (2) I have family ties in the U.S. father Paul Brissett (U.S. citizen), mother Paulette Jordan (U.S. citizen), stepmother (Dawn Brissett U.S. citizen), my son Jaden Brissett (U.S. citizen) my daughter Najahy Brissett (U.S. citizen) (3) I have financial support my ~~own business cleaning service~~ father own his cleaning service business (4) my length of residence in the United state is 22 years (5) my history of immigration violation NONE this is my first time (6) attempt by the alien to flee prosecution or otherwise escape from authorities NONE (7) the alien manner of the entry to united states. Philadelphia air port first class 11-26-2003 (8) Criminal records. NON-violents crimes {credit card fraud} also happened 5 years ago

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: 08-13-2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any