



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

**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 calculation under the sentencing guidelines)

Disciplinary proceedings

Other (explain): At the discretion of the Attorney General, pursuant to 28 U.S.C.A. § 1228, I am subject to the Expedited removal as an Alien Convicted of Committing Aggravated Felonies within the territorial boundaries of the United State, and the Attorney General shall provide for the availability of special removal proceedings at certain Federal, State, and local correctional facilities for aliens convicted of any criminal offense covered in section 1227 (a) (2) (A) (ii), (B), (C), or (D) of this title, or any offense covered by section 1227 (a) (2) (A) (ii) of this title for which both predicate offenses are, without regard to the date of their commission, otherwise covered by section 1227 (a) (2) (A) (i) of this title. Such proceedings shall be conducted in conformity with section 1229 (a) of this section (except as otherwise provided in this section), and in a manner which eliminate the need for additional detention at any processing center of the Service and in a manner which assures expeditious removal following the end of the alien's incarceration for the underlying sentence. However, the Attorney General has not provide for the availability of special removal proceedings in a manner which eliminate the need for additional detention at any processing center of the Service and in a manner which assures expeditious removal following the end of the alien's incarceration for the underlying sentence, I am being held on a federal detainer issued by the Department of Homeland Security for immigration detention and deportation without the availability of special removal proceedings.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Attorney General Office  
Livingston Building, 1885 N. 3rd St., Baton Rouge, LA 70802

(b) Docket number, case number, or option number: N/A

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

The decision to place a detainer hold on me, and to detain me without Attorney General providing for the availability of special removal proceedings at certain Federal, State, and local correctional facilities to hear my case. And, the necessity for the continuation and completion of my imposed criminal sentence; when my presence in the United States has potentially serious adverse foreign policy consequences and compromises compelling U.S. foreign policy interest.

(d) Date of the decision or action: N/A

**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:

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- (a) Name of authority, agency, or court: N/A
- (b) Date of filing: N/A
- (c) Docket number, case number, or opinion number: N/A
- (d) Result: N/A
- (e) Date of ruling: N/A
- (f) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: No, action was ever pursued in this matter. I did not know the appropriate means to pursue relief in this matter or what court would have jurisdiction over the subject matter in this case.

**8. Second Appeal**

After first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes  No

(a) If "Yes", provide:

- (a) Name of authority, agency, or court: N/A
- (b) Date of filing: N/A
- (c) Docket number, case number, or opinion number: N/A
- (d) Result: N/A
- (e) Date of ruling: N/A
- (f) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: N/A

**9. Third Appeal**

After second appeal, did you file a third appeal to a higher authority, agency, or court?

- Yes  No

(a) If "Yes", provide:

- (a) Name of authority, agency, or court: N/A
- (b) Date of filing: N/A
- (c) Docket number, case number, or opinion number: N/A
- (d) Result: N/A
- (e) Date of ruling: N/A
- (f) Issues raised: N/A

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(b) If you answered "No," explain why you did not appeal: N/A

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentences 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:

(a) Name of authority, agency, or court: N/A

(b) Date of filing: N/A

(c) Docket number, case number, or opinion number: N/A

(d) Result: N/A

(e) Date of ruling: N/A

(f) 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

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

11. Appeal of immigration proceedings

Does this case concern immigration proceeding?

Yes  No

If "Yes", Provide:

(a) Date you were taken into immigration custody: Incarceration date: April 16, 2018

(b) Date of the removal or reinstatement order: None Was Issued

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

Yes  No

If "Yes", Provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Results: N/A

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(5) Date of results: N/A

(6) Issues raised: N/A

(d) 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: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Results: N/A

(5) Date of results: N/A

(6) Issues raised: N/A

12. Other appeals

Other than the appeals you listed above, have you ever 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: Motion For Deportation

United States District Court, Middle District of Louisiana

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: June 5, 2025

(d) Docket number, case number, or opinion number: 1:25-CV-01386-DDD-JPM

(e) Result: MEMORANDUM ORDER: The Court found that the plaintiff's suit was not in proper form, and order that the filing be amended and filled with the appropriate court within 30 days (See Attached "Memorandum Order")

(f) Date of ruling: September 24, 2025

(g) Issues raised: Due to the current governmental climate, policy change, and aggressive decisions as they relate to illegal aliens, it would not be possible for Mr. Villafranca to remain in the United States even if his conviction was reversed and set aside, especially, considering his illegal entry into the country. Therefore, Mr. Villafranca requested the court order his his immediate deportation.

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

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grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** My activities and presence as an illegal alien in the United States has potentially serious adverse foreign policy consequences and compromises compelling U.S. foreign policy interest.

(a) Supporting facts *(Be brief. Do not cite cases or law)*: Ground one: My illegal activities and presence in the U.S. are injurious to the foreign relation between the U.S. and, my homeland, the Country of Honduras, and it has a major impact and detrimental effect on U.S. laws and treaties, public policy and sentiment, trade agreements and foreign interest, and much, much, more. My continued custody and confinement in this country places an extremely heavy burden on the United States government and the State of Louisiana, and its tax paying citizen, by requiring considerable expenditures of hard earned tax dollars to continuously house, clothe, feed and care for me during my prolonged period of incarceration within the Department of Public Safety and Corrections. Furthermore, my presence also has a negative effect on the Criminal Justice System by bogging down the court system and creates overcrowding issues throughout the prisons system. This compromise the peoples' trust in the government ability to protect their interest, their well-being, and the American way of life, by fosters ill will and public uncase, because of a lack of faith in the governments inability to actually champion core Americans interest and always put America and American citizens first by secure its borders and deporting undesirables. It is clear that continued presence United States is unwanted, unwarranted, and unnecessary, since I will just be deported at the conclusion of my term of incarceration, therefore I should be deported to relieve the United States government and the State of Louisiana, and its tax paying citizen, of the burden and cost associated with my continued presence here within the United State.

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

Yes  No

**GROUND TWO:** the Attorney General has not provide for the availability of special removal proceedings in a manner which eliminate the need for additional detention at any processing center of the Service and in a manner which assures expeditious removal following the end of the alien's incarceration for the underlying sentence in conformity with the provisions of 28 U.S.C.A. § 1228.

14.

(a) Supporting facts *(Be brief. Do not cite cases or law)*: Ground one: The Attorney General shall provide for the availability of special removal proceedings at certain Federal, State, and local correctional facilities for aliens convicted of any criminal offense covered in section 1227 (a) (2) (A) (ii), (B), (C), or (D) of this title, or any offense covered by section 1227 (a) (2) (A) (i) of this title for which both predicate offenses are, without regard to the date of their commission, otherwise covered by section 1227 (a) (2) (A) (i) of this title. Such proceedings shall be conducted in conformity with section 1229 (a) of this section (except as otherwise provided in this section), and in a manner which eliminate the need for additional detention at any processing center of the Service and in a manner which assures expeditious removal following the end of the alien's incarceration for the underlying sentence. However, after being remanded into the custody of the Louisiana State Department of Corrections for the commission of Aggravated Felonies committed within the territorial boundaries of the United State of America, I am being held on a federal detainer issued by the Department of Homeland Security for immigration detention and deportation without the availability of any special removal proceedings being provide by the Attorney General.

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

Yes  No

**GROUND THREE:** \_\_\_\_\_

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

- (c) Did you present Ground Three in all appeals that were available to you?  
 Yes       No

GROUND FOUR:

(d) Supporting facts (Be brief. Do not cite cases or law): Ground one:

- (e) Did you present Ground Four in all appeals that were available to you?  
 Yes       No

- 15. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Yes, all of the aforementioned grounds. Until recent changes were made in the laws and foreign policy of the U.S. there was no legitimate legal grounds for me to pursue any type of relief or action in this matter pursuant to the provisions of 28 U.S.C.A. § 1227-1228. Furthermore, it is my understanding that the appropriate venue in which to pursue this matter is the United States District Courts, as it rest within their purview and they have jurisdiction over the subject matter in this case according to the provisions of 28 U.S.C.A. §1228

**Request for Relief**

- 16. State exactly what you want the court to do: In the interest of judicial economy and efficiency, I respectfully request that this Honorable Court ORDER my immediate and early deportation from the United States to my homeland of Honduras, to relieve the United States government and the State of Louisiana, and its tax paying citizen, of the heavy burden that my presence and continued incarceration places on them. It is clear that continued presence United States is unwanted and unnecessary, since I will just be deported at the conclusion of my term of incarceration, therefore it is in everybody's best interest that I be deported to my homeland of Honduras.

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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:

10-14-2025

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: 10-14-25

E. Vellopiorca

Signature of Petitioner

\_\_\_\_\_  
Signature of Attorney or other authorized person, if any