

CA

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

Marcos Azcuy Rivero

Petitioner

v.

Warden, Bluebonnet Detention Facility; Patrick
Contreras, ICE Dallas Field Office Director; and
Alejandro Mayorkas, Secretary of Homeland Security

Respondent

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

Case No. 1:25-cv-00205

(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: Marcos Azcuy Rivero
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Bluebonnet Detention Facility
(b) Address: 400 E. 2nd Street
Anson, Texas 79501
(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)*: ICE civil detention pending asylum proceedings; previously released under Form I-220A.

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): Civil detention by U.S. Immigration and Customs Enforcement pending asylum proceedings; no criminal conviction.
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 (ICE)
Enforcement and Removal Operations - Dallas Field Office 8101 Stemmons Freeway, Dallas, Texas 75247
- (b) Docket number, case number, or opinion number: None-ICE civil detention order-no case number issued
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
See attached page titled Supplement to Question 6(c): Decision or Action Being Challenged.
- (d) Date of the decision or action: 10/07/2025

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: N/A - This is the first habeas corpus petition concerning this detention.
- (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: 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 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: 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 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: Petitioner is not challenging a criminal conviction or sentence. This case involves civil immigration detention.

(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: 10/07/2025
(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: Asylum Case is still pending; no BIA appeal applicable.

- (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.

GROUND ONE: Unlawful civil immigration detention without bond hearing or lawful justification

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 Do not cite cases or law.)*;

1. I was previously released by ICE on Form I-220A. I complied with all check-ins and have no criminal record.
2. On October 7, 2025, ICE agents arrested me again without providing written reason or bond hearing.
3. I have a pending asylum application. My continued detention serves no legitimate government purpose because Cuba is not currently accepting removal flights and my case has not been adjudicated.
4. This indefinite detention violates the Due Process Clause of the Fifth Amendment (& statutory limits 8 U.S.C. § 1226(a), § 1231).
5. Asking the Court to order my immediate release under supervision or bond hearing

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

☐ Yes

☐ No

GROUND TWO: Violation of Procedural Due Process - Failure to Provide a Bond Hearing or Notice of Revocation of Release.

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

See attached page titled Ground Two - Violation of Procedural Due Process

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

☐ Yes

☐ No

GROUND THREE: Unlawful Prolonged and Indefinite Detention in Violation of *Zadvydas v. Davis* and the Fifth Amendment

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

See attached page titled Ground Three - Unlawful Prolonged and Indefinite Detention

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

☐ Yes

☐ No

GROUND FOUR:

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

(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: I respectfully request this Court:

1. Order my immediate release from ICE custody under reasonable conditions of supervision; or in the alternative,
2. Order U.S. Immigration and Customs Enforcement (ICE) to provide me with a prompt bond hearing before an immigration judge where the government must show that my detention is lawful and necessary.
3. Grant any other relief that this Court deems just and proper.

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: 10/08/2025

See Next Friend Declaration

Signature of Petitioner

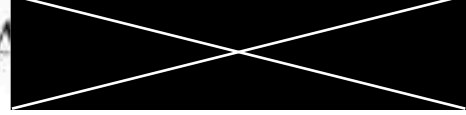
Philip M. Armstrong

Signature of Attorney or other authorized person, if any

Next Friend of Petitioner Marcos Arroyo Rivera

Supplement to Question 6(c)

Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241

Petitioner: Marcos Azcuy Rivero(A )

I am challenging the decision of U.S. Immigration and Customs Enforcement (ICE) to re-arrest and detain me on or about **October 7, 2025**, after previously releasing me under **Form I-220A (Order of Release on Recognizance)**.

ICE has not provided any written explanation or bond hearing for this new detention, even though I have **no criminal record** and a **pending asylum application**.

I therefore challenge my **continued civil detention without bond or hearing** as unlawful and in violation of the **Fifth Amendment Due Process Clause** and the **Immigration and Nationality Act (8 U.S.C. § 1226 and § 1231)**.

Ground Two – Violation of Procedural Due Process
Petitioner: Marcos Azcuay Rivero

GROUND TWO: Violation of Procedural Due Process – Failure to Provide a Bond Hearing or Notice of Revocation of Release.

Supporting Facts:

1. I was released under **Form I-220A (Order of Release on Recognizance)** and remained in full compliance with ICE check-ins and reporting requirements.
2. On or about **October 7, 2025**, ICE agents detained me again without prior notice, explanation, or opportunity to respond.
3. I was never served with a written **Notice of Custody Determination (Form I-286)**, nor was I given a **bond hearing before an immigration judge**, as required under 8 C.F.R. § 236.1(d)(1).
4. Because I have **no criminal history** and am pursuing a **pending asylum claim**, my detention is arbitrary and punitive.
5. The Fifth Amendment guarantees a meaningful opportunity to contest deprivation of liberty. ICE's failure to provide a hearing or written reason for my re-detention violates procedural due-process protections recognized in *Demore v. Kim*, 538 U.S. 510 (2003), and *Zadvydas v. Davis*, 533 U.S. 678 (2001).
6. I respectfully request that this Court order my **immediate release under supervision or bond**.

Ground Three – Unlawful Prolonged and Indefinite Detention
Petitioner: Marcos Azcuay Rivero

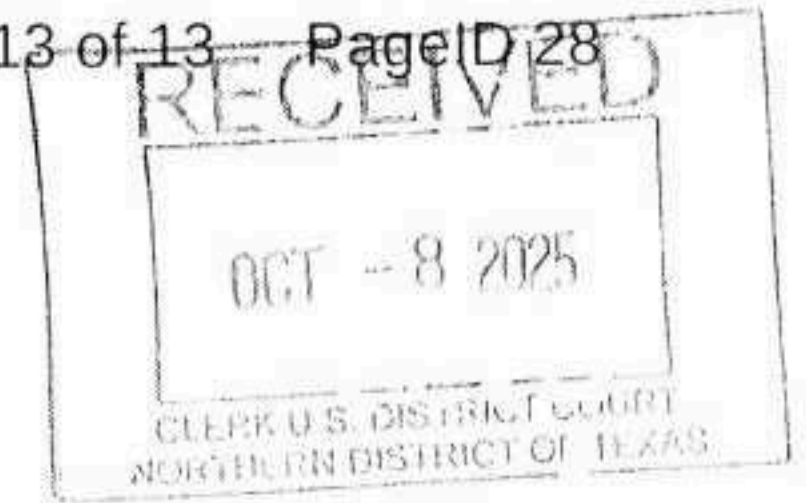
GROUND THREE: Unlawful Prolonged and Indefinite Detention in Violation of *Zadvydas v. Davis* and the Fifth Amendment

Supporting Facts:

1. I am a citizen of Cuba detained by ICE at the Bluebonnet Detention Facility since approximately **October 7, 2025**, after previously being released under Form I-220A.
2. I have a **pending asylum application** and have cooperated fully with ICE. I have no criminal record.
3. ICE has provided **no projected date of removal**, and at this time the United States **has no regular repatriation program with Cuba**. Therefore, my detention is effectively **indefinite**, because there is **no significant likelihood of removal in the reasonably foreseeable future**.
4. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), immigration detention may not continue indefinitely when removal is not reasonably foreseeable. My ongoing confinement violates that decision and the **Due-Process Clause of the Fifth Amendment**.
5. My continued custody serves no legitimate governmental purpose; I am neither a danger to the community nor a flight risk, and alternatives to detention (supervision, reporting, or electronic monitoring) are available.
6. I respectfully request that the Court order my **immediate release under supervision** or other appropriate conditions.

Philip M. Armstrong

pma41356@gmail.com



October 8, 2025

Clerk of Court
United States District Court
Northern District of Texas – Lubbock Division
1205 Texas Avenue, Room 209
Lubbock, TX 79401

Re: Petitions for Writ of Habeas Corpus under 28 U.S.C. §2241
Petitioner: Marcos Azcuy Rivero 

Facility: Bluebonnet Detention Facility, Anson, Texas

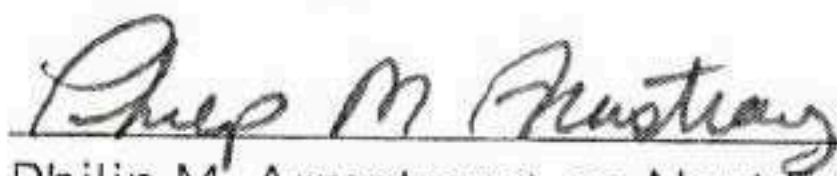
Dear Clerk:

I am hand-delivering the enclosed Petition for Writ of Habeas Corpus under 28 U.S.C. §2241 for filing in the Abilene Division of this Court. I am submitting this petition as *next friend* on behalf of the detainee named above.

Please file the original petition and keep one copy for the Court's records. Kindly stamp one additional copy "Filed" and return it to me for my records.

Thank you for your assistance.

Respectfully,



Philip M. Armstrong, as Next Friend of Petitioner