

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
6. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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

Osmani RAMIREZ-MORALES

Petitioner

v.

Todd Lyons, Acting Director Immigration and Customs Enforcement, Mary De Anda-Ybarra, Field Office Director of the Immigration and Customs Enforcement (El Paso), Kristi Noem, Secretary of DHS, Pam Bondi, Attorney General of the United States, in their official capacities.

Respondent

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

Case No. 3:25-cv-00476

(Supplied by Clerk of Court)

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Personal Information

1. (a) Your full name: Osmani RAMIREZ-MORALES
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: El Paso Processing Center
(b) Address: 8915 Montana Ave., El Paso, Texas 79925
(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: El Paso Processing Center- El Paso, Texas

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

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

On 08/24/2025, Mr. Ramirez-Morales filed a Bond Request with the Immigration Judge at the El Paso Processing Center. On 09/04/2025, the Immigration Judge granted Mr. Ramirez-Morales' bond request and set a \$3,000 bond. On 09/08/2025, the Immigration Judge revoked the bond order due to lack of jurisdiction.

(d) Date of the decision or action: 09/08/2025

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: The Immigration Judge revoked Mr. Ramirez-Morales' bond due to lack of jurisdiction of the Board of Immigration issued its precedent decision: Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025). Appealing the revocation order will be futile.

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: 06/27/2025
- (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 Under 8 U.S.C. Section 1225; Custody Properly Governed by 8 U.S.C. Section 1226 (Misapplication of Mandatory Detention Statute).

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

Mr. Ramirez-Morales is a Lawful Permanent Resident of the United States. On June 27, 2025, he entered without inspection and placed in INA Section 240 proceedings. Mr. Ramirez-Morales was charged as being inadmissible as someone who entered without inspection. Following Mr. Ramirez-Morales' arrest, he requested a bond redetermination hearing before an Immigration Judge. On 09/04/2025, a bond hearing was conducted. The Immigration Judge determined that he was neither a flight risk nor a danger to the community and granted a \$3,000 bond. On 09/07/2025, the Board of Immigration Appeals issued a precedent decision: *Matter of Yajure-Hurtado*, holding that Immigration Judges lack authority to hear bonds requests to noncitizens who are present in the United States without admissions. On 09/08/2025, the Immigration Judge issued an amended order revoking Mr. Ramirez-Morales' bond on the basis that he lacks jurisdiction pursuant to *Matter of Yajure-Hurtado*. As a result, Mr. Ramirez-Morales remains in detention and without relief from this court, he will face months/years of immigration custody.

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

☐ Yes☐ No**GROUND TWO:** Violation of the Fifth Amendment Due Process Clause (Substantive and Procedural)(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Mr. Ramirez-Morales' bond request was granted by the Immigration Judge on 09/04/2025. On 09/08/2025, the Immigration Judge revoked his bond and made the determination that Mr. Ramirez-Morales is subject to mandatory detention. Mr. Ramirez-Morales has a fundamental interest in liberty and being free from official restraint. The government's detention of Mr. Ramirez-Morales after he was granted a bond and had his bond revoked violates his right to due process.

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

☐ Yes☐ No**GROUND THREE:** Violation of the Administrative Procedure Act, 5 U.S.C. Section 706(2)(a) Supporting facts *(Be brief. Do not cite cases or law.):*

The government has classified him as being subject to mandatory detention under 8 USC 1225(b)(2)(A) despite of Mr. Ramirez-Morales entry to the United States without inspection and being detained after entry in the interior. He was placed in INA Section 240 proceedings. The misapplication of Section 1225 constitutes agency action that is not in accordance with law and is arbitrary and capricious within the meaning of the APA. Respondents are acting contrary to the plain text of the statute, longstanding agency practice, and binding precedent.

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

☐ Yes☐ No

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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: 1) Assume jurisdiction over this matter; 2) Order that Petitioner 2) Order that Petitioner should not be transferred outside of the Western District of Texas (El Paso) while this habeas is pending; 3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days; 4) Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner given that his bond request was already granted and revoked solely based on jurisdiction; 5) Declare that Petitioner's detention is unlawful; and 6) Grant any other and further relief that this Court deems just and proper.

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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:

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: _____



Signature of Petitioner



Signature of Attorney or other authorized person, if any