

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

UNITED STATES DISTRICT COURT
for the

FILED

OCT 20 2025

Dagoberto BARRIO Mendez



Petitioner

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY *naa* DEPUTY

Pamela Bondi
United States Attorney

Respondent

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

Case No. *CIV-25-1241-PRW*
(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: *Dagoberto BARRIO Mendez*
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: *GIMARRON COLL. FAC*
(b) Address: *3200 S. Kings Hwy*
Cushing, OK 74023
(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): *In 1989 I was order deported but was released due to ICE not be able to deported me back to Cuba.*

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): *my second time being detained by ICE for the same case -- I WAS held in ICE custody for four years before released back in 1996 thru 2001. They were unable to deport me back to CUBA*

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

(a) Name and location of the agency or court:

LOUISIANA

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



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

Redetention and revoking of my order of supervision

(d) Date of the decision or action: *8-20-2025*

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: *Prior to been transfer to Cimarron, D/O Robles Arcecha stated "I had to wait six months on Washington DC to let him know" - At Cimarron my request was to no avail -- And I was not issue any notice of removal as well*

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:

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

AS STATED THERE WAS NO NOTICE OF REVOCATION ISSUED TO 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:

SAME AS ABOVE

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:

- (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:

II. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 8-20-2025
- (b) Date of the removal or reinstatement order: 1996/2001
- (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:
- (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:
- (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:

The Government abridged the Petitioner's constitutional rights to DUE PROCESS

(a) Supporting facts (Be brief. Do not cite cases or law.): *Petitioner was detained without first obtaining his travel document, such would cause Petitioner a lengthy detention period beyond that which would be necessary to effectively removed him after the travel document had already been obtained*

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

☐ Yes

☒ No

GROUND TWO: *The Government's conduct was arbitrary and capricious under APA, because they had failed to follow its own regulations*

(a) Supporting facts (Be brief. Do not cite cases or law.): *Petitioner asserts that no notice of revocation was issued of the Government's reason or decision to revoke Petitioner's order of supervision -- such violated their own regulations or failure to provide adequate notice*

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

☐ Yes

☒ No

GROUND THREE:

The Government's detention of Petitioner is considered punitive

(a) Supporting facts (Be brief. Do not cite cases or law.): *The Petitioner is detained at a facility designed to house and punish suspected criminals. His condition of confinement given his age and medical issues are indistinguishable from those of convicted criminal -- further demonstrated that Petitioner's detention is punitive.*

(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: *Petitioner requests the court order his immediate release and reinstatement of his order of supervision, given the fact that ICE not being able to deport him dated back to 1996. Given Petitioner health conditions, the Government should notified the court upon his release and/or anything else deems just by this court.*

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

8-10-2025

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:

8-10-2025

Signature of Petitioner

Dina

Signature of Attorney or other authorized person, if any