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

FILED

OCT 17 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Weng Wengui
A220964566
GEO South Texas ICE Processing Center, Texas
Petitioner

v.

Warden, GEO South Texas ICE Processing Center, Texas; Facility Director, Compass Connections, San Antonio, Texas; Miguel Vergara, Field Office Director, U.S. Immigration and Customs Enforcement, San Antonio Field Office; Kristi Noem, Secretary of the U.S. Department of Homeland Security.
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. SA25CA1364 JKP
(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: Weng Wengui
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: GEO South Texas ICE Processing Center
   (b) Address: 566 Veterans Dr, Pearsall, TX 78061
   (c) Your identification number: A220964566
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, GEO South Texas ICE Processing Center, Pearsall, TX
(b) Docket number, case number, or opinion number: N/A
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I am challenging ICE's detention of me and my child Weng Jinhong as unlawful. We were held without charges, without deportation proceedings, and without being informed of our case. I have been detained over 90 days, my child over 21 days, with no contact with staff, no activities, and no access to education or adequate care.
(d) Date of the decision or action: 07/04/2025

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: I did not file an administrative appeal or grievance because no administrative remedy was available to challenge my detention at GEO South Texas ICE Processing Center.

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: 07/04/2005

(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: _____
(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: Unlawful prolonged detention without due process.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I have been detained by ICE for over 90 days with no charges, no deportation proceedings, and no information about my case.

(b) Did you present Ground One in all appeals that were available to you?
☐ Yes ☑ No

GROUND TWO: Unlawful detention and denial of education for my minor child.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
My child has been detained for over 21 days, separated from me, without access to education or proper care. violates the child's basic rights and protections under U.S. law.

(b) Did you present Ground Two in all appeals that were available to you?
☐ Yes ☑ No

GROUND THREE:

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

(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 that the Court hold a hearing to determine the lawfulness of my and my child's detention by ICE, and order appropriate compensation if the detention is found to be compensation if the detention is found to be unlawful.

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

Weng Wengui

Signature of Petitioner

_____

Signature of Attorney or other authorized person, if any

DECLARATION IN SUPPORT OF HABEAS PETITION

I, Weng Wengui, A220964566, declare under penalty of perjury that the following is true and correct:

1. I am presently detained by U.S. Immigration and Customs Enforcement (ICE) at the GEO South Texas ICE Processing Center, Dorm DH, Bed 28, Pearsall, Texas.
2. My minor child, Weng Jinhong, is being held at Compass Connections, Alpha House, Room 3, Bed 3, San Antonio, Texas.
3. I filed Form I-589 (Application for Asylum) on May 17, 2025, and subsequently received a Form I-797, Notice of Action, confirming receipt of my application. On June 23, 2025, I had a phone interview, but was unable to submit any evidence, and no result or follow-up has been provided.
4. On July 4, 2025, I was taken into ICE custody at GEO South Texas ICE Processing Center, while my minor child was taken into Compass Connections. Since that time, ICE staff have continuously failed to provide me with any information regarding the status of my case. I have not been formally charged, have not been placed in any deportation proceedings, and no action has been taken in my case.
5. I have been detained for more than 90 days without any action taken on my case. My minor child has been detained for more than 21 days and has been denied access to education. The conditions of my confinement are poor, with inadequate medical care and bad food, causing me and my child significant physical and emotional suffering. In addition, ICE staff have mistreated me, including refusing to provide me with a blanket.
6. I respectfully request that the Court hold a hearing to determine the lawfulness of my and my child's detention by ICE, and order appropriate compensation if the detention is found to be unlawful.

Executed on:10/11/2025

Location: Pearsall, Texas

Weng Wengui