

United States District Court for The Eastern District of Wisconsin

25-C-1635

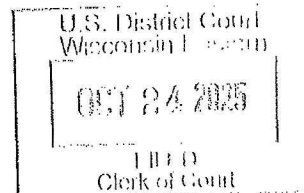
Tomas D. Cuesta Sr. Pro-Se

Petitioner

v.

Dale J. Schmidt (Dodge County Detention Facility)

Respondent

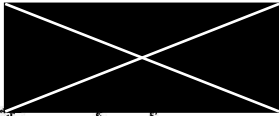


Petition for **28 U.S.C. 2241 Habeas Corpus** challenging detention in connection to removal process. Directing they show cause of the petitioner's detention and why he may not be discharged from custody; and the petitioner also praying that a **Writ 28 U.S.C. 2241** might issue to the clerk of the immigration court in the case, commanding her/him to certify to this court all the records of that court respecting the case of the Petitioner, to end errors there in may be corrected. Petitioner's praying's beseeching that this court to exercise its power to end the current detention by virtue of the Great Writ 28 U.S.C. 2241, to grant my freedom. Petitioner is being detained since June 8th, 2000 pursuant to the State court convictions, sentences to (25yrs) imprisonment. Which expired June 8th, 2025. By request to hold for continuing detention the at Racine Correctional Institution where petitioner was held until June 10th, 2025 for further detention associated with the state above prior convictions. I have not committed any crime nor violated any Laws. Detention of my liberty is based on other detentions. I pray that this court grants my freedom. Petitioner further stating that his detention in connection to removal process are related to his criminal conviction at issue to which he is uncertain if the proceeding was unauthorized or erroneously because of fundamental errors. And would render his convictions invalid. Convictions are currently being reviewed by State Courts. The procedural defect that can result on reversal or vacate Judgements and Convictions to eliminate the basis for detainment and removal **See App. No. 2025AP001029 July 7th, 2025, Writ Petition No. 2025 AP001022W. May 13th, 2025.** And also **See, Circuit Court ordered case: 00CF1226 April 15th, 2025.** Amending Judgement of Conviction sentencing and Jury verdict currently hanging.

Petitioner is a native and citizen of Cuba. I lawfully entered the United States in 1980 and have remained here for 45yrs. I married Laura Lynn Cuesta a U.S. Citizen in 1982, we have 5 children and 11 grandchildren. We divorced in 1992. I have prior criminal convictions from 1995, 1997, and June, 2025. In 2003 while I was doing my State prison sentence Immigration placed a Detainer on me. Thus having 22yrs pending continuing detention for continuing detention for a pending removal hearing or procedure safeguards, Petitioner is challenging his detention in connection with the removal proceedings. The Fifth and Fourteenth Amendments entitles noncitizens to due process of Law, **Reno V. Flores, 507 U.S. 292.** I have sent 3 request to Chicago Immigration Offices, Department of Homeland Security, asking to please release me and I have yet to receive a response. Thus, refusing to release me. I have difficulty speaking, writing, and reading in English and gathering evidence on my defense is difficult, but if this court ruling would be fair and base on the records evidence. I hereby swear on

highest power and the fairness of this court that I will wait another 25yrs for a fair ruling as long as Immigration doesn't trick me like it's been doing to others and removing them while still litigating in court. Petition for a Writ of Habeas Corpus.

Tomas D. Cuesta Sr. Pro-Se

Tomas D. Cuesta Sr. Pro-Se
Tomas Delgado Cuesta Sr. 
Dodge County Detention Facility
216 W. Center Street
JUNEAU, Wis. 53039

Tomas D. Cuesta Sr. Pro-Se

DATE October-17- 2025.

"Notice"

I AM BEING WITHHELD UNDER SOME STATUTORY THAT PERMITTED MY DETENTION UPON RELEASED FROM STATE CUSTODY FOR REMOVAL REFERENCE RELATED TO MY PRIORS 1997 CONVICTION EFFECTIVE DATE OF MANDATORY DETENTION WITHOUT BOND PURSUANT TO 8 U.S.C. § 1226(C). MY CONVICTIONS ARE MORE THAN TWO 1/2 DECADES OLD, IT RAISE UNDER WIS. LAW. UNDER WIS. LAW SUCH PRIORS CONVICTIONS SHOULD EXISTED BUT OVER TEN YEARS, ITS CANNOT BE USE. THE WIS. GOVERNMENTS HAVE NOT FAIR WHEN THEY HAS GIVEN FEDERAL AUTHORITY MY VOID STATE CRIMINAL RECORDS TO IMMIGRATION'S USE FOR THEIR ACTIONS FROM VOID STATE CRIMINAL RECORDS. I SHOULD HAVE A MINIMUM RIGHT TO RELIED AND BELIEVE ON THE LIKELIHOOD OF STATE BENEFIT OF LAW THAT EXISTE AND GOVERNED AT TIME OF. SO IMMIGRATION SHOULD NOT USE ITS. THINK YOU FOR READ MY NOTICE. T.D.C.
10/17/2025