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U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

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AO 242 OCT 29 2025 Writ of Habeas Corpus Under 28 U.S.C. § 2241

BY: DANIEL J. MCCOY, CLERK  
*DM*

UNITED STATES DISTRICT COURT

for the  
Western District of Louisiana

Rogério Batista Mendes  
*Rogério B. Mendes*  
Petitioner


v.

Case No. 3:25cv1639  
*(Supplied by Clerk of Court)*

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

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

Personal Information

1. (a) Your full name: ROGERIO BATISTA MENDES  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: JACKSON PARISH CORRECTIONAL CENTER  
(b) Address: 287 Industrial Drive Jonesboro, LA 71251  
(c) Your identification number: A 
3. Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain:  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
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): \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**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
  - (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'm being held without statutory authority. There is no final order of removal in my immigration case.  
I have complied with all immigration procedures, and court obligations
  - (d) Date of the decision or action: \_\_\_\_\_

**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: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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: \_\_\_\_\_

(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: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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:

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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?  No

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: 09/24/2025

(b) Date of the removal or reinstatement order: NONE

(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:

Grounds for Your Challenge in This Petition

13. State a ground for your challenge to your conviction or sentence. You claim that you are being held in custody in violation of the laws of the United States. Attach a copy of any papers if you have them that support your claim.

(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:

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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: BOND

(b) Name of the authority, agency, or court: ICE

(c) Date of filing: 09/30/2025

(d) Docket number, case number, or opinion number: NONE

(e) Result: DENIED

(f) Date of result: 09/30/2025

(g) Issues raised: ALIEN CAN NOT BE RELEASED ON BOND

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

Yes  No

**GROUND THREE:** Violation of the Fifth Amendment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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:** Violation of 8 U.S.C. § 1226(a) (pre-removal detention) / Detention Lacks Statutory Authority

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

\_\_\_\_\_

\_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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

No lawful basis exists for prolonged detention when I pose no flight risk or danger, especially with a future court date that was scheduled for 07/23/2026 (Judge Erin Gover in Boston MA).

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

Yes  No

**GROUND TWO: Violation of Due Process – Fifth Amendment**

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

My ongoing confinement is arbitrary and punitive, as no showing of danger, no criminal records or pending criminal charges, and am not subject to any final removal order.

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

Yes  No

**GROUND THREE: Violation of the Right to Access Counsel**

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

I was detained by ICE in Massachusetts where I reside and subsequently transferred without explanation to Buffalo, New York, and then to Jackson Parish, Louisiana.

It severely restricts the ability to obtain legal representation and communicate with family.

Courts recognize that such transfers, when they impair the ability to consult counsel, implicate constitutional due process rights.

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

Yes  No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**GROUND FOUR: Arbitrary and Excessive Detention**

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

My detention is no longer reasonably related to any legitimate government interest.

The transfer pattern to different states demonstrates unnecessary hardship and lack of procedural fairness.

I have cooperated fully with all immigration requirements and courts procedures.

(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: n/a

**Request for Relief**

15. State exactly what you want the court to do: Immediate release from custody

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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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:

x 10/24/2025

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: x

10/24/2025

x *Roger S. Mendez*

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*