



**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: Immigration and Customs Enforcement - Chicago Field Office

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

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

Petitioner was detained without a warrant in violation of the consent decree in Castanon Nava v. DHS and in violation of his 4th and 5th amendment rights.

(d) Date of the decision or action: 10/31/2025

**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:  
Petitioner has been detained by ICE with no warrant. ICE has not issued a Notice to Appear to commence removal proceedings. There is no decision to appeal or method to seek an administrative remedy.

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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\_\_\_\_\_

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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: \_\_\_\_\_

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

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No note: this involves an immigration matter, but removal proceedings have not commenced

If "Yes," provide:

(a) Date you were taken into immigration custody: 10/31/2025

(b) Date of the removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No Removal proceedings have not commenced nor is there a final order from an Immigration Judge, so it is hence not possible to file an appeal with the Board of Immigration Appeals.

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.

**GROUND ONE:**

The Respondents' interpretation of the mandatory detention provision at 8 U.S.C. § 1225(b)(2) which they are using to detain Petitioner is in violation of the INA, and his ongoing detention is hence unlawful.

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 Do not cite cases or law.)*:

Respondent was apprehended in the interior of the U.S. after residing in the United States for numerous years. The mandatory detention provision does not apply to individuals in this posture.

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

Yes  No (no appeal available)

**GROUND TWO:**

Respondents' unlawful detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his Due Process rights.

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

Petitioner entered the country without inspection, had no contact with any DHS officials, and lived in the United States for numerous years before being detained. He is currently being denied a fundamental interest in liberty and in being free from official restraint.

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

Yes  No

**GROUND THREE:**

Respondent detained Petitioner unlawfully in violation of the consent decree in *Castanon Nava v. DHS* (No. 18-cv-3757).

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

Respondent was arrested without a warrant in Skokie, Illinois. Petitioner is not in the detainee locator, and Respondent has effectively disappeared Petitioner by force. Respondent is father to a 21 year old U.S. citizen daughter and a 16 year old U.S. citizen son.

(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:

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**Request for Relief**

15. State exactly what you want the court to do:

(1) Enjoin Respondents from moving Petitioner outside the states of Illinois, Indiana, and Wisconsin, and (2) order Respondents to immediately release Petitioner from immigration custody or, in the alternative, order Respondent to schedule a bond redetermination hearing before the Immigration Court within 5 days.

Respectfully submitted,

By: /s/ Kalman D. Resnick

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