

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

UNITED STATES DISTRICT COURT

for the

United States Courts
Southern District of Texas
FILED

NOV - 3 2025

Nathan Ochsner, Clerk of Court

OLUGBENGA ABASS
Petitioner

v.

Case No.

(Supplied by Clerk of Court)

RANDALL TATE
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: OLUGBENGA FAUSANZEN ABASS
(b) Other names you have used: _____

2. Place of confinement:
(a) Name of institution: Montgomery Processing center
(b) Address: 806 Hilbig Rd, Conroe, TX 77301

(c) Your identification: 
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: N/A
(b) Docket number of criminal case: N/A
(c) Date of sentencing: N/A

Being held on an immigration charge
 Other (explain): Remain in custody until there is an Administrative hearing.

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)

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- 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: 97E0-806 Hillbig Rd
Conroe, TX 77301
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
CONROE, TX 77301 - D.A (Remain in custody)
- (d) Date of the decision or action: 09/29/2025

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: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: N/A
- (6) Issues raised: N/A

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

I'm in possession of valid document to be in free world also, time to appeal decision has passed (1 yr).

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

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

Remedy to my case of Withholding of Removal's appeal was waived by Immigration Judge Saul E. Elkstein.

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: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

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

EOIRIS which can't be appealed. I'm in possession

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

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If "Yes," provide:

- (1) Name of court: N/A
- (2) Case number: N/A
- (3) Date of filing: _____
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

(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: N/A
- (2) Case number: N/A
- (3) Date of filing: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes
- No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 09/29/25
- (b) Date of the removal or reinstatement order: 2015
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes D.A.
- No

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If "Yes," provide:

- (1) Date of filing: N/A
- (2) Case number: N/A
- (3) Result: N/A
- (4) Date of result: N/A
- (5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

- Yes
- No

If "Yes," provide:

- (1) Name of court: N/A
- (2) Date of filing: N/A
- (3) Case number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

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: N/A
- (b) Name of the authority, agency, or court: N/A
- (c) Date of filing: N/A
- (d) Docket number, case number, or opinion number: N/A
- (e) Result: N/A
- (f) Date of result: N/A
- (g) Issues raised: N/A

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: Being ordered removed was part of the deal of "withholding of removal" granted on 03/18/15

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

EOIR I-5 was met at the convenience of the parties.

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

Yes No

GROUND TWO: I am a mental health patient.

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

I am taking medications prescribed by the doctor to keep me mentally fit as suggested by ICE/ERO customer service online.

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

Yes No

GROUND THREE: I am Gay which is illegal to the country being ordered removed to.

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

Currently in restricted housing for my homophobic act.

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

Yes No

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GROUND FOUR:

Mostly all times are violent citizens there as country reports states.

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

Armed Robbery & Kidnapping.

(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:

I have been attending classes online now I'm certified in few careers want to apply myself to the community since I am not an enemy of United States of America. Please give me my FREEDOM. Thanks.

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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:

10/22/2025

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:

10/22/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any