

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

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

WISTON MONTES RESTREPO

Petitioner

v.

JL JAMISON, WARDEN
FEDERAL DETENTION CENTER OF PHILADELPHIA

Respondent

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

Case No. (Supplied by Clerk of Court)

REC'D NOV 10 2025

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

Personal Information

- 1. (a) Your full name: WISTON MONTES RESTREPO
(b) Other names you have used: NA
2. Place of confinement:
(a) Name of institution: FEDERAL DETENTION CENTER
(b) Address: 700 ARCH STREET
PHILADELPHIA, PA 19107
(c) Your identification number:
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)

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

- 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: UNITED STATES IMMIGRATION AND CUSTOMES ENFORCEMENT

(b) Docket number, case number, or opinion number: _____

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

I AM CHALLENGING MY DETENTION BASED ON THE FACT THAT I CURRENTLY HAVE A PENDING APPLICATION FOR RELIEF BEFORE THE ADMINISTRATIVE AGENCY AND HAVE NOT VIOLATED ANY OF THE TERMS IMPOSED BY MY REQUEST FOR ASYLUM RELIEF. I HAVE NO CRIMINAL VIOLATIONS

(d) Date of the decision or action: 11/07/2025

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: THERE IS NO APPEAL FROM THE ACTION AND UNDER RECENT BOARD OF IMMIGRATION APPEALS PRECEDENT, NAMELY MATTER OF YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025) THERE IS NO ADMINISTRATIVE AGENCY RELIEF

8. **Second appeal**

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

- Yes
- No

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

(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: PLEASE SEE RESPONSE TO THE REQUEST FOR INFORMATION CONCERNING A FIRST 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: PLEASE SEE RESPONSE TO REQUEST FOR INFORMATION CONCERNING A FIRST 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

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

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: 11/07/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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

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: _____

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

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: I AM BEING HELD IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTION WHICH GUARANTEES THAT MY LIBERTY SHOULD NOT BE RESTRAINED WITHOUT DUE PROCESS AND A FAIR HEARING. SEE US CONSTITUTION AMENDMENT V SEE ALSO ZADVYDAS V. DAVIS 533 US 678 (2001)

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

I FILED AN APPLICATION FOR ASYLUM WITH THE APPROPRIATE ADMINISTRATIVE AGENCY, AND HAVE BEEN WAITING FOR MY CASE TO BE SCHEDULED FOR AN INTERVIEW. I HAVE BEEN CHECKING IN REGULARLY WITH THE OFFICE OF IMMIGRATION AND CUSTOMS ENFORCEMENT SINCE MY ARRIVAL IN THE US ON MAY 1, 2022 AND I HAVE BEEN WAITING FOR MY CASE TO BE SCHEDULED IN FRONT OF AN IMMIGRATION JUDGE. AT A REGULAR CHECK IN ON 11/7 I WAS DETAINED AND GIVEN NO REASON

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

Yes

No

GROUND TWO: ALTHOUGH THE BOARD OF IMMIGRATION APPEALS HAS DETERMINED THAT PEOPLE WHO ENTERED THE UNITED STATES AS I DID ARE NO LONGER ENTITLED TO A BOND HEARING, CONTRARY TO DECADES OF ESTABLISHED PRECEDENT, IT IS CLEAR THAT THE BOARD HAS ITSELF VIOLATED FIFTH AMENDMENT PROTECTIONS BY MANDATING DETENTION FOR PEOPLE LIKE ME

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

THE FIFTH AMENDMENT TO THE US CONSTITUTION STATES THAT A PERSON CANNOT BE DEPRIVED OF THEIR LIBERTY WITHOUT DUE PROCESS WHICH MEANS A FAIR HEARING. I HAVEN'T BEEN GIVEN AN OPPORTUNITY TO STATE WHY MY PROLONGED DETENTION WITHOUT A WEIGHING OF MY POSITIVE FACTORS IS UNFAIR, CONSIDERING THAT I HAVE NO CRIMINAL RECORD, I HAVE BEEN WORKING WITH AUTHORIZATION AND PAYING TAXES AND OBEYING ALL OF THE LAWS

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

Yes

No

GROUND THREE: MY PROLONGED DETENTION WILL MAKE IT VIRTUALLY IMPOSSIBLE FOR ME TO PRESENT MY CLAIM FOR ASYLUM RELIEF AS IT WILL IMPROPERLY BURDEN MY ABILITY TO MEET WITH MY ATTORNEY AND PREPARE MY ASYLUM CASE FOR REVIEW. STATISTICS SHOW THAT DETAINED INDIVIDUALS HAVE A MUCH LOWER RATE OF SUCCESS THAN THOSE NOT DETAINED

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

IF I AM NOT RELEASED, I WILL HAVE A VERY DIFFICULT TIME MEETING WITH AND COORDINATING WITH MY ATTORNEY, ESPECIALLY IF I AM MOVED TO A DETENTION CENTER THAT IS GEOGRAPHICAL FAR FROM MY ATTORNEY'S OFFICE. IT WILL BE MUCH MORE DIFFICULT IF NOT VIRTUALLY IMPOSSIBLE TO MEET WITH HER AND TO PREPARE THE NECESSARY DOCUMENTS AND PAPER WORK IN ORDER TO CORROBORATE MY CLAIM FOR RELIEF

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

Yes

No

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

GROUND FOUR: MY PROLONGED DETENTION WILL HAVE THE COLLATERAL EFFECT OF HARMING MY FAMILY MEMBERS WHO DEPEND UPON ME FOR THEIR ECONOMIC SUPPORT, INCLUDING MY WIFE AND MY TWO MINOR CHILDREN. IT IS ALSO HARMING THEIR ABILITY TO PRESENT THEIR ASYLUM CASES WHICH ARE TIED TO MY OWN

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

I AM THE PRIMARY BREADWINNER IN THE FAMILY, AND IF I AM SUBJECT TO PROLONGED DETENTION I WILL NOT BE ABLE TO WORK EVEN THOUGH I HAVE WORK AUTHORIZATION, AND THIS WILL MAKE IT MUCH MORE DIFFICULT FOR MY FAMILY TO BE ABLE TO PROCESS THEIR OWN ASYLUM CLAIMS SINCE OUR CASES ARE ALL INTIMATELY CONNECTED AND MY CLAIM IS THE CENTRAL CLAIM FROM WHICH THE OTHER APPLICATIONS DERIVE

(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: I DID NOT PRESENT ANY OF THESE GROUNDS BECAUSE AS I ESTABLISHED THERE IS NO APPEAL RIGHT FROM THIS ARBITRARY DECISION TO DETAIN ME

Request for Relief

15. State exactly what you want the court to do: I RESPECTFULLY PRAY THIS HONORABLE COURT TO RELEASE ME IN ORDER THAT I MIGHT BE ABLE TO PURSUE MY CLAIM FOR ASYLUM RELIEF. IT IS A MERITORIOUS CLAIM AND BEING UNJUSTLY DETAINED IN VIOLATION OF CONSTITUTIONAL PRINCIPLES IS VIOLATING MY DUE PROCESS RIGHTS TO A FAIR AND FULL HEARING UNDER THE FIFTH AMENDMENT TO THE CONSTITUTION

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

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: 11/09/2025

X Winston Montes R.

Signature of Petitioner

Christine M. Powers

Signature of Attorney or other authorized person, if any