

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

United States Courts  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT  
for the  
Southern District of Texas

NOV 24 2025

Nathan Ochsner, Clerk of Court

MORA CONTRERAS, Mario Jose

Petitioner

v.

Warden of the Facility Where Petitioner Is Currently Detained; U.S. Immigration and Customs Enforcement Director; ICE Houston Field Office Director; Secretary of Homeland Security


Respondent

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

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: MARIO JOSE MORA CONTRERAS  
(b) Other names you have used: None
2. Place of confinement:  
(a) Name of institution: Unknown ICE Detention Facility, does not disclose the location Call ICE For Details  
(b) Address: Unknown – ICE has not provided the detention facility address. Petitioner is currently in ICE custody and ICE refuses to disclose the location.  
(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)

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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: U.S. Immigration and Customs Enforcement (ICE), Houston Field Houston, Texas.
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
ICE is unlawfully detaining me even though I am not in removal proceedings, have a pending affirmative asylum case, and hold a valid work permit. ICE has provided no legal basis for my detention and has not issued a Notice to Appear. ICE is hiding my location and attempting to transfer me without notice.
- (d) Date of the decision or action: 11/21/2025

**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: ICE does not provide any administrative remedy or appeal process to challenge my detention or to stop a transfer. There is no grievance or review system available for this type of immigration custody.

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: \_\_\_\_\_

(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: Because no first appeal is available, no second appeal exists. ICE provides no higher-level review, appeal, or administrative process to challenge immigration detention or a transfer.

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: There is no administrative appeal process within ICE at any level. ICE does not allow detainees to appeal detention or transfer decisions, so no third appeal is possible.

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: \_\_\_\_\_
- (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: 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: 11/21/2025
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes
- No

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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. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** My detention is unlawful because I am not in removal proceedings and I have a pending affirmative asylum application with USCIS and a valid work permit, which authorize me to remain in the United States. ICE has no legal basis to detain me.

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

I am not in removal proceedings before any immigration court and there is no order of removal against me.

I have a pending affirmative asylum application with USCIS, which gives me authorized presence while the case is being processed. I also have a valid Employment Authorization Document issued by USCIS.

Despite this, ICE detained me even though I am not subject to deportation proceedings and have complied with all immigration requirements. My detention is therefore illegal because there is no lawful basis to hold me.

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

Yes

No

**GROUND TWO:** My detention is unlawful because ICE is detaining me even though I am legally authorized to remain in the United States due to my pending asylum case and valid work authorization.

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

I filed an affirmative asylum application with USCIS, and as long as the application is pending, I am allowed to stay in the United States. USCIS also granted me a valid work permit, which confirms my authorized presence. ICE has detained me without issuing any charging document and without placing me in any immigration court process. I have no upcoming immigration hearings and no removal case pending.

Because I have lawful authorization to remain in the country, ICE's detention of me is illegal and unjustified.

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

Yes

No

**GROUND THREE:** My detention is illegal because ICE is holding me without issuing a Notice to Appear, without initiating removal proceedings, and without providing any explanation or process.

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

ICE has never given me a Notice to Appear, and I do not have any pending case in immigration court. I am not scheduled for any hearing and I do not have an order of removal. I have asked ICE officers why I am detained but have not received any answer. I am being detained without any process, without any charges, and without any opportunity to challenge the detention. This makes my detention unlawful and arbitrary. ICE is holding me even though it has not taken the basic steps required to start any proceeding against me.

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

Yes

No

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**GROUND FOUR:** My detention is unlawful, and ICE's threatened transfer would cause irreparable harm because I have an active asylum case with USCIS that requires my participation, access to find an attorney and access to my documents.

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

I have an active asylum case pending with USCIS and must find an attorney and access to my documents to continue the process. If I am transferred, I will lose access to my family, my documents may not follow me, and I may miss important deadlines related to my asylum case. Because my detention is already illegal, since I have authorized presence, no removal case, and a valid work permit the possibility of being moved only increase the harm. A transfer would interrupt my ability to communicate with my family and participate in my case, causing permanent and irreparable damage.

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(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: There are no administrative or judicial appeals available to challenge ICE detention or a threatened transfer. ICE does not provide any process to raise these grounds, so I was unable to present them anywhere before filing this petition.
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#### Request for Relief

15. State exactly what you want the court to do: I respectfully request that the Court order my immediate release from ICE custody because my detention is unlawful. I request an emergency order preventing ICE from transferring me to any other facility while this petition is pending. I request any other relief the Court finds just and proper.
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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:

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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: 11/22/2025

\_\_\_\_\_  
*Signature of Petitioner*

/s/ Maria Isabel Mora Contreras as Next Friend for Mario Jose Mora Contreras  
*Signature of Attorney or other authorized person, if any*

I am filing as next friend because Mario Jose Mora Contreras is detained in ICE custody, cannot access legal materials, is not physically able to sign this petition, and I have a significant, pre-existing relationship with him as his sister. I am acting solely to protect his constitutional rights. He is unable to file this petition himself.



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

**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.