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## **Section 1 — Habeas Corpus Petition (Form AO-242)**

The following pages contain my complete Habeas Corpus Petition under 28 U.S.C. § 2241, prepared with my input through telephone calls and written correspondence, and presented here for my review and signature. The Table of Contents continues after the final page of this section.

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

UNITED STATES DISTRICT COURT

for the

Western District of Louisiana

RECEIVED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

DEC 11 2025

BY: DANIEL J. MCCOY, CLERK

YOSBEL GEISON PEÑA MUÑOZ

Petitioner

v.

Warden, River Correctional Center (LaSalle Corrections), Ferriday, Louisiana

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: Yosbel Gelson Peña Muñoz  
 (b) Other names you have used: N/A
2. Place of confinement:  
 (a) Name of institution: River Correctional Center (LaSalle Corrections)  
 (b) Address: 26356 Highway 15 Ferriday, Louisiana 71334
- (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): \_\_\_\_\_

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**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: ICE – 290 Broadway, New York, NY 10007

(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 am challenging my immigration detention after attending my scheduled hearing on July 18, 2024.

I was detained without a judicial warrant despite full compliance and no criminal or immigration violations.

I also challenge my transfer from New York to Louisiana, far from my legal and family support.

(d) Date of the decision or action: 07/18/2025

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

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

ICE does not provide an internal appeal process to challenge an immigration detention,  
so no administrative appeal was available.

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: \_\_\_\_\_

No second-level appeal was available because ICE does not provide an administrative appeal process  
for immigration detention.

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

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

A third appeal was not possible because no administrative appeal process exists to challenge ICE detention.

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: \_\_\_\_\_

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

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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: \_\_\_\_\_

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

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: 07/18/2025

(b) Date of the removal or reinstatement order: 10/28/2025

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

Yes  No

If "Yes," provide:

(1) Date of filing: 11/17/2025

(2) Case number: Pending

(3) Result: Pending

(4) Date of result: \_\_\_\_\_

(5) Issues raised: The appeal challenges the Immigration Judge's denial of asylum and withholding of removal. The IJ minimized the persecution I suffered by stating that I was not harmed because I was not imprisoned, ignoring the harassment, threats, and real danger I faced. The IJ failed to consider indirect persecution toward my family members and did not analyze the political risk or past persecution evidence. The IJ also minimized the danger I faced outside Venezuela and ignored discrimination based on my nationality, as well as the vulnerabilities that Venezuelans experience and the broader context of threats and hostility.

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

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- (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:** I respectfully challenge my continued detention because I was taken into ICE custody without a judicial warrant after attending my scheduled hearing, despite having no criminal record and full compliance with my case. I posed no danger or flight risk. My transfer from New York to Louisiana has also limited my ability to stay connected to my support system and participate effectively in my immigration proceedings.

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

I was taken into ICE custody immediately after attending my scheduled hearing on July 18, 2024, where I had given my next court date for February 13 at 9:30 a.m. I was detained without a judicial warrant despite having no criminal record and full compliance with all requirements of my case. I was not a danger or flight risk. I was then transferred from New York to Louisiana, separating me from my support network and making it much harder to participate in my immigration proceedings and communicate with my family and community resources.

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

Yes

No

**GROUND TWO:**

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

My continued detention and transfer from New York to a remote facility in Louisiana have made it very difficult to participate in my immigration case. The distance limits my access to legal help, documents, and communication with my support system. It has also created financial hardship for my family, making it harder to obtain legal assistance, make calls, and gather evidence needed for my case, despite my full compliance and clean record.

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

Yes

No

**GROUND THREE:**

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

Detention conditions have seriously affected my health. I have experienced repeated episodes of intoxication, nausea, fever, allergic reactions, and noticeable weight loss, requiring multiple visits to the medical unit. These health problems make continued detention especially difficult. They were not part of my immigration case because the hearing focused only on asylum, but these issues have continued during detention and make it harder for me to endure the conditions and participate fully in my case.

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

Yes

No

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**GROUND FOUR:**

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

I have fully complied with every requirement of my immigration case and have always appeared for my hearings. I have no criminal record, no history of violence, and no behavior that suggests I am a danger or flight risk. I have strong community ties and family support in New York. My continued detention is unnecessary given my consistent compliance, stable support network, and demonstrated ability to follow all instructions and court dates.

(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 could not present these grounds earlier because there is no administrative process through ICE to challenge detention, transfers, financial hardship, or health conditions. These issues were not part of the immigration hearing and could not be raised in the appeals available to me. In addition, I was not aware of these legal options at the time, and only over time have I learned about the possible avenues to challenge my detention.

**Request for Relief**

15. State exactly what you want the court to do: I respectfully request that the Court order my release from ICE custody while my immigration appeal is pending, under any supervision or conditions the Court finds appropriate. I also request any other relief the Court considers 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:

12/08/25



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

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

**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.

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. Do not use the back of any page.
  
4. **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.
  
5. **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.
  
6. **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.
  
7. **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.