


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

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

OSCAR DARIO GALLEGO OSORIO
PETITIONER
(Full name of Petitioner)

BLUEBONNET DETENTION FACILITY
CURRENT PLACE OF CONFINEMENT

vs.


PRISONER ID NUMBER

MARCELLO VILLEGAS
RESPONDENT
(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of Petitioner)

CASE NUMBER
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except that ONE separate additional page is permitted in answering question 10.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show

that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only one sentence, conviction, disciplinary proceeding, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petition(s).
6. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices.
7. It is your responsibility to immediately notify the court in writing of any change of address. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

PLEASE COMPLETE THE FOLLOWING: (check the appropriate number)

This petition concerns:

1. pretrial detention;
2. a conviction;
3. a sentence;
4. jail or prison conditions;
5. a prison disciplinary proceeding;
6. parole or mandatory supervision;
7. time credits;
8. other (specify): Immigration detention and denial of bond hearing

Have you pursued to completion all relevant state and/or prison administrative remedies relevant to your complaint(s) before filing this petition. Yes No If yes, what was the date of the result and the result of any such proceeding. If no, explain why you have not pursued all such remedies. Exhaustion is futile. On 12/18/25, the IJ refused jurisdiction based on the BIA's policy in

Matter of Yajure Hurtado (2025). As a member of the nationwide class in Maldonado Bautista v.

Santacruz (2025), Petitioner is exempt from exhaustion because administrative appeals are inadequate to prevent the irreparable harm of unlawful mandatory detention.

1. Place of detention: Bluebonnet Detention Facility
400 2nd Street, Anson, TX 79501

2. State the offense with which you have been charged and whether you have been convicted of the charged offense(s) or whether you are still awaiting trial: Charged as inadmissible under INA § 212(a)(6)(A)(i). No criminal conviction and in civil detention awaiting removal proceedings.

3. Name and location of court in which your case is pending or in which you were convicted: El Paso Immigration Court, 1100 Texas Ave, Suite 400, El Paso, TX 79901.
Custody hearing held December 18, 2025

4. The criminal docket or case number and the offense(s) for which you have been charged or convicted: A# ~~XXXXXXXXXX~~ Charged with civil inadmissibility under INA § 212(a)(6)(A)(i)
No criminal docket number as this is a civil immigration matter.

5. If you have been convicted of the charged offense(s), the date upon which sentence was imposed and the length of the sentence: Not Applicable

6. Check whether a finding of guilty was made:
 - a. after a plea of guilty
 - b. after a plea of not guilty
 - c. after a plea of nolo contendere

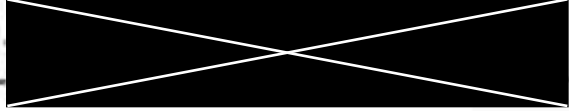
7. If you were found guilty, check whether that finding was made by:
 - a. a jury
 - b. a judge without a jury

8. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes No

9. If you did appeal, give the following information for each appeal:

a. (1) Name of court and docket or case number:

El Paso Immigration Court; A# 

(2) Result and date of result: Jurisdiction denied / Bond refused on Dec. 18, 2025.

(3) Grounds raised (list each):

(a) Petitioner is a Bond Eligible Class member under Maldonado Bautista v. Santacruz (2025)

(b) Entitlement to a bond hearing under 8 U.S.C. § 1226(a) despite mandatory detention claims.

(c) _____

(d) _____

b. (1) Name of court and docket or case number:

N/A - Further administrative appeal is futile.

(2) Result and date of result: N/A

(3) Grounds raised (list each):

(a) N/A - Exhaustion is not required for Maldonado Bautista class member.

(b) _____

(c) _____

(d) _____

10. State concisely every ground on which you claim that you are held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page only behind page 6.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. Do not argue or cite law. Just state the specific facts that support your claim. Legal arguments and citation to cases or law should be presented in a separate memorandum.

a. GROUND ONE:

Violation of the INA and the Mandatory Declaratory Judgment in Maldonado Bautista v. Santacruz.

Supporting facts: Petitioner is a member of the Bond Eligible Class certified in Maldonado v. Santacruz, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). Under that binding nationwide declaratory judgment, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to a bond hearing. On 12/18/2025, the IJ at the El Paso Immigration Court flagrantly defied this judgment by refusing jurisdiction, claiming Petitioner was subject to mandatory detention under § 1225(b). This refusal violates Petitioner's statutory rights and the judgment in Maldonado Bautista. See attached Memorandum of Law

b. GROUND TWO:

Violation of the Fifth Amendment Right to Due Process

Supporting facts: Petitioner's continued detention without an individualized bond hearing violates his Fifth Amendment right to procedural due process. Respondents have failed to provide the necessary procedural safeguards required for civil detention by applying a mandatory detention scheme that a federal court has already declared unlawful

as to Petitioner. See attached Memorandum of Law

c. **GROUND THREE:**

Supporting facts:

d. **GROUND FOUR:**

Supporting facts:

11. Relief sought in this petition: Grant a Writ of Habeas Corpus ordering Petitioner's release or an individualized bond hearing under 8 U.S.C. § 1226(a) within 7 days per the Maldonado Bautista Bautista declaratory judgment. Award costs and attorney's fees under the EAJA.

12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

a. (1) Name of court and docket or case number: N/A

(2) Result and date of result: N/A

(3) Grounds raised (list each):

(a) N/A

(b) _____

(c) _____

(d) _____

b. (1) Name of court and docket or case number: N/A

(2) Result and date of result: N/A

(3) Grounds raised (list each):

(a) N/A

(b) _____

(c) _____

(d) _____

14. If applicable, state whether you have filed a motion under 28 U.S.C. § 2255, and if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

N/A. Petitioner is an immigration detainee in civil custody, not a federal prisoner under criminal sentence. 28 U.S.C. § 2255 is inapplicable to challenges regarding immigration detention under 8 U.S.C. § 1226(a).


15. Are you presently represented by counsel? Yes No

If so, name, address and telephone number of attorney: Humberto Rivera,

The Ortiz Law Firm PLLC, 1425 Greenway Dr Ste 150, Irving, TX 75038, 972-386-7777

16. If you are seeking leave to proceed *in forma pauperis*, have you completed an application setting forth required information? Yes No

Wherefore, Petitioner prays that the Court grant him the relief to which he may be entitled.



Signature of Attorney (if any)

Humberto Rivera

The Ortiz Law Firm PLLC

State Bar No.: PR17997

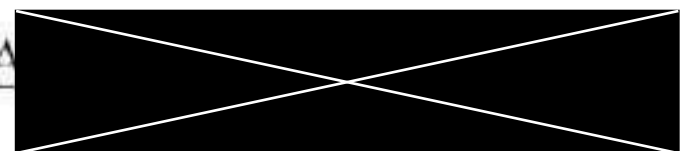
I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, day, year).

Executed (signed) on December 30, 2025 (date).

Humberto Rivera Counsel for the Petitioner

Signature of Petitioner (required)

Petitioner's current address:

Oscar Dario Gallego Osorio, A 

Bluebonnet Detention Facility

400 2nd Street

Anson, TX 79501