
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.

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

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Marisol Velasquez-Munoz

Petitioner

v.

JOHN TSOUKARIS, in his official capacity as Field Office Director, ICE-ERO Newark Field Office; ERICK ROKOSCY, in his official capacity as Warden, Elizabeth Contract Detention Facility; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; and MADISON SHEAHAN, in her official capacity as Deputy Director, U.S. Immigration and Customs Enforcement. Respondents

Case No.

(Supplied by Clerk of Court)

Respondent

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

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Personal Information

- 1. (a) Your full name: Marisol Velasquez-Munoz
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Elizabeth Detention Facility
(b) Address: 625 Evans Street, Elizabeth, New Jersey 07201
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
[checked] 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:
[checked] 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: _____
U.S. Immigration and Customs Enforcement (ICE) / EOIR Immigration Court, Elizabeth, New Jersey
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Mandatory no-bond immigration detention under INA § 1225(b)(2)
212 (a) (6) (A) (i) of the Immigration and Nationality Act
212 (a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act)
- (d) Date of the decision or action: 12/16/2025

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: Administrative exhaustion is futile because Immigration Judges in this jurisdiction categorically deny bond jurisdiction pursuant to Department of Justice instructions, including after the final judgment in Maldonado Bautista v. Santacruz.

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: same as above

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:

SAME AS ABOVE

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: 12/16/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

If "Yes," provide:

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

Petitioner is being unlawfully detained by ICE without access to a bond hearing despite being arrested in the interior of the United States and not being subject to mandatory detention. Although a bond hearing is scheduled for January 13, 2026, Petitioner anticipates that the Immigration Judge will deny bond on jurisdictional grounds based on an erroneous application of mandatory detention, rendering administrative relief unavailable.

- (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: MOTION FOR CUSTODY REDETERMINATION

(b) Name of the authority, agency, or court: ELIZABETH IMMIGRATION COURT

(c) Date of filing: 01/07/2026

(d) Docket number, case number, or opinion number: 204577491

(e) Result: CUSTODY HEARING IS SCHEDULED ON 01/13/2026.

(f) Date of result: _____

(g) Issues raised: Respondent requests that the Court exercise its custody redetermination authority pursuant to INA § 236(a) and 8 C.F.R. § 1003.19. This Court had denied jurisdiction in similar situations. The district court's decision in Maldonado Bautista v. Garland directly applies to Respondent, who is detained under the same unlawful no-bond policy rejected by that court. Like the class members in Maldonado Bautista, Respondent: (a) entered the United States without inspection; (b) was not apprehended at or near the time of arrival and (c) was later to an immigration custody while residing in the USA. However we anticipate Immigration Court to deny Bond citing lack of jurisdiction and rejecting adherence to the findings of the Maldonado Bautista v. Garland.

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: Unlawful mandatory detention without access to a bond hearing.

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

Petitioner was arrested in the interior of the United States, has no criminal history, and is being detained without a bond hearing despite eligibility for discretionary detention under INA § 236(a).

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

Yes No

GROUND TWO: Detention under incorrect statutory authority.

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

ICE is detaining Petitioner under INA § 1225(b)(2) even though she was not apprehended upon arrival and is not subject to mandatory detention.

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

Yes No

GROUND THREE: Violation of due process.

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

Petitioner is detained without an individualized determination of flight risk or danger.

(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.)*:

(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:

Administrative exhaustion is futile because Immigration Judges in this jurisdiction consistently deny bond jurisdiction as a matter of policy.

Request for Relief

15. State exactly what you want the court to do:

Order Petitioner's immediate release from ICE custody, or in the alternative, order a prompt individualized bond hearing under INA § 236(a).

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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:

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:

1/8/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any