

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

UNITED STATES DISTRICT COURT
for the
Southern District of California

FILED
JAN 16 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY OOE DEPUTY

Luis Fernandez Munoz-Barrera,

Petitioner

v.

Name Unknown, Warden, Imperial Regional Detention
Facility
U.S. DEPARTMENT OF HOMELAND SECURITY


Respondent

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

Case No. 26CV333-TWR-DEB
(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: Luis Fernandez Munoz-Barrera
(b) Other names you have used: n/a
2. Place of confinement:
(a) Name of institution: Imperial Regional Detention Facility
(b) Address: 1572 Gateway Road Calexico, CA 92231
- (c) Your identification number: 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
ICE/Department of Homeland Security
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: ANNANDALE IMMIGRATION COURT IN VIRGINIA

(b) Docket number, case number, or opinion number: [REDACTED]

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

Bond hearing was denied because court stated it did not have jurisdiction

(d) Date of the decision or action: 11/28/2025

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: _____

BOARD OF IMMIGRATION APPEALS

(2) Date of filing: 12/18/2025

(3) Docket number, case number, or opinion number: [REDACTED]

(4) Result: PENDING

(5) Date of result: _____

(6) Issues raised: BOND WRONGFULLY DENIED DUE TO LACK OF JURISDICTION

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

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: _____

Appeal still pending - this is my second 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: _____

n/a

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: 11/05/2025
- (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: 12/28/2025

(2) Case number: 

(3) Result: Pending

(4) Date of result:

(5) Issues raised:

Bond wrongfully denied for lack of court jurisdiction

(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:

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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: Bond hearing denied unlawfully - no jurisdiction by immigration court

I was arrested in the interior United States and was denied because I entered US without inspection over 10 years ago when I was a child.

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

I am only asking for bond hearing before immigration court and not being allowed to do so.

I have two US citizen children, a US resident fiancée, no violent criminal history and a sponsor ready to support my request. I am not a flight risk and have avenues of court relief.

My case is pending in Imperial Immigration Court.

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

Yes No

GROUND TWO: Due Process Violation

I am being detained by immigration authorities without being given the opportunity to apply for bond before the immigration court. This detention violates the fifth amendment.

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

Immigration court has denied my request for a bond hearing because I entered without inspection under BIA ruling in Matter of Yajure Hurtado.

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

Yes No

GROUND THREE: Detention is Arbitrary and Indefinite

I have no means of obtaining a bond hearing because immigration has refused to do one and I have not been able to get a bond review by ICE also.

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

I have made requests for bond review from the court and ICE with no result or indication when or if that will ever happen.

(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:

Request for Relief

15. State exactly what you want the court to do: Declare that I am detained under INA 236a and order a bond hearing before the immigration judge within 7 days with ICE to prove that I am a flight risk or a danger to the public or order my immediate release on reasonable supervision or order DHS to reclassify my custody under Maldonado Bautista. Any other relief appropriate and just.

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Declaration Under Penalty Of Perjury

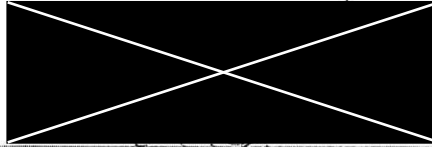
If you are incarcerated, on what date did you place this petition in the prison mail system:

01/13/26

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:

01/14/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any