

FILED

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

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**UNITED STATES DISTRICT COURT**for the
District of New Mexico

FEB 02 2026

MITCHELL R. ELFERS
CLERK

Gustavo Alfredo Munoz Sanchez

Petitioner

v.

Warden of Otero processing Center

Case No. **26cv238-MIS-KRS***(Supplied by Clerk of Court)**Respondent**(name of warden or authorized person having custody of petitioner)***PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: Gustavo Alfredo Munoz Sanchez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Otero County Processing Center
(b) Address: 26 McGregor Range Rd Chaparral, NM 88081
(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): Unlawful civil immigration detention despite USCIS-approved advance parole valid through October 15, 2028, and pending VAWA-based adjustment of status.

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), Otero County Processing Center, Chaparral, New Mexico

(b) Docket number, case number, or opinion number:



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

Continued civil immigration detention by ICE despite USCIS-approved advance parole valid through October 15, 2028, and pending VAWA-based adjustment of status, without a constitutionally adequate bond hearing in violation of the Due Process Clause of the Fifth Amendment.

(d) Date of the decision or action: 11/20/2025

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: There is no administrative appeal process available to challenge prolonged civil immigration detention by ICE without a bond hearing.

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: There is no higher administrative authority to appeal prolonged civil immigration detention by ICE.**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 higher administrative authority to appeal prolonged civil immigration detention by ICE.**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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(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: There is no higher administrative authority to appeal prolonged civil immigration detention by ICE.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 higher administrative authority to appeal prolonged civil immigration detention by ICE.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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(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: There is no higher administrative authority to appeal prolonged civil immigration detention by ICE.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 higher administrative authority to appeal prolonged civil immigration detention by ICE.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

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: Petitioner is being unlawfully detained by ICE despite having USCIS-approved advance parole valid through October 15, 2028, and pending VAWA-based adjustment of status, without a constitutionally adequate bond hearing, in violation of the Due Process Clause of the Fifth Amendment.

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

Petitioner has been detained by ICE since November 20, 2025 at Otero County Processing Center. Petitioner has an approved advance parole document valid through October 15, 2028 and is a VAWA self-petitioner with a pending adjustment of status application. Petitioner is not in active removal proceedings, and his immigration court case was administratively closed. Despite these protections, ICE continues to detain Petitioner without providing a bond hearing or individualized custody determination.

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

☐ Yes

☒ No

GROUND TWO: Petitioner's continued detention by ICE is arbitrary and unreasonable because he is not a flight risk or a danger to the community, and detention is not necessary to serve any legitimate government purpose.

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

Petitioner has strong ties to the community, including a stable residence and family in the United States. Petitioner has been granted USCIS-approved advance parole valid through October 15, 2028, and is a VAWA self-petitioner with a pending adjustment of status application. These approvals show that the government has already determined that Petitioner is eligible to remain in the United States while his case is pending. Petitioner has not been provided with any individualized bond hearing to assess whether he poses a danger or flight risk.

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

☐ Yes

☒ No

GROUND THREE: Petitioner's continued detention violates due process because ICE has failed to provide an individualized custody determination or bond hearing, despite the prolonged nature of his civil detention and his humanitarian protections as a VAWA self-petitioner.

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

Petitioner is a VAWA self-petitioner who has been granted humanitarian protections due to having suffered abuse. Petitioner has a pending adjustment of status application and an approved advance parole document valid through October 15, 2028. These approvals reflect that the government has already recognized Petitioner's vulnerability and eligibility to remain in the United States while his case is pending. Despite this, Petitioner has been detained since November 20, 2025 without any bond hearing or meaningful opportunity to argue for his release.

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

☐ Yes

☒ No

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GROUND FOUR: Petitioner's continued detention is excessive and punitive in nature, despite being a civil immigration detainee who is not serving a criminal sentence.

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

Petitioner is being held in a secure detention facility under conditions similar to those imposed on individuals serving criminal sentences, even though Petitioner is not being punished for a crime. Petitioner is a civil immigration detainee with humanitarian protections as a VAWA self-petitioner and with an approved advance parole document valid through October 15, 2028. Detention under these circumstances is unnecessarily harsh and has caused emotional, mental, and physical hardship. Petitioner's continued confinement is disproportionate, unnecessary, and not justified.

(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: Petitioner did not present these grounds in prior appeals because there is no meaningful administrative process available to challenge prolonged civil immigration detention without a bond hearing. These constitutional and humanitarian claims can only be addressed through a petition for a writ of habeas corpus in federal Court.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that this Court grant this Petition for a writ of Habeas Corpus and order Petitioner's immediate release from ICE, provide a prompt and constitutionally adequate bond hearing before an impartial adjudicator, at which the government bears the burden of proving that continued detention is justified. Petitioner also requests any other relief the Court deems just and proper.

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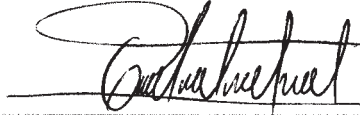
Declaration Under Penalty Of Perjury

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

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:

1/28/26



Signature of Petitioner

Signature of Attorney or other authorized person, if any

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served a true and correct copy of the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, together with all attached exhibits, by U.S. Mail, postage prepaid, upon the following:

Warden of Otero County Processing Center
26 McGregor Range Road
Chaparral, NM 88081 915 312 1953

United States Attorney's Office
District of New Mexico
201 3rd Street NW, Suite 900
Albuquerque, NM 87102

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/2/26

Signature: Gustavo Alfredo Munoz Sanchez

Name: Gustavo Alfredo Munoz Sanchez