

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
Western District of Texas

Julian Andrés Marín Bustos,

Petitioner

v.

MIGUEL VERGARA, Field Office
Director, Immigration and Customs Enforcement
San Antonio Field Office, et al.

Respondent

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

Case No. 1:26-cv-00294-RP
(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: Julian Andres Marín Bustos
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: T. Don Hutto Residential Center
(b) Address: 1001 Welch Street, Taylor, TX 76574
N/A
(c) Your identification number: A-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)
- ☐ 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. Department of Homeland Security

Immigration and Customs Enforcement (ICE); Pearsall Immigration Court

(b) Docket number, case number, or opinion number: A-Number 

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

Continued detention under 8 U.S.C. § 1226(a) without a constitutionally adequate bond hearing;

prolonged detention without proper procedural safeguards. On January 27, 2026, IJ Eric J. Tijerina denied bond after a brief oral ruling with no recording or written findings, placing the burden of proof on Petitioner

(d) Date of the decision or action: 01/27/2026

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: _____

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

(b) If you answered "No," explain why you did not appeal: I did not appeal because the appeal process in immigration detention is lengthy and has a small chance of overturning detention or bond decisions. Given the projected months-long appeal timeline, my continued detention would likely become even more prolonged.

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: _____

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: _____

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

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

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: _____

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

- (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: 10/22/2025

- (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: No final order of removal has been issued; case is still pending before the Immigration Judge.

- (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: _____

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

- (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: The January 27, 2026 Bond Denial Was Constitutionally Defective. Please see memorandum for additional information.

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

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

On January 27, 2026, an Immigration Judge denied Petitioner bond after a brief oral ruling with no recording or written findings, put the burden on Petitioner to prove Petitioner is not a danger or flight risk, and relied on a contradictory Government record where the Notice to Appear and court file show lawful B-2 admission and an asylum filing but a later Form I-213 says Petitioner entered "by foot" at an unknown location and was never admitted, inspected, or paroled. See memo for additional information.

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

☐ Yes☒ No

GROUND TWO: Prolonged § 1226(a) Detention Is Unreasonable and Violates the Suspension Clause and Due Process. Please see memorandum for additional information.

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

Petitioner has been detained in ICE custody at T. Don Hutto since October 22, 2025, even though Petitioner already served a 30-day sentence for Petitioner's only nonviolent misdemeanor. Petitioner's individual asylum merits hearing is set for April 14, 2026, so detention will last many months before any decision, despite Petitioner's stable home with Petitioner's husband in San Marcos, steady work and business activity, strong community support, and a verified release plan with transportation and sponsors, making Petitioner's continued detention unreasonably prolonged and harmful to Petitioner's health and ability to prepare the asylum case.

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

☐ Yes☐ No

GROUND THREE: Conditions at T. Don Hutto, Combined with Petitioner's LGBTQ+ Vulnerability, Render Detention Punitive

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

T. Don Hutto is a converted prison with locked units, strict rules, and prison-like conditions, and Petitioner has recently experienced loss of air conditioning in Petitioner's housing unit, making it difficult to sleep, concentrate, and prepare the case. Petitioner has limited contact with Petitioner's husband and family and limited access to mental-health care despite anxiety and depression. As an openly gay man in a same-sex marriage with a public profile, Petitioner feels especially vulnerable in detention, and these conditions, combined with prolonged custody, make Petitioner's detention feel punitive rather than like civil holding.

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

☐ Yes☐ No

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

GROUND FOUR: Detention Is Grossly Disproportionate to Any Legitimate Government Interest

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

Petitioner's only conviction is a Texas Class B obstruction-of-a-highway misdemeanor for which Petitioner already served a 30-day sentence, yet Petitioner now faces many additional months in civil immigration detention based on the same underlying incident.

Petitioner owns a home with Petitioner's husband, earns steady income, files joint tax returns, and has multiple sponsors ready to house and supervise Petitioner. In light of these strong community ties and available less-restrictive alternatives, continuing to detain Petitioner for many months is grossly disproportionate to any legitimate government interest and functions like extra punishment rather than civil custod

(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: N/A

Request for Relief

15. State exactly what you want the court to do: Petitioner asks the Court to exercise jurisdiction under 28 U.S.C. § 2241 maintain existing no-removal and no-transfer protections, and order Petitioner's immediate release under appropriate conditions of supervision, or, in the alternative, a prompt custody hearing before a different Immigration Judge where the Government must justify further detention by clear and convincing evidence and less-restrictive alternatives are considered, with any other just and proper relief, including expedited consideration before the April 14, 2026 asylum hearing

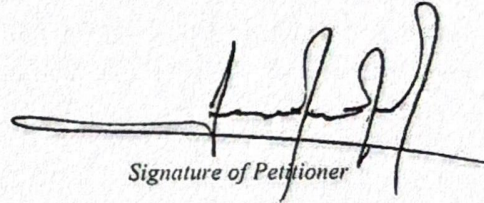
AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: 03/11/2026



Signature of Petitioner

/s/ William J. Furlow

Signature of Attorney or other authorized person, if any