

JUDGE DAVID BRIONES

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

UNITED STATES DISTRICT COURTfor the
Western District of Texas

MICHEL HERNANDEZ DELGADO

Petitioner

v.

WARDEN, EL PASO SERVICE PROCESSING
CENTER*Respondent**(name of warden or authorized person having custody of petitioner)*

Case No.

EP 26CV0497*(Supplied by Clerk of Court)***FILED**
FEB 19 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: MICHEL HERNANDEZ DELGADO
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: EL PASO SERVICE PROCESSING CENTER (ICE)
(b) Address: 8915 MONTANA AVE
EL PASO, TX 79925
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
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: NOT APPLICABLE-PETITIONER IS IN CIVIL IMMIGRATION, NOT SERVING A CRIMINAL SENTENCE.
(b) Docket number of criminal case: N/A
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): PETITIONER IS BEING HELD IN CIVIL IMMIGRATION DETENTION BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

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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): CIVIL IMMIGRATION DETENTION BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), INCLUDING PROLONGED DETENTION WITHOUT AN INDIVIDUALIZED BOND HEARING

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)(b) Docket number, case number, or opinion number: N/A

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

NOT APPLICABLE- PETITIONER IS IN CIVIL IMMIGRATION DETENTION, NOT SUBJECT TO DISCIPLINARY PROCEEDINGS.

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **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: N/A

(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: _____

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: N/A

(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: N/A

(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: _____

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: 11/07/2025

(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: _____

(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: _____

(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: PROLONGED CIVIL IMIGRATION DETETION WITHOUT AN INDIVIDUALIZED BOND HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT.

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

PETITIONER HAS BEEN DETAINED BY U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) AT THE PASO SERVICE PROCESSING CENTER FOR MORE THAN 80 DAYS WITHOUT RECEIVING AN INDIVIDUAL BOND HEARING BEFORE AN IMMIGRATION JUDGE. ICE HAS NOT SHOWN THAT PETITIONER IS A FLIGHT RISK OR DANGER TO THE COMMUNITY. PETITIONER'S DETENTION HAS BECOME UNREASONABLY PROLONGED AND POTENTIALLY. DUE PROCESS REQUIRES A MEANINGFUL REVIEW OF PETITIONER'S CUSTODY BY A NEUTRAL DECISION-MAKER.

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

☐ Yes

☒ No

GROUND TWO: VIOLATION OF DUE PROCESS BY FALLING TO PROVIDE A MEANINGFUL OPPORTUNITY TO CHALLENGE CONTINUED DETENTION.

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

PETITIONER HAS NOT BEEN PROVIDED AN OPPORTUNITY TO CHALLENGE THE NECESSITY OF CONTINUED DETENTION. NO ADMINISTRATIVE REMEDY HAS BEEN PROVIDED, AND ICE HAS NOT JUSTIFIED THE PROLONGED DETENTION. CONTINUED DETENTION WITHOUT IS A VIOLATION OF THE CONSTITUTION

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

☐ Yes

☒ No

GROUND THREE:

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

(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: PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT. ORDER U.S. IMIGRATION AND CUSTOMS ENFORCEMENT (ICE) TO PROVIDE AN IMMEDIATE INDIVIDUALIZED BOND HEARING BEFORE AN IMIGRATION JUDGE. IN THE ALTERNATIVE, ORDER PETITIONER'S RELEASE UNDER REASONABLE CONDITIONS OF SUPERVISION, AND GRANT ANY OTHER RELIEF THE COURT DEEMS JUST AND PROPER.

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Declaration Under Penalty Of Perjury

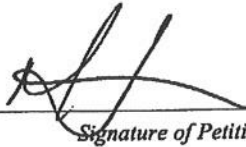
If you are incarcerated, on what date did you place this petition in the prison mail system:

02/12/26

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:

02/12/26


Signature of Petitioner

Michel Hernández Dolgado.
Signature of Attorney or other authorized person, if any