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

UNITED STATES DISTRICT COURT
for theEulogio Lastre Viamontes
Petitioner

DHS, ICE,

Marcelo Villegas
Respondent

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

Case No. 1:26-cv-00158
(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: Eulogio Lastre Viamontes
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Blue Bonnett Detention Center
(b) Address: 400 E 2nd St Anson, Texas 79501
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
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: N/A
(b) Docket number of criminal case: N/A
(c) Date of sentencing: N/A
☒ Being held on an immigration charge
☐ Other (explain): N/A

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): N/A

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Blue Bonnett Detention Center

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

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

Immigration Detention

(d) Date of the decision or action: 08/29/2003

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: N/A

(2) Date of filing: N/A

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

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: Final order of removal
From Immigration Judge

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: N/A

(2) Date of filing: N/A

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

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: N/A

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: N/A

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

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(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: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A

- (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: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A

- (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: March 1, 2026
(b) Date of the removal or reinstatement order: 08/29/2003
(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: *N/A*
(2) Case number: *N/A*
(3) Result: *N/A*
(4) Date of result: *N/A*
(5) Issues raised: *N/A*

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: *N/A*
(2) Date of filing: *N/A*
(3) Case number: *N/A*
(4) Result: *N/A*
(5) Date of result: *N/A*
(6) Issues raised: *N/A*

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: *N/A*
(b) Name of the authority, agency, or court: *N/A*

- (c) Date of filing: *N/A*
(d) Docket number, case number, or opinion number: *N/A*
(e) Result: *N/A*
(f) Date of result: *N/A*
(g) Issues raised: *N/A*

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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: Prolonged detention

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

The unlawful 90 day detention is in violation of section 702 of administrative Procedure Act for failing to comply with § C.F.R § 241(a)(3) and 241.4(c)

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

☐ Yes

☒ No

GROUND TWO: My continued detention violates § U.S.C § 123(a) under Zayas

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

My removal period expired 23 years ago & ice has failed to remove me & I see no foreseeable removable in the near future

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

☐ Yes

☒ No

GROUND THREE: My Detention is in violation of the Due process clause of the Fifth Amendment

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

I have been detained prior in 2003 for 6 months in Ice custody & Ice failed to remove me & again another 3 months in 2007

(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: N/A

Request for Relief

15. State exactly what you want the court to do: I would like for the court to please order my release under conditions of my OSUP. Prohibiting my re-detention absent an executable travel document

Certificate of proof of Service For Habeas Corpus Petition

Proof of service

- I Eulogio Viamontes Lastre with [REDACTED] Certify that I have sent a copy of Habeas Corpus form to Department of Homeland security on 4/1/26 To 11541 Montana Avenue El Paso TX 79936, Suite 0.

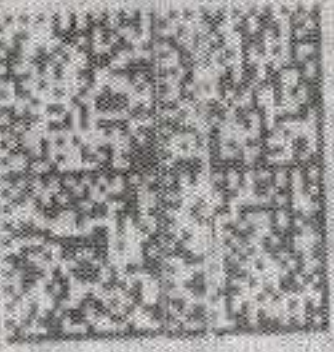
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ATT
EULOGIO Viamontes Lastre
400 2ND STREET
ANSON TX 79501



TO THE CLERKS OFFICE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
P.O. BOX 1218
ABILENE, TEXAS 79604

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