

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

SA

UNITED STATES DISTRICT COURT
for the

MARIO LAZARO CRESPO HERNANDEZ
Petitioner

v.

Case No. 1:26-cv-00183
(Supplied by Clerk of Court)

MARCELO VILLEGAS, ET al
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: MARIO LAZARO CRESPO HERNANDEZ
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: BLUEBONNET DETENTION CENTER
(b) Address: 400 2nd STREET, ARLSON, TEXAS 79501
(c) Your identification number: [REDACTED]
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):

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

- (a) Name and location of the agency or court: I am challenging the legality of my detention by ICE.
(b) Docket number, case number, or opinion number:
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
ICE's decision to REVOKE my supervised order of supervision.
(d) Date of the decision or action:

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:

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: _____

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: _____

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:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (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: _____

(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: _____

(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: Violation of The Constitution OR laws OR Treaties of the United States.

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 Do not cite cases or law.):

Respondent failed to provide Petitioner with an adequate notice of REVOCATION stating the REASONS for REVOCATION and failed to demonstrate changed CIRCUMSTANCES that RENDER his removal significantly likely in the REASONABLY future.

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

☐ Yes

☐ No

GROUND TWO: Respondent's conduct was arbitrary and capricious under the Administrative Procedures Act (APA).

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 Do not cite cases or law.):

The Respondent failed to follow its own regulations.

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

☐ Yes

☐ No

GROUND THREE: The detention violates The DUE PROCESS Clause of the Fifth Amendment of the United States Constitution.

(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

Argument and Authorities

The essence of due process is notice and opportunity to respond, parties whose rights are to be affected are entitled to be heard, and in order that they may enjoy that right they must first be adequately and sufficiently notified. Common justice requires that no man shall be condemned in his person or property without a proper notice and the opportunity to respond. The DHS's own regulations contemplate that a noncitizen will have an opportunity to respond to the reasons for revocation stated in the notification during the initial informal interview after redetention. 8 C.F.R. § 241.13(i)(3).

The DHS and ICE violated its own regulations and this was contrary to the law. Decision to redetain a noncitizen who has been granted supervised release is governed by respondent's own regulations. Noncitizen, even those subject to a final removal order have constitutional rights just like every one else in the United States, and while the respondent might want to enforce immigration laws efficiently, it cannot do that at the expense of fairness and due process. As the farmers recognized centuries ago, fair process - not just the correct outcome - matters. After all, without due process, there is no way to tell whether the result is in fact correct.

Authorities

Kong v. United States, 62 F.4th 608, 619-20 (1st Cir. 2023, citing 8 C.F.R. § 241.13(i)(2)).

Zavdydas v. Davis, 533 U.S. 678, 693. 121 S.Ct. 2491. 150 L. Ed 653 (2000).

United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 266-68, 74 S.Ct. 499, 98 L. Ed 681 (1954).

Torres Turado v. Biden, 2023 U.S. Dist. Lexis 193725, 2023 WL 7130898, 4 (S.D.N.Y. Oct. 29, 2023).

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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:

I am asking for a Temporary Injunction order to restrain ICE to remove me from this Detention until this case is over and to grant Petitioner his release from this illegally detention immediately.

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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:

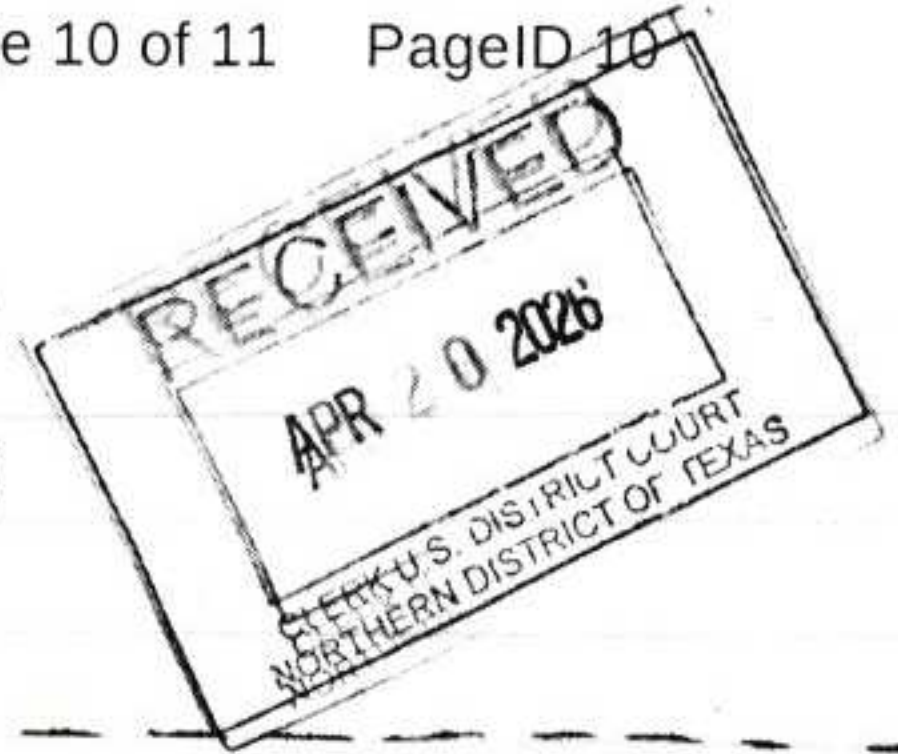
4/15/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

United States District Court
For the
Western District of Texas
Abilene Division



MARIO LAZARO CRESPO HERNANDEZ
Petitioner

V.

Case No. _____

MARCELO VILLEGAS, ET AL
Respondent

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To the Clerk of the Court:

Dear Sir or Madame:

I, Mario Lazaro Crespo Hernandez, Pro se in the above case, is filing this letter to let you know the following:

I am filing this Pro se, I am sending the original and two copies requesting that the Respondents be served and sending an extra copies to receive and stamped filed copy for my record in the enclosed stamped envelope. I am praying that this request be granted.

Thank you very much.

Sincerely U. Crespo Hernandez

Petitioner - Pro se