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UNITED STATES DISTRICT COURT

for the

Andrés Adolfo Fernández Barrios

Petitioner

v.

Warden, Irwin County Detention Center

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

Case No
(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: Andrés Adolfo Fernández Barrios
   (b) Other names you have used: None
2. Place of confinement:
   (a) Name of institution: Irwin County Detention Center
   (b) Address: [redacted]
   A[redacted]
   (c) Your identification number: federal
3. Are you currently being held on orders by:
   ☐ Federal authorities ☐ State authorities ☐ Other explain:
   Immigration
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. Immigration and Customs Enforcement (ICE) / Immigration

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

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

Continued immigration detention and the determination that Petitioner is not eligible for immigration bond, based o

(d) Date of the decision or action: August 11, 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:

(b) If you answered "No," explain why you did not appeal: No appeal was available for the current custody issu

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: No second appeal was available.

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: No third appeal was available.

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:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: No. This petition does not challenge a criminal 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: July 22, 2026

(b) Date of the removal or reinstatement order: None known to Petitioner; Petitioner has not been informed c

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☐ No

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:

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 ☐ X No

If "Yes," provide:

(a) Kind of petition, motion, or application: None

(b) Name of the authority, agency, or court: None

(c) Date of filing: None

(d) Docket number, case number, or opinion number: None

(e) Result: None

(f) Date of result: None

(g) Issues raised: None

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: Unclear or Unverified Legal Basis for Mandatory Immigration Detention

See the following page and attached Supplemental Memorandum for supporting facts.

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

ICE has detained Petitioner since approximately July 22, 2026. At his August 11, 2026 first immigration hearing, th
The state criminal matter concerns an allegation involving a computer purchase and another person's bank card. F
Petitioner requests that Respondents identify the specific statutory authority and factual basis that make his immig
Petitioner also requests production of the immigration custody documents and any order relied upon to justify cont

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

☐ Yes ☐ No

GROUND TWO:

Ground Two — Right to Review of Continued Custody

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

Petitioner has a pending asylum case, valid employment authorization, stable residence, and strong family ties in t
Petitioner requests federal review of whether his current detention complies with the Constitution and applicable fe
If a custody review or bond procedure is legally available, Petitioner requests that the appropriate procedure be pr
Petitioner has a further Immigration Court hearing scheduled for August 25, 2026.

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

☐ Yes ☐ No

GROUND THREE:

Ground Three — Need to Verify the Actual Basis for Detention

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

Petitioner has been informed that he is not eligible for immigration bond because of the state criminal allegation.
That state matter is an accusation only; Petitioner has not been convicted, sentenced, or pleaded guilty.
Petitioner has never knowingly received an Immigration Court decision denying his asylum application and has ne
Petitioner requests that Respondents produce the official records establishing his current immigration status and tl

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

☐ Yes ☐ No

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: No. Petitioner has not had an appeal available concerning the current detention issue. His first immigration

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully requests that the Court accept and docket this §2

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: 8-22-2026

Andres Fernandez

Andrés Adolfo Fernández Barrios (signature to be provided by Petitioner

Signature of Petitioner

Signature of Attorney or other authorized person, if any