

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

UNITED STATES DISTRICT COURT
for the

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 27 2026

KEVIN P. WEIMER, Clerk
By: Deputy Clerk

AMADOR VIDAL BORRAYES GONZALEZ

Petitioner

v.

MERRICK B. GARLAND, ATTORNEY GENERAL OF
THE UNITED STATES

Respondent

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

Case No.

1:26-CV-4876
(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: AMADOR VIDAL BORRAYES GONZALES
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: STEWART DETENTION CENTER
(b) Address: 146 CCA RD, LUMPKIN, GA 31815
(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: _____
(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: _____

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

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

(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: IMMIGRATION APPEAL COURT

(2) Date of filing: UNKNOWN

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

(4) Result: GRANTED

(5) Date of result: 08/24/2026

(6) Issues raised: WITHDRAW MOTION TO REOPEN

(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: AROUND 3 MONTHS

(b) Date of the removal or reinstatement order: 02/13/2024

(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: 02/20/2023

(2) Case number: A 

(3) Result: GRANTED

(4) Date of result: 08/18/2023

(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:

(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 DUE PROCESS (FOURTEENTH AMENDMENT)

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 Do not cite cases or law.):

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

☐ Yes

☒ No

GROUND TWO: VIOLATION OF RIGHT TO AN INTERPRETER / FAIR PROCESS

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 Do not cite cases or law.):

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

☐ Yes

☒ No

GROUND THREE: UNLAWFUL / REQUESTING MY VOLUNTARY DEPARTURE BECAUSE I WITHDRAW MY MOTION TO REOPEN MY CASE BUT IT GOT GRANTED

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 Do not cite cases or law.):

MR AMADOR BORRAGES GONZALES ALREADY REQUEST A WITHDRAWN THE MOTION OF REOPEN HIS CASE CASE AFTER THE JUDGE ORDER REMOVAL BUT HE APPEAL AND THE APPEAL WAS WITHDRAWN FOR THE MORE, I'M REQUESTING MY VOLUNTARY DEPARTURE TO MY COUNTRY OR A HEARING WITH A JUDGE TO MY WISHES BE HEARD.

(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.)*:

I REQUESTED TO GET DEPORTED TO MY COUNTRY AND REQUESTING A HEARING TO PRESENT MY VOLUNTARY DEPARTURE BECAUSE I HAVE BEEN THREE MONTHS DETAINED AND I'VE BEEN REQUESTING TO BE DEPORTED WITH NO ANSWERS FROM ICE.

(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: ORDER THAT AMADOR VIDAL BORRAYES GONZALEZ BE DEPORTED TO HIS COUNTRY BECAUSE HE HAS BEEN FOR THREE MONTHS ON THE ICE CUSTODY AND REQUEST A HEARING SO HE CAN BACK TO HIS COUNTRY.

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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:

N/A - PETITIONER FILED BY HIS BROTHER

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: 08/26/2026

ALVIO BORRERO

Signature of Petitioner

Signature of Attorney or other authorized person, if any

Print

Save As...

Print

BORRAYES-GONZALEZ, AMADOR VIDAL

 Alien number: 

 Nationality: Guatemala

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your court



Judge's Decision

The judge ordered REMOVAL.

 Decision issued

February 13, 2024



Appeal

The appeal was Withdrawn.



Status

Withdrawn



Decision issued

August 24, 2026



Motion to Reopen

The motion before the Immigration
Judge was Granted.