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

UNITED STATES DISTRICT COURT

for the

Western District of Texas
San Antonio Division

FILED
October 01, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: CH
DEPUTY

Derwin Leonardo Acosta Diaz

Petitioner

v.

U.S. Immigration and Customs Enforcement (ICE)

Case No. 5:26-CV-6347-OLG
(Supplied by Clerk of Court)

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: Derwin Leonardo Acosta Diaz
   (b) Other names you have used: None.
2. Place of confinement:
   (a) Name of institution: Karnes County Immigration Processing Center
   (b) Address: 409 FM 1144, Karnes City, TX 78118
   (c) Your identification number: A[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)

❒ 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)
Arrest: Davie, Florida; current detention: Karnes City, Texas.

(b) Docket number, case number, or opinion number: A233993682

(c) Decision or action you are challenging:
ICE arrested me on August 16, 2026, at 1901 S. University Drive, Davie, FL 33324.
I remain detained at Karnes County Immigration Processing Center.
See factual continuation on page 10.

(d) Date of the decision or action: August 16, 2026; detention is ongoing.

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: I cannot afford an attorney.

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 first appeal was filed.

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 earlier appeal was filed.

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:

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ❒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: August 16, 2026

(b) Date of the removal or reinstatement order: None. I have no removal 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:

(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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Due process: detention without notice or meaningful custody review

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 Do not cite cases or law.)*:

See Section 13 continuation on page 11.

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

☐ Yes ☑ No

GROUND TWO:

(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:

(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

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: I have not pursued a challenge because I cannot afford an attorney.

Request for Relief

15. State exactly what you want the court to do: Immediate release or, alternatively, a prompt individualized custody hearing.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
09/26/2026

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: 09/26/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

Derwin Leonardo Acosta Diaz | A [redacted]

Section 6(c) - Factual continuation

I entered the United States on June 13, 2024, at Miami International Airport under Venezuelan humanitarian parole. While my parole was in effect, I applied for asylum on June 10, 2025. My asylum application remains pending. I have no removal order and no criminal history.

After the required waiting period for an asylum applicant, USCIS granted me a category C08 employment authorization document based on my pending asylum application. The work permit was issued through my asylum application, not through my humanitarian parole. The card shows validity from July 25, 2026, through January 24, 2028.

On August 16, 2026, at approximately 10:00 a.m. local time, ICE officers stopped me while I was parking in the plaza at 1901 S. University Drive, Davie, FL 33324. Before the stop, I noticed a black Jeep Cherokee following me. The officers activated their lights in the parking area. I stopped and lowered my window. They gave me no reason for the initial stop and did not show me a warrant.

An officer asked for identification and whether I spoke English. I said that I could communicate but did not speak English perfectly. I handed over my identification. An officer told me to leave the vehicle because I did not have immigration status.

I showed the officers a copy of my pending asylum application, my driver's license, and photographs of my C08 work permit. I believed my documents were valid at the time. I also told them that I had a Social Security number. I showed a notification on my phone that I understood to concern a stay of deportation. Its exact wording is not available, and I am not asserting that a stay order has been verified.

The officer told me that these documents did not establish lawful status, that I had to be a resident or citizen, and that I would be detained. I explained that I had applied for asylum and was complying with its requirements while awaiting a decision. I did not resist. The officer handcuffed me and placed me in the vehicle.

I was taken to an immigration processing or detention location in Miramar, Florida. There, I spent the night handcuffed and sleeping on the floor. I was later held in a crowded cell, was not permitted to bathe, received one bottle of water per day, and was served food I believed was expired. I did not become ill from those conditions.

I was subsequently transferred to Krome in Miami, Florida, and then to Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, TX 78118, where I remain detained. The exact transfer dates and lengths of stay at the earlier facilities have not been confirmed.

I had a preliminary hearing scheduled for September 2, 2026, but could not appear because I was in immigration custody. I do not know what happened at that hearing or whether it was rescheduled. The hearing notice is not currently available.

As of September 14, 2026, I have not requested bond or release or filed a formal petition or appeal challenging my detention. I cannot afford an attorney. I request release from immigration detention.

Derwin Leonardo Acosta Diaz I A[redacted]

Section 13 - Ground One and Supporting Facts

GROUND ONE

Continued immigration detention without notice of the legal authority for detention or a meaningful custody determination violates my right to due process.

SUPPORTING FACTS

ICE arrested me on August 16, 2026. The officers did not show me a warrant or explain the legal authority for my detention. I remain detained at Karnes County Immigration Processing Center.

I entered the United States under Venezuelan humanitarian parole on June 13, 2024. While that parole was in effect, I filed an asylum application on June 10, 2025. My asylum application remains pending. USCIS later issued me a category C08 work permit based on the pending asylum application.

I received a notice terminating my parole. I have no removal order and, to my knowledge, no removal proceeding has been commenced. I do not possess a Notice to Appear, custody determination, bond decision, or other document stating the authority for my continued detention.

I have no criminal history. Before detention, I complied with the requirements related to my asylum application, including biometrics and the employment-authorization process. My employer has indicated that it will rehire me after release.

REQUEST

I request immediate release from immigration detention or, alternatively, a prompt individualized custody hearing at which the government must state the authority for my detention and the reasons it believes continued detention is necessary.

For: **DERWIN LEONARDO ACOSTA DIAZ**

U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [redacted]
Most Recent Date of Entry: 2024 June 13
Class of Admission : VHP
Admit Until Date : 06/12/2026
Details provided on the I-94 Information form:

Last/Surname :	**ACOSTA DIAZ**
First (Given) Name :	**DERWIN LEONARDO**
Birth Date :	[redacted]
Document Number :	[redacted]
Country of Citizenship :	**Venezuela**

Get Travel History

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111
Expiration Date: 06/30/2024

For inquiries or questions regarding your I-94, please click here

Accessibility | Privacy Policy

Privacy - Terms

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Number [redacted]		Case Type I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date 06/10/2025	Priority Date	Applicant A[redacted] ACOSTA DIAZ, DERWIN LEONARDO
Notice Date 06/10/2025	Page 1 of 2	

DERWIN ACOSTA DIAZ
[redacted]

Notice Type: Receipt Notice

*** ACKNOWLEDGEMENT OF RECEIPT ***

Your complete Form I-589, Application for Asylum and for Withholding of Removal was received and is pending as of 06/10/2025.

You may remain in the United States until your asylum application is decided. Having a pending asylum application with USCIS does not preclude U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) from placing you into removal proceedings. If you wish to leave the United States while your application is pending, you must obtain advance parole or, for Temporary Protected Status (TPS) recipients, approval of Form I-512T, Authorization for Travel by a Noncitizen to the United States (sometimes referred to as MTINA TPS travel authorization), from USCIS or you may be considered to have abandoned your asylum application. You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (https://www.uscis.gov/addresschange). Changing your address with the U.S. Postal Service will not change your address with USCIS.

BIOMETRICS APPOINTMENT AND ASYLUM INTERVIEW NOTICES:

You will receive a notice informing you when you and those listed on your application as a husband or wife or son or daughter dependent must appear at an Application Support Center (ASC) for biometrics collection. You will also receive a notice informing you when you and those listed on your application as a husband or wife or son or daughter dependent must appear for an asylum interview. Those notices will contain instructions for what to bring to your ASC appointment and what to bring to your asylum interview.

WARNING: Failure to appear at the ASC for biometrics collection or for your asylum interview may affect your eligibility for employment authorization and may also result in the dismissal of your asylum application or referral of your asylum application to an immigration judge.

EMPLOYMENT AUTHORIZATION:

You may file a Form I-765, Application for Employment Authorization, based on your pending asylum application 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days. 8 CFR 208.7(a)(1). The 150-day waiting period and the 180-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays that you request or cause while your asylum application is pending with an asylum office or with the Immigration Court. 8 CFR 208.7(a)(2).

Delays requested or caused by the applicant may include:

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on your change of address;
- A request to reschedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence at or after an interview;
- The submission of large volumes of evidence immediately before an interview that requires a reschedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

Applicant(s):

Alien Number	Name
[redacted]	ACOSTA DIAZ, DERWIN

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to https://www.uscis.gov/file-online.

Miami Asylum Office
U.S. CITIZENSHIP & IMMIGRATION SVC
1501 Biscayne Blvd, Suite 300
Miami FL 33132

USCIS Contact Center: www.uscis.gov/contactcenter