JUDGE VYSKOCIL

25 CV 09571

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

UNITED STATES DISTRICT COURT

for the
Southern District of New York

ISAAC SOLANO GARCIA
Petitioner

v.

PATRICIA BONDI, in her official capacity as the Attorney General of the United States; Kristi Noem, in her official capacity as Secretary of Homeland Security; Kenneth Genalo in his official capacity as the Director of Enforcement and Removal Operations for Immigration and Customs Enforcement in the New York Field Office; and the U.S. DEPARTMENT OF HOMELAND SECURITY

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

Instructions

1. **Who Should Use This Form**. You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form**. You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition**. The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents**. In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee**. You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court**. Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address**. You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: ISAAC SOLANO GARCIA
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: UNITED STATES DEPT OF HOMELAND SECURITY, IMMIGRATION CUSTOMS AND ENFORCEMENT
   (b) Address: 26 FEDERAL PLAZA, NEW YORK, NEW YORK, 10278
   (c) Your identification numb [redacted]
3. Are you currently being held on orders by:
   ' **Federal authorities**, Immigration Customs and Enforcement
   U
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: US Immigration and Customs Enforcement 26 Federal Plaza, New York, N.Y. & Executive Office for Immigration Review 201 Varick St. New York, 10014
   (b) Docket number, case number, or opinion number: [redacted]

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

FAILURE OF IMMIGRATION COURT TO HOLD PREVIOUSLY SCHEDULED BOND HEARING, AND IMMIGRATION CUSTOMS AND ENFORCEMENT DECISION TO MOVE HIM TO VARIOUS STATES, INCLUDING, NEW YORK, NEW JERSEY, MISSISSIPPI AND TEXAS

(d) Date of the decision or action: NONE.

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: FILED BOND AND CUSTODY REDETERMINATION PETITION IN NEW YORK AND TEXAS

(2) Date of filing: NOVEMBER 10, 2025 IN NEW YORK, AND NOVEMBER 14, 2025 IN TEXAS

(3) Docket number, case number, or opinion number: [redacted]

(4) Result: COURT Cancelled Scheduled Bond Hearing

(5) Date of result: IMMIGRATION JUDGE IN NYFOUND NO ACTION REQUIRED

(6) Issues raised : Petitioner is waiting for the Immigration Judge to issue a decision on Petitioner's application for cancellation of removal with respect to which the judge reserved decision on May 7, 2024, and Petioner challenges his detention because the court had found him previously eligible for relief.

(b) If you answered "No," explain why you did not appeal: No appeal is required.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

• Yes • No N/A

(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

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: November 5, 2025

(b) Date of the removal or reinstatement order: None

(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: Petitioner had his merits hearing on his merits relief application on October 22, 2024, and he received a reserved decision because immigrant visa numbers were not available and he therefore must wait for his visa number to be issued, so that he will receive permanent residence, No further action should be required of Petitioner so long as the case is handled with regularity by the Immigration Court.

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

Petitioner and Department of Homeland Security together with the Immigration Court agreed that Petitioner was entitled to relief from immigration removal and that he met his burden for cancellation of removal and adjustment of status to permanent residence, pending the availability of an immigrant visa number which should be granted in regular course.

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

* Yes * No

GROUND TWO: No appeal required at this juncture.

(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:

Request for Relief

15. State exactly what you want the court to do: Release Petitioner from custody and Stay Removal.

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: 11/14/25

_____
Signature of Petitioner

Leonard Hall
_____
Signature of Attorney or other authorized person, if any

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