

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

## UNITED STATES DISTRICT COURT

for the

RANDY TAMAYO

*Petitioner*

v.

Director, U.S. Immigration and Customs Enforcement  
(ICE), Washington, D.C.

Field Office Director, ICE El Paso Field Office

*Respondent*

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

Case No.

3:26cv00018-KC  
(Supplied by Clerk of Court)

**FILED**  
 JAN 12 2026  
 CLERK, U.S. DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 DEPUTY CLERK

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

## Personal Information

1. (a) Your full name: RANDY TAMAYO PEREZ  
 (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
 (a) Name of institution: East Montana Detention Facility (ICE)  
 (b) Address: 12501 Montana Ave, El Paso, TX 79938  
 (c) Your identification number: 
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: Orange County Clerk of Courts  
 (b) Docket number of criminal case: \_\_\_\_\_  
 (c) Date of sentencing: Wednesday June 25, 2025  
☐ 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: U.S. Immigration and Customs Enforcement (ICE)

El Paso Field Office 4040 Executive Center Dr, Suite 240, El Paso, TX 79902

(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 beyond 180 days without a significant likelihood of removal in the reasonably foreseeable future. ICE has failed to obtain travel documents or demonstrate that removal is realistically possible.

(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: \_\_\_\_\_

I did not submit an appeal because I was not properly informed that appeal procedures are possible within my case.

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: \_\_\_\_\_

I did not submit an appeal because I was not properly informed that appeal procedures are possible within my case.

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: \_\_\_\_\_

I did not submit an appeal because I was not properly informed that appeal procedures are possible within my case.

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: \_\_\_\_\_

**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: Unlawful Detention Without a Bond Hearing**

I have been detained by ICE for 180 days without being provided the constitutionally required bond hearing before an Immigration Judge

The U.S. Constitution and governing immigration law require that the government to justify my continued detention by proving danger or flight risk.

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

I have been under ICE supervision and have never missed any required meetings or court proceedings. The government is unable to return me to my country of birth, and although they attempted to send me to Mexico, I cannot go there because I have never lived there, I have no family, friends, or support system there, and I am terrified to go due to high crime and safety concerns, which has caused severe panic and anxiety attacks if forced to relocate to a country where I have no connection or protection

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

☐ Yes

☒ No

**GROUND TWO: Strong Compliance History, I do not pose a flight risk, prolonged detention time**

I have been placed in ICE detention twice, including once in 2018, and never missed a single immigration court date.

In this current court date I have been at ICE detention facility for more than 180 days where I have presented model behavior

I have not been provided with a court date, bond hearing, individualized assessment. Detention under these circumstances is excessive.

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

I have been detained by ICE twice once for 90 days in 2018 and now for 180 days. During my initial 90 days I presented to my court. I am unable to return to my country of birth because they no longer accept me after immigrating to the United States in 2010. I have lived in the U.S. since then and have no ability to safely or legally relocate back to my home country.

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

☐ Yes

☒ No

**GROUND THREE: Medical Hardship and inadequate access to medical care due to poor facility conditions**

My medical conditions substantially limit my daily functioning and require regular evaluation that the detention facility is unable or unwilling to provide. Continued confinement places me at significant medical risk, and the lack of proper care shows deliberate indifference to my serious medical needs

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

The detention facility is dirty, overcrowded, and unsanitary, with limited medical care, no commissary, no video visitation, and extremely restricted communication with family, I have fatty liver disease and severe anxiety but my necessary treatments are often delayed or not provided causing serious medical and mental health hardship

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

☐ Yes

☒ No

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**GROUND FOUR:    HARDSHIP FROM MULTIPLE ICE TRANSFERS**

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

I have been moved between several ICE locations from Florida to the Alcatraz facility and then to El Paso causing disruption, instability, and hardship. These repeated transfers make it very hard to access legal resources, communicate with family, or receive consistent medical care needed for my case. my detention has created significant hardship for my two minor children, who suffer from developmental delay, asthma, depression, and anxiety.

(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 ask the Court to review my detention and grant my release from ICE custody, as continued confinement violates my constitutional rights and is no longer legally justified

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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:

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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: 12 | 21 | 2025

  
Signature of Petitioner

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Signature of Attorney or other authorized person, if any

Print

Save As..

Reset



*Office of Enforcement and Removal Operations*

U.S. Department of Homeland Security  
101 W. Congress Parkway suite 4000  
Chicago, IL 60605



**U.S. Immigration  
and Customs  
Enforcement**

TAMAYO-Perez, Randy  
C/O Immigration and Customs Enforcement  
Chicago Field Office



### **Release Notification**

Upon review of your case, U.S. Immigration and Customs Enforcement (ICE) has concluded that you will be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. You may be required to participate in an Alternatives to Detention (ATD) Program which may include the use of Active/Passive GPS monitoring, monthly reporting and telephonic reporting.

A violation of one of these conditions, or of any local, state or federal law may result in you being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon you maintaining proper behavior while sponsorship and placement efforts for you are being undertaken. At any time, you may be taken back into ICE custody should your removal become practicable.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE.

A handwritten signature in black ink, appearing to read "Ricardo A. Wong".  
\_\_\_\_\_  
Ricardo A. Wong Field Office Director

NOV 27, 2018  
Date

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**ORDER OF SUPERVISION (Addendum)**

File No.:



Date: November 28, 2018

Name: TAMAYO-PEREZ, RANDY

- ☒ That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Supervision.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- ☐ Other:

X

Alien's Signature

U.S. Department of Homeland Security  
101 W. Congress Parkway suite 4000  
Chicago, IL 60605



**U.S. Immigration  
and Customs  
Enforcement**

**Release Notification**

TAMAYO-Perez, Randy

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**PROOF OF SERVICE**

**(1) Personal Service (Officer to complete both (a) and (b) below.)**

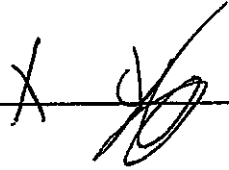
(a) I \_\_\_\_\_, \_\_\_\_\_,  
Name of ICE Officer Title  
certify that I served \_\_\_\_\_ with a copy of  
Name of detainee  
this document at \_\_\_\_\_ on \_\_\_\_\_, at \_\_\_\_\_.  
Institution Date Time

(b) I certify that I served the custodian \_\_\_\_\_,  
Name of Official  
\_\_\_\_\_, at \_\_\_\_\_, on  
Title Institution  
\_\_\_\_\_ with a copy of this document.  
Date

**OR**

**(2) Service by certified mail, return receipt. (Attach copy of receipt)**

I \_\_\_\_\_, \_\_\_\_\_, certify  
Name of ICE Officer Title  
that I served \_\_\_\_\_ and the custodian \_\_\_\_\_.  
Name of detainee Name of Official  
with a copy of this document by certified mail at \_\_\_\_\_ on \_\_\_\_\_.  
Institution Date

Detainee Signature: 

Date: \_\_\_\_\_

( ) cc: Attorney of Record or Designated Representative

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**ORDER OF SUPERVISION**

Event Number: File No.: Date: November 28, 2018Name: TAMAYO-PEREZ, RANDYOn August 30, 2018, you were ordered:  
(Date of Final Order)

- ☐ Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
- ☒ Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- ☒ That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
- ☒ That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
- ☒ That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
- ☒ That you do not travel outside Florida for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.  
(Specify geographic limits, if any)
- ☒ That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
- ☒ That you report in person on 01/15/2019 00:00 to this agency office at:  
(Day/Date/Time)  
orlando ICE office  
(Reporting Address)

☐ That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.

☐ Other: \_\_\_\_\_

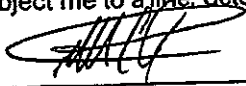
☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

  
(Signature of ICE Official)

LEIBAS,   
(Print Name and Title of ICE Official)

**Alien's Acknowledgement of Conditions of Release under an Order of Supervision**

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

  
(Signature of ICE Official Serving Order)

  
(Signature of Alien)

\_\_\_\_\_  
Date

[illegible]

