

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

FB

SA 26CA0655

FILED

JAN 28 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *DA* DEPUTY CLERK

Case No. _____

(Supplied by Clerk of Court)

GUSTAVO ADOLFO Galdamez Lopez }

Petitioner
v.
Pam Bondi, Sylvester M. Ortega }
Federal M. Lyons Kristi Noem }
warden at South Texas Detention }
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: GUSTAVO ADOLFO Galdamez Lopez
(b) Other names you have used: N/A

2. Place of confinement:

(a) Name of institution: South Texas ICE Processing Center

(b) Address: 566 Veterans Drive
Peatsall TX 78061

(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: _____

(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: _____

(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: _____

(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: _____

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: 08-26-2025

(b) Date of the removal or reinstatement order: 08-25-2025

(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: 11-28-2025

(2) Case number: [REDACTED]

(3) Result: Pending

(4) Date of result: pending

(5) Issues raised: pending

(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: a constitutional challenge under which I contends
mine detention without a bond hearing violated the
immigration and nationality Act (INA) and mine
right to substantive and procedural due process under the
(a) Supporting facts (Be brief. Do not cite cases or law.): FIFTH AMENDMENT
Nothing of record reveals any violation of any condition
of release when he arrived at a routine check-in or
about 02/25/2025.

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

☐ Yes

☐ No

GROUND TWO: the Administrative Procedure Act (APA)

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 Do not cite cases or law.):

mine primary argument is that mine detention violates
the plain language of the INA because

Additional Page 2

(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

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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: ① Order the immediate release of

mine unlawful detained or seeking a bond hearing.

② Order mine immediate release from custody on any other basis that this court finds proper.

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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:

Jan 21 2025

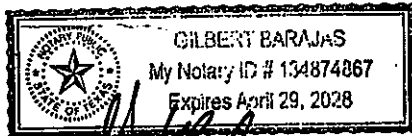
I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

18 Jan 2025

Gustavo Calderon

Signature of Petitioner



Signature of Attorney or other authorized person, if any

Additional Page 7

I was taken into custody, when ICE detained me, it provide no reason for mine detention and did not formally vacate or modify mine release. I'm scheduled for a hearing before an immigration judge on 2028

that I "had no notice" of mine removal order.

I alleges that mine "arbitrary detention" violates mine due process right under the Fifth Amendment because it is "not based on a rational and individualized determination of whether I'm a safety or flight risk" or a consideration of "the merits of mine circumstance and mine eligibility for relief from detention

which I argues neither section 1225(b)(1) nor section 1225(b)(2) permits mine detention, and I may only be detained under section 1226(a) which requires I be provide a bond hearing

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§ 1225 (b) (2) (A) does not apply to individuals who previously entered and are now residing in the United States instead. Such individuals are subject to a different statute § 1226 (a) that (1) EXPRESSLY applies to individuals who are charged as inadmissible for having entered the United States without inspection and (2) allows for release on Conditional Parole or bond.

Nothing of record reveals any violation of mine condition of mine release (OSUP) mine detention violates the plain language of the INA.