

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

FEB 05 2026

CLERK US DISTRICT COURT
DISTRICT OF NEVADABY: AK

DEPUTY

JOSE IGNACIO ANTUNEZ-PICHARDO

Petitioner,

PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; MICHAEL BERNACKE, Field
Director, West Valley City Office; TODD
LYONS, Acting Director; JOHN MATTOS,
Nevada Southern Detention Center.

respondent

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

Case No. _____

(Supplied by Clerk of Court)

2:26-cv-00275-APG-BNW

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

Personal Information

1. (a) Your full name: JOSE IGNACIO ANTUNEZ-PICHARDO
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Nevada Southern Detention Center
(b) Address: 2190 E. Mesquite Avenue, Pahrump,
NV 89060
(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): Petitioner, who has NO CRIMINAL HISTORY, was on Parole from ICE;
he was arrested on 8/25/2025; he paid \$2,000.00 and was released with
no criminal charges. But has been in I.C.E. custody since 8/25/25.

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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): Unlawful Detention

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: N/A

(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 Action7. **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: _____

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(b) If you answered "No," explain why you did not appeal: First Immigration Detention.

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:

N/A

(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:

N/A

(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: _____

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(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

N/A

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: _____

N/A

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- (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 25, 2025
- (b) Date of the removal or reinstatement order: January 14, 2026
- (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: _____

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- (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.

GROUND ONE: ICE VIOLATED THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT, WHEN HE WAS DETAINED BY ICE. 8/25/2025, EVEN THOUGH, HE WAS ON ICE PAROLE, WITHOUT ANY CRIMINAL CONVICTION, AND OR ANY REVOCATION.

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

Under the Due Process Clause of the 5th Amend., The Supreme Court held: Freedom from "government custody..." is the "heart"... Liberty Interest... Due Process Clause Protect, Zadvydas v. Davis, 533 U.S. 678, 690 (2001)... also held: ... Individuals ... Protected Liberty Interest ... Re-Detention ... Parole, or Probation. See Morrissey v. Brewer, 408 U.S. 471, 482 (1972) (Parole); Gagnon v. Scarpelli, 411 U.S. 778, 782 (1973) (Probation). Perez-Mendoza v. Lyons, 2025 U.S. Dist. LEXIS 207266, 2 (C.D. Cal., Oct. 21, 2025).

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

☐ Yes☐ No

DUE

GROUND TWO: ICE VIOLATED THE PROLESS CLAUSE OF THE FIFTH AMENDMENT, WHEN ICE, RE-DETAINED PETITIONER, AFTER PETITIONER HAS BEEN ON ICE PAROLE FOR THREE YEARS, WITHOUT ANY CRIMINAL CONVICTION

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

Procedural Due Process demands meaningful notice and a genuine opportunity to be heard before the Federal government infringes upon a Liberty Interest. Mathews Eldridge, 424 U.S. 319, 332 (1976). Kyamba v. Hermosillo, 2026 U.S. Dist. LEXIS 17411, 6 (W.D. Wash., Jan. 29, 2026).

(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: APPOINT COUNSEL; GRANT HABEAS CORPUS
UNDE 28 U.S.C. SECTION 2241; ORDER PETITIONER BE RELEASED
FROM CUSTODY; AND ISSUE A RESTRAINING ORDER AGAINST ICE
THROUGH AN EMERGENCY INJUNCTION.

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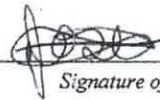
Declaration Under Penalty Of Perjury

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

2/2/2026

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: 2/2/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

