UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Luis German Guillen Alvarado

Petitioner

v.

Secretary of the U.S. Department of Homeland Securit, Pamela BONDI; Todd LYONS,Warden of The Seneca County Jail

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

Personal Information

1. (a) Your full name: Luis German Guillen Alvarado

   (b) Other names you have used: Lucio Perez Guerra

2. Place of confinement:

   (a) Name of institution: SENECA COUNTY JAIL

   (b) Address: 3040 SOUTH STATE ROUTE 100
   TIFFIN, OH 44883

   (c) Your identification number: [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. Department of Homeland Security, Immigration and Customs Enforcement (ICE) Seneca County Jail in Tiffin, Ohio

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Ongoing ICE Detention without a Bond Hearing custody or custody redetermination

(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

(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: 02/16/2026

(b) Date of the removal or reinstatement order: 08/15/2001

(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: Motion to Reopen Removal Proceedings and Rescind In Absent

(b) Name of the authority, agency, or court: United States Department of Justice Executive Office for Immigration Review San Antonio Immigration Court

(c) Date of filing: 03/05/2026

(d) Docket number, case number, or opinion number: A#077-668-475

(e) Result: Pending

(f) Date of result:

(g) Issues raised: Rescission of in absentia removal order based on lack of notice, dual A-numbers, and identity verification by DHS; request to reopen removal proceedings.

[redacted] (removal order issued in 2001 under the name Lucio Perez-Guerra)

(biometrically verified identity under which DHS granted TPS)

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: Unlawful immigration detention despite Petitioner's verified identity and active Temporary Protected Status (TPS).

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 Do not cite cases or law.)*:

Petitioner is a citizen of El Salvador who has lived in the United States for over 25 years. His true name is Luis German Guillen Alvarado, although he was previously placed in immigration proceedings under the name name Lucio Perez-Guerra. DHS later verified his fingerprints and issued a different A-number under his true identity and granted him Temporary Protected Status (TPS), which he has maintained for many years. Petitioner was stopped while driving in Ohio and presented identification under his true name and proof of TPS. A Motion to Reopen and Rescind the 2001 in absentia removal order has been filed.

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

☐ Yes ☑ No

GROUND TWO: Detention without bond hearing or meaningful custody review.

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

The petitioner has no criminal record and has resided in the United States for a long time. Following his arrest in Ohio, ICE detained him in the Seneca County Jail and has not granted him with a bond hearing or any opportunity to seek release. Petitioner has strong ties to New York, where he resides and works, and there is no indication that he poses a danger or flight risk. His detention is prolonged and lacks any individualized review. ICE detained him and has not provided him with Form I-286 or any opportunity for bond or custody review.

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

☐ Yes ☑ No

GROUND THREE: Detention based on an outdated removal order issued under a different identity.

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

Petitioner is the same individual associated with two different A-numbers. The 2001 in absentia removal order was issued under the name Lucio Perez-Guerra, while DHS later verified Petitioner's fingerprints and created a separate A-number under his true name, Luis German Guillen Alvarado. Under that identity DHS granted and repeatedly renewed Temporary Protected Status.

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

☐ Yes ☑ No

GROUND FOUR: Continued detention while immigration proceedings remain pending.

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

Petitioner has filed a Motion to Reopen and Rescind the 2001 in absentia removal order before the San Antonio Immigration Court. That motion remains pending. Despite this pending proceeding and Petitioner's valid TPS status, he continues to be detained without release.

(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: Petitioner respectfully requests that this Court:

1. Grant the writ of habeas corpus and order his immediate release from immigration detention; or,

2. Alternatively, order the Government to provide Petitioner with a prompt bond hearing before an immigration judge; and

3. Grant any further relief that the Court deems just and proper.

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: 03/06/2026

Luis German Guillen Alvarado

Signature of Petitioner

Signature of Attorney or other authorized person, if any