# UNITED STATES DISTRICT COURT
# DISTRICT OF KANSAS

FILED
MAR 25 2026
Clerk, U.S. District Court
By: _____ Deputy Clerk

CESAR AUGUSTO CASTILLO RUIZ
PETITIONER, PRO SE
A-NUMBER : [redacted]

26-3064-JWL

V.

C. CHESTER, Warden of USP -LEAVENWORTH
Correctional Institution
TODD LYONS, Acting Director of
U.S. Immigration and Customs Enforcement
KRISTI NOEM, Secretary of the U.S
Department of Homeland Security;
and, PAM BONDI,
Attorney General OF the United States,
in their official capacities,

RESPONDENTS.

## PETITION FOR WRIT HABEAS CORPUS

01/15/2026



# UNITED STATES DISTRICT COURT

for the

CESAR AUGUSTO CASTILLO RUIZ
*Petitioner*

v.

Case No. _____
*(Supplied by Clerk of Court)*

_____
*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: CESAR AUGUSTO CASTILLO RUIZ
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: UNITED STATES PENITIARY LEAVENWORTH
   (b) Address: P.O. BOX 1000
   LEAVENWORTH, KS 66048
   (c) Your identification number: _____
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   ICE DETENTION
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. IMMIGRATION AND CUSTOMS ENFORCEMENT, REFUSAL TO RELEASE ME FROM DETENTION.

(b) Docket number, case number, or opinion number: "NONE"

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

After 14 months of Detention, U.S. Immigration and customs enforcement refusal to release me. I have pending Appeal for form (I-589) application.

(d) Date of the decision or action: 07/16/2025

**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: 01/20/2025

(b) Date of the removal or reinstatement order: 07/16/2025

(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: 10/02/2025

(2) Case number: [redacted]

(3) Result: APPEAL IS PENDING.

(4) Date of result:

(5) Issues raised: ORDER of THE IMMIGRATION JUDGE, FOR MY APPLICATION FOR ASYLUM AND WITH HOLDING of REMOVAL WAS DENIED AND I APPEAL TO BIA. BUT I BELIEVE IF I GET DEPORTED TO MY NATION, IT WILL RESULT POLITICALLY PERSECUTED AND HARM OR MAY BE KILLED.

(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:** VIOLATION of 8 U.S.C § 1231 (a)(6)

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 Do not cite cases or law.)*:

I HAVE BEEN DETAINED BY ICE FOR 14 MONTHS, BEYOND THE REMOVAL PERIOD AUTHORIZED BY STATUE. ICE IS NOT LIKELY TO REMOVE ME IN NEAR FUTURE. SEE ATTACHED MEMORANDUM WITH ADDITION SPECIFIC DETAIL. Question (b) below not applicable.

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

☐ Yes ☐ No

**GROUND TWO:** VIOLATION of THE PROCESS CLAUSE of THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION.

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

ICE IS DEPRIVING ME OF MY RIGHT TO LIBERTY. I HAVE BEEN DETAINED BY ICE FOR A PROLONGED PERIOD, 14 MONTHS. SEE ATTACHED MEMORADUM WITH ADDITIONAL SPECIFIC FACTS. Question (b) below not Applicable.

(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: ORDER MY IMMEDIATE FROM ICE CUSTODY.

**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: 03/20/2026 Cesar Castillo

*Signature of Petitioner*

N/A

*Signature of Attorney or other authorized person, if any*



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# CONCLUSION

In conclusion, Petitioner indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully request that this Court order Respondents to show case why the writ should not be granted "withing three days unless for good cause additional time, not exceeding twenty days, is allowed", and set hearing on this petition withing five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

**Respectfully Submitted,**

**Signature:** Cesar Castillo

**Name:** CESAR AUGUSTO CASTILLO RUIZ

**A- Number:** [redacted]

**Detention Center:** LEAVENWORTH - FCI

**Address:** P.O. BOX 1000

LEAVENWORTH, KS 66048

01/15/2026



**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: 03/20/2026

*Signature of Petitioner*

N/A

*Signature of Attorney or other authorized person, if any*