UNITED STATES DISTRICT COURT

for the

Northern District of New York

Alfredo Bustos-Millan

Petitioner

v.

David Venturella, Acting ICE Director; Todd Blanche, Acting Attorney General; Markwayne Mullin, Secretary of DHS

Respondent

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

Case No. 9:26-cv-1286 AJB

(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: Alfredo Janek Bustos-Millan

   (b) Other names you have used: Alfredo Busto; Alfredo Bustos Millan

2. Place of confinement:

   (a) Name of institution: BUFFALO SERVICE PROCESSING CENTER

   (b) Address: 4250 FEDERAL DRIVE
   BATAVIA, NY 14020

   (c) Your identification number: A 244438491

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: Immigration and Customs Enforcement, Department of Homeland Security, EOIR (Batavia Immigration Court)

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Petitioner's detention by ICE; EOIR/Batavia Immigration Court declining to assert jurisdiction over bond redetermination hearing

(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: Batavia Immigration Court judges have declined to find jurisdiction for bond redetermination hearings as a result of Matter of Q Li and Matter of Yajure Hurtado. The BIA also upholds mandatory 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:

(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: 06/18/2026

(b) Date of the removal or reinstatement order:

(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:

(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: Mandatory detention under Matter of Q Li or Matter of Yajure Hurtado violates Due Process under the Fifth Amendment.

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 Do not cite cases or law.)*:

Procedural Due Process Clause of the Fifth Amendment prohibits the government from depriving an individual of a protected interest without notice and an opportunity to be heard. Respondents provided Petitioner with no meaningful opportunity to be heard prior to arresting and detaining him and are giving him no meaningful opportunity to be heard following his arrest.

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

❒ Yes ❒ No

GROUND TWO: Petitioner is not a flight risk or danger to society.

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 Do not cite cases or law.)*:

Petitioner can submit documents demonstrating his community ties and good moral character, but has not been given the opportunity to do so.

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

❒ Yes ❒ No

GROUND THREE: Petitioner's detention should not be governed by 8 U.S.C. § 1225(b)(2)(A) but rather 8 U.S.C. § 1226(a)

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

The Petitioner is not subject to mandatory detention and is entitled to, at the very least, a fair bond hearing.

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

❒ Yes ❒ No

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 Petitioner's immediate release from ICE custody, or alternatively order the immigration court to conduct a bond hearing.

Furthermore, Petitioner requests that the court order that the Petitioner not be moved from the current facility where he is being held until this matter is decided.

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: 06/23/2026

Signature of Petitioner

/s/ Andrew C. Russell

Signature of Attorney or other authorized person, if any

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