AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

FILED

JUL 10 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Luis Leonel Palacio Acosta
Petitioner

v.

Warden California City Detention Facility
Respondent
(name of warden or authorized person having custody of petitioner)

1:26-cv-5340-RLP

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 Leonel Palacio Acosta
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: California City Detention Facility
   (b) Address: 28844 Virginia Boulevard
   California City CA 93505
   (c) Your identification number: [redacted]
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: N/A
   (b) Docket number of criminal case: N/A
   (c) Date of sentencing: N/A
   ☐ Being held on an immigration charge
   ☐ Other *(explain)*: N/A

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 Customs Enforcement
(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: n/A
(2) Date of filing: n/A
(3) Docket number, case number, or opinion number: n/A
(4) Result: n/A
(5) Date of result: n/A
(6) Issues raised: n/A
(b) If you answered "No," explain why you did not appeal:
there no Administrative Appeal Available at this time

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: n/a

(2) Date of filing: n/a

(3) Docket number, case number, or opinion number: n/a

(4) Result: n/a

(5) Date of result: n/a

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a second appeal:

there's no administrative appeal available at this time

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: n/a

(2) Date of filing: n/a

(3) Docket number, case number, or opinion number: n/a

(4) Result: n/a

(5) Date of result: n/a

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a third appeal:

there's no administrative appeal available at this time

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: n/a
(2) Case number: n/a
(3) Date of filing: n/a
(4) Result: n/a
(5) Date of result: n/a
(6) Issues raised: n/a

(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: n/a
(2) Case number: n/a
(3) Date of filing: n/a
(4) Result: n/a
(5) Date of result: n/a
(6) Issues raised: n/a

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: n/a

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 06-18-2025
(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: n/a
(2) Case number: n/a
(3) Result: n/a
(4) Date of result: n/a
(5) Issues raised: n/a

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: n/a
(2) Date of filing: n/a
(3) Case number: n/a
(4) Result: n/a
(5) Date of result: n/a
(6) Issues raised: n/a

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: n/a
(b) Name of the authority, agency, or court: n/a
(c) Date of filing: n/a
(d) Docket number, case number, or opinion number: n/a
(e) Result: n/a
(f) Date of result: n/a
(g) Issues raised: n/a

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: Zadvydas, 533 U.S at 697 Detention is not reasonably related to this purpose if there are Alternative to detention that mitigate risk of flight. See bell v. Wolfish, 441 U.S 520, 538 (1979). ICE's detention Alternative Program (the intensive supervision Appearance Program)

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

Petitioner Due process Also requires consideration of Alternative to detention. the primary purpose of immigration detention is to ensure a noncitizen Appearance during removal proceedings.

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

☐ Yes ☒ No

GROUND TWO: Due process applies to All person in United States whether their presence Here is lawful, unlawful, temporary, or permanent. Zadvydas 533 U.S at 690 Citing Fawner v. Lousiana, 504 U.S 71, 80 1992 Civil Immigration detention Violates due process if it is not reasonably related to it STATUTORY

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: Purpose 406, U.S 715, 738 1972

Petitioner detention Violates the Due process Clause of the fifth Amendment forbids the government from depriving any person of liberty without due process of law, government custody, detention, or other form of physical restraint lies at the heart of liberty that the Due process protect in the immigration context the Supreme Court has recognize only two valid purpose for civil detention

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

☐ Yes ☐ No

GROUND THREE: this Court has Jurisdiction under 28 U.S.C § 2241 the suspension clause U.S. Const. Art I § 9. Cl 2 and 28 U.S.C § 1331 Zadvydas, 533 U.S 678, this Court may grant relief under Habeas Corpus petitioner also citing 5 U.S.C § 702, and 28 U.S.C § 1651 All Writs Act

(a) Supporting facts *(Be brief. Do not cite cases or law.)*: And Kansas v. Hendricks 521 U.S 346, 363 1997

Petitioner is presently in custody under Color of the Authority of the United States, petitioner under custody is Violation of the Constitution laws or treaties of the United States establishing the right of review for a person suffering A legal Wrong due to agency actions

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

☐ Yes ☒ No

GROUND FOUR: Prolonged Detention

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

Petitioner Detention Has become Prolonged and unConstitutional it serves the goverment No purpose keeping petitioner in Detention petitoner HAS been in Detention for 12½ Months now that brings a really High level of Constitutional Concern.

(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: N/A

Request for Relief

15. State exactly what you want the court to do: Petitioner prays to this court for the following relief: that this Court grant this HAbeas Corpus And, Order, Respondent to Show With convincing evidence Why petitioner Should not be release immediately, that this court orders Respondent to release petitioner from DHS custody immediately.

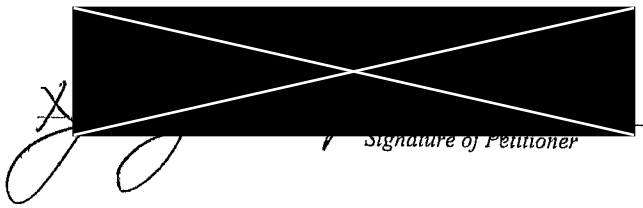
Declaration Under Penalty Of Perjury

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

X

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: X



Signature of Petitioner

Signature of Attorney or other authorized person, if any