JUDGE LEON SCHYDLOWER

RECEIVED
AUG 21 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Ottoniela Alvarado
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Ottoniela, Alvarado

Petitioner

v.

Department of Homeland Security

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

Case No. EP26CV2188
245-868-439
(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: Ottoniela, Alvarado
   (b) Other names you have used: n/a
2. Place of confinement:
   (a) Name of institution: El Paso SPC, Department of Homeland Security
   (b) Address: 8915 Montana Ave, El Paso Texas 79925
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   Department of Homeland Security
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: NA

   ☑ 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)*: n/a

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

(a) Name and location of the agency or court: El Paso SPC, Department of Homeland Security 8915 Montana Ave, El Paso Texas 79925

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: I am challenging my continued detention by ICE. ICE has not given me any paperwork explaining why I am being detained, has not told me the specific reason for my detention. I am asking the courts to review the legal basis for my detention and whether I can be released while I continue my immigration case.

(d) Date of the decision or action: 08/01/2026

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: NA

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

(4) Result: n/a

(5) Date of result: NA

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not appeal: I have not had to file an 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: n/a

(2) Date of filing: NA.

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

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a second appeal: I have not had to file an 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: n/a

(2) Date of filing: NA

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

(4) Result: n/a

(5) Date of result: NA.

(6) Issues raised: n/a

(b) If you answered "No," explain why you did not file a third appeal: I have not had to file an 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: n/a

(2) Case number: n/a

(3) Date of filing: NA

(4) Result: n/a

(5) Date of result: NA.

(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: NA.

(4) Result: n/a

(5) Date of result:

(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: 08/01/2026

(b) Date of the removal or reinstatement order: NA.

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing: NA

(2) Case number: n/a

(3) Result: n/a

(4) Date of result: NA.

(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: NA.

(3) Case number: n/a

(4) Result: n/a

(5) Date of result: NA.

(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: I-589, Application for Asylum and for Withholding of Removal

(b) Name of the authority, agency, or court: Immigration Court, Salt Lake City, Utah

(c) Date of filing: 10/24/2024

(d) Docket number, case number, or opinion number: 245-868-439

(e) Result: pending

(f) Date of result: Pending.

(g) Issues raised: I am asking for asylum and proteciton in the United States. My asylum case is still pening. I have also applied for employment authorization and a Social Security Card. Both were approved, they are both still valid. I am requesting from the courts the oppourtinity of a bond hearing so that I may continue my case outside of detention.

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: I am a national of Venezuela, I entered into the United States on 03/03/2024 through El Paso. I surrendered myself to Border Patrol, I was given a Notice To Appear with a future court date for 04/29/2027. I was told by the ICE agents that I had one year to submit my relief, which I did.

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

I am respectfully requesting from the courts the opportunity of a bond hearing so that I may continue my case outside of detention.

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

☐ Yes ☑ No

GROUND TWO: I filed my asylum application approximately seven months after I entered the United States. My asylum application is still pending. I have taken the steps to follow the Immigration process, My application for employment authorization was approved, and I also received a Social Security card. They are both still valid.

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

I have complied with my immigration requirements. I do have a family friend who is willing to sponsor me. I do have a permanent address. If I am to be released. I respectfully ask the court to allow me continue pursuing my asylum case outside of detention if they allow it.

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

☐ Yes ☑ No

GROUND THREE: I was detained by ICE during an ICE enforcement operation. ICE did not provide me with any paperwork explaining why I was being detained. I was not told the specific reason for my detention. I was not breaking any laws at the time of my arrest. I informed ICE of my work authorization being valid, and I they informed me that they do not see that as a valid status. I also showed them my REAL ID.

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

I respectfully ask the court to review the legal basis for my detention and determine what custody review or other relief is available to me.

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

☐ Yes ☑ No

GROUND FOUR: If given the opportunity of a bond hearing, I will continue to attend all immigration appointments and court hearings and will follow any and all conditions that are required of me. I have formed ties in my community. I have minor son who is 16 years old, who solely depends on me. At the moment he is suffering from extreme depression due to my detention.

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

I am not a danger to the community; I am not a flight risk. I respectfully request the court to review the legal basis for my detention and determine what custody review or other relief is available to me.

(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: I have not previously presented these grounds because I have never had a bond hearing or individualized custody hearing. I was detained by ICE, I was not given paperwork explaining my detention. I am currently detained, I do not have an attorney. I am asking the courts to review the legal basis for my detention and the custody relief that may be available to me.

Request for Relief

15. State exactly what you want the court to do: I respectfully ask the court to review the legal basis for my detention. I ask the court to consider that I have a pending asylum case, and a history of complying with the courts. If a bond hearing or other custody hearing is legally available to me, I respectfully ask the courts to order one. If I am legally eligible for release, I respectfully ask to be released under reasonable conditions and for any other appropriate relief.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system: 08/18/2026

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: 08/18/2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS #: [redacted] File No: [redacted]

In the Matter of: DOB: [redacted] Event No: [redacted]

Respondent: OTTONIELA ALVARADO currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near EL PASO, TX , on or about March 3, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

2975 S. DECKER LAKE DR., #200 WEST VALLEY UT 841196094

(Complete Address of Immigration Court, including Room Number, if any)

on April 29, 2027 *(Date)* at 01:00 PM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

MICHAEL A RICHES
Date: 2024.03.04 12:26:19 -05:00
0983399309 CBP

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: March 04, 2024

El Paso, Texas

(City and State)