JUDGE LEON SCHYDLOWER

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

RECEIVED
AUG 26 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

FILED
August 28, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: MRC DEPUTY

UNITED STATES DISTRICT COURT

for the

Juana Mercedes Lopez poveda
Petitioner

v.

Camp EAST Montana.
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. EP26CV2215
(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: Juana Mercedes Lopez Poveda
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Camp EAST Montana
   (b) Address: 6920 digital Road, El paso, TX. 79936
   (c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
   ☒ Federal authorities ☐ State authorities ☐ Other - explain: ICE
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)*: Detained by ICE

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: Western District court of texas Albert Armendariz Sr. united states courthouse 525 Magoffin Avenue Room 105 El Paso TX. 79901

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

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

I am fighting to be released as I've been held by ICE for more than 90 days and there's a law that says ICE cannot keep me for more than 90 days.

(d) Date of the decision or action: 8-20-2026

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: _____

(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: I don't have an attorney nor the necesary means to appeal for Mysolf. I have no income

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: Because I had a Humanitarian parol. I don't consider the appeal necessary

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: I don't have time to appeal because I'm being detained.

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: 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:
(2) Case number:
(3) Date of filing:
(4) Result:
(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:

Because I've passed the 90 days limit to ask for this

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: May 15, 26
(b) Date of the removal or reinstatement order: Aug 5, 26
(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: N/A

(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: N/A

(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: Habeas Corpus

(b) Name of the authority, agency, or court: Western District Court of Texas

(c) Date of filing: Aug. 20, 26

(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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I'm asking the judge to reevaluate My case because I had the Humanitarian parol and I cant return to my country for fear.

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

I have evidence of the above but also evidence supporting thats the claims made against me are false

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

☐ Yes ☑ No

GROUND TWO: My mother is a resident of the U.S. as well as my sister and most of my family is in the U.S.

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

Addresses and Immigration status.

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

☐ Yes ☑ No

GROUND THREE: 90 day law for immigration to hold me is up I've been detained 96 days

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

ICE must have records of my detention.

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

☐ Yes ☐ No

GROUND FOUR: I am afraid to go back to my country as I was a target of my government for opposing the Dictatorship regimen.

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

I have a witness, A police officer of Nicaragua who quit and had to flee the country as well

(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: I just want the judge to give me an opportunity to fight my case outside of custody Give me the chance to present my evidence I ask the Federal Judge to consider everything I can expose.

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: 8/20/2026

_____
Signature of Petitioner

Juana Mercedes lopez pouelda
_____
Signature of Attorney or other authorized person, if any

I Juana Cas[redacted] Fl[redacted] I left Nicaragua August 1, 2022, traveling through Honduras, El salvador, Guatemala and mexico to get U.S. I left My country, migrating because my job was [redacted]

I was attending the protests of 2018 that were opposing the Nicaragua Government, I was physically hit, threatened and Mazed. In arc ocation, I was shot at, but Managet to save My life and get a way, to another city to look for my way out and to this country. I managed to get My humanitary parole.

Upon arriving to this country I met and started living with a mexican man. I suffered verbal, emotional and mental abuse and I never filed a report, I have evidence of the abuse, I have witresses to the fact that he was the arc who would look for me when drunk, He would show up harrass, insult and yell at me He belittled me terribly He also fakely accused me of things that never happened As a result I went to jail for days, now I am facing a deportation, I am at the Montana East Camp in El paso, Texas, detained by ICE a total of 100 days as of today, with no answer.

I ask the Judges Habes Corpus to, please, Consider MY Case. I declare by the bible that every thing I have written is completely the truth.

20-08-2026

Juana S.

McDonald's

6048 Harding Hwy, Mays Landing, NJ, 08330

(609)-625-1568

June 3, 2026

To Whom It May Concern,

I am writing this letter to provide a character reference for Juana Lopez Poveda, who is seeking immigration relief in the United States. My name is Samantha Ross, and I have known Juana for 18 months as her employer.

Throughout the 18 months that I have known Juana Lopez Poveda, I have found her to be an exemplary employee, maintaining a strong moral character while demonstrating an excellent work ethic. She is someone that you can always count on, and someone who is not afraid to go above and beyond. She has never received any disciplinary actions, and only continues to show her dedication to being a good employee here.

She has shown kindness and respect to everyone she knows, both within and outside of work, caring immensely for her friends and family. Her compassion and respect towards everyone is synonymous with what it means to be a part of the United States.

I believe that Juana Lopez Poveda is a valuable member of society in the United States, and should be granted the opportunity to continue her stay in the United States. Please do not hesitate to contact me at (609)-625-1568 if you require further information.

Kind Regards,

Samantha Ross

General Manager

28 de mayo de 2026

New Jersey

To Whom It May Concern,

My name is Katherine T. Collado and I am writing this letter in support of my friend and coworker Juana Mercedes Lopez Poveda. I have known Juana for more than a year, and during this time I have known her as a very kind, responsible and hardworking person.

Juana is always on time and takes her responsibilities very seriously. At work she is dedicated, respectful and always wants to help anyone that needs her. She is also trustworthy and someone that we go to if we need any advice or support. She has a good heart and always tries to make the right things.

Outside of work, Juana is someone that cares a lot for others. Her detention has deeply affected us, the people that know and care about her. As friends, we are so sad and feel that what happened was unfair.

I sincerely believe that Juana is a good person that deserved compassion and consideration. She has always demonstrated respect to others and is a positive influence to the ones around her. I respectfully ask that her character and good behavior be taken into account.

Thanks for your time and consideration.

Sincerely, Katherine T. Collado.