JUDGE LEON SCHYDLOWER

FILED
AUG 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

Petition for a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (pro-se)

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS DIVISION

EL PASO

JOHAN JOSE MORALES VARGAS

A#: [redacted]

PETITIONER,

MARY DE ANDA-YBARRA, Field Office Director of Enforcement and Removal Operations El Paso Field Office, Immigration and Customs Enforcement;

TODD M. LYONS, In His Official Capacity as Acting Director, Immigration and Customs Enforcement, U.S Department of Homeland Security;

MARK WAYNE MULLIN, His Official Capacity as Secretary, U.S Department of Homeland Security; **AND**

TODD BLANCHE, In His Official as Acting Attorney General of the United States,

Respondents.

EP26CV2223

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner, **Johan Jose Morales Vargas,** (A#: [redacted]), is a native and citizen of Venezuela who has been in detention since July 28, 2025. He is currently in the process of his I-589 application which he submitted on the year 2022

2. On August 17, 2026, I had my final Asylum Hearing with the Honorable Immigration Judge STEPHEN RUHLE of the 5th Circuit of Texas located at 8915 Montana, El Paso

Texas, obtaining a final verdict in my favor GRANTING ME ASYLUM. I respectfully address this Honorable Court so that my RELEASE may be confirmed and ordered, and that ICE authorities be notified of the JUDGE'S decision and proceed with my RELEASE.

I. STATEMENT OF FACTS

1. Petitioner (Johan Jose Morales Vargas) was born in Maracaibo, Venezuela, on [redacted] 1994 he entered the United States in September 14, 2022, where he applied for admission at El Paso, TX in a port of entry named Eagle Pass, he was later processed by an ICE officer and given a I-385 Parole for 60 days.

II. JURISDICTION

1.This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101, et seq., and the Administrative Procedures Act ("APA"), 5 U.S.C. § 701, et seq.

2.This Court has subject matter jurisdiction over this petition and may grant relief pursuant to 28 U.S.C. §§ 2241, 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause); the All-Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

3.Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); Jennings v. Rodriguez, 583 U.S. 281, 292-95 (2018); Maldonado v. Macias, 150 F. Supp. 3D 788, 794 (W.D. Tex. 2015), INS v. St. Cyr, 533 U.S. 289, 364-65 (2001) ("The writ of habeas corpus has always been available to review the legality of executive detention.").

III. EXHAUSTION OF REMEDIES

6. As recognized by the Fifth Circuit, while exhaustion is the general rule, "exceptions to this general rule" exist. Garner v. U.S. Dep't of Lab., 221 F.3d 822, 825(5th Cir. 2000). "A failure to exhaust administrative remedies may be excused when the claimant advances a constitutional challenge unsuitable for determination in an administrative proceeding, or when the unexhausted remedy is plainly inadequate."
"When a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." Lopez de Jesus v. Imm.& Naturalization Serv., 312 F.3d 155, 162 n. 47(5th Cir. 2002). Federal courts have "the discretion to excuse the exhaustion requirement" Garner, 221 F.3d at 825. Here, the
7."constitutional challenges are not the types of questions" requiring exhaustion, and requiring Petitioner "to exhaust administrative remedies relating to same would be an exercise in futility." Exhaustion, furthermore, may also be excused when delay would result in hardship. See Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13, 120 S. Ct. 1084, 146 L. Ed. 2D 1 (2000) [*6].

IV. VENUE

9.Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District Court of Texas, the judicial district in which Petitioner resides.

V. LEGAL FRAMEWORK

10.Habeas petitioners must show they are "in custody in violaton of the constitution or laws or treaties of the United States." Herrera v. Tate, F. Supp. 3D, No. CVH-25-3364, 2025 U.S. Pist. LEXIS 189999, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)). They "bear the burden of proving that [they are] being held contrary to law; and because the habeas proceeding is civil in nature, the petitioner

must satisfy this burden of proof by a preponderance of the evidence." (quoting Skaftouros v. United States, 667 F.3d 144, 158(2d Cir. 2011) and citing Bruce v. Estelle, 536 F.2d 1051, 1058 (5th Cir. 1976)). Courts "considering a habeas petition must 'determine the facts and dispose of the matter as law and justice require.'" (quoting 28 U.S.C. § 2243).

11.The Supreme Court has referred to the "Great Writ" as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in cases of illegal restraint or confinement" and "received into out own law in the colonial period." Fay v. Noia, 372 U.S. 391, 400, 83 S. Ct. 822, 9 L. Ed. 2D 837 (1963), overruled in part on other grounds, Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2D 594 (1977), and abrogated in part on other grounds by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2D 640 (1991). The importance of this Great Writ was not lost on the Justices of the Civil Rights era who recognized that the writ's

*function has been to provide a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release. Thus there is nothing novel in the fact that today habeas corpus in the federal [*7] courts provides a mode for the redress of denials of due process of law, vindication of due process is precisely its historic office.*

12."Only in the rarest of circumstances has congress seen fit to suspend the writ."

CONCLUSION

I respectfully address this Honorable Court so that my RELEASE may be confirmed and ordered, and that ICE authorities be notified of the JUDGE'S decision and proceed with my RELEASE.

PRAYER FOR RELIEF

For the above foregoing reasons, Petitioner respectfully request that this Court take the following:

A.- Assume jurisdiction
B.- Motion To Expedite Review Of Writ of Habeas Corpus
C.- Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ICE [Field Office in El Paso] during the pendency of these proceedings and while the Petitioner remains in Respondent's custody;

D.- Issue a Writ of Habeas Corpus ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding;

E.- In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 2 business days to provide **JOHAN JOSE MORALES VARGAS** a constitutionally adequate process to challenge his detention;

F.-Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause, and the APA.
G.-Grant such further release as the Court deems just and proper.
Respectfully submitted on 08/24, 2026.

/s

JOHAN JOSE MORALES VARGAS (pro-se)

El Paso Service Processing Center
8915 Montana Ave.,
El Paso, TX 79925
(915) 772-4204(phone)

CERTIFICATE OF SERVICE

I, JOHAN JOSE MORALES VARGAS, certify that on the date: 08/24, 2026 that I filed the foregoing pleading with the Clerk of the Court by traditional method and I served the following parties by U.S. priority mail with tracking:

Mary De-Anda-Ybarra, Acting ICE Office Director, El Paso
11541 Montana Ave., Suite E
El Paso, TX 79925

TODD M. LYONS, ERO El Paso Camp East Montana
6920 Digital Road El Paso, Tx 79936

Mark Wayne Mullin, Secretary of the Department of Homeland Security
2707 Martin Luther King Jr. Ave SE,
Washington, D.C. 20528-0525

Todd Blanche, Acting Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

I further certify that on Date: 08/24, 2026 I served the United States District Court/ Western District Court of Texas/ EL PASO DIVISION/ Office of the Clerk 525 Magoffin Ave., El Paso, TX 79901 by delivering a copy of the foregoing pleading In person.

/s
JOHAN JOSE MORALES VARGAS (pro-se)
A#: [redacted]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
EL PASO SPC IMMIGRATION COURT

Respondent Name:
MORALES-VARGAS, JOHAN JOSE

To:
MORALES-VARGAS, JOHAN JOSE
EL PASO SPC
8915 MONTANA AVE
EL PASO, TX 79925

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
08/17/2026

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 08/17/2026. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.

☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☑ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act.

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

☑ Asylum was ☑ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Withholding of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

[redacted]

consequences. See INA § 208(d)(6); 8 C.F.R. § 1208.20.

B. Cancellation of Removal

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

Applications for withholding of removal under INA section 241 and applications for withholding and deferral of removal under the Convention Against Torture are not adjudicated at this time.

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirement, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐

☐

If Respondent fails to voluntarily depart within the time specified, the alternate

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

☐ Respondent was ordered removed to

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a) then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned [illegible]

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

Immigration Judge: RUHLE, STEPHEN 08/17/2026

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due: 09/17/2026

Certificate of Service

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Respondent Name : MORALES-VARGAS, JOHAN JOSE | A-Number : [redacted]
Riders:
Date: 08/17/2026 By: Soto, Cynthia, Court Staff

[redacted]

FILED
AUG 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS DIVISION

EL PASO

Johan Jose morales Vargas

A#: [redacted]

Petitioner;

District Court Office of the

Clerk 525 Magoffin

Honorable;

REQUESTING A NEW HABEAS CORPUS CASE TO THIS HONORABLE COURT FOR CHANGE OF IMMIGRATION STATUS AFTER I WAS GRANTED ASYLUM BY AN IMMIGRATION JUDGE

I, request that the Clerk of the Honorable District Court Office of the Clerk 525 Magoffin reopen new Habeas Corpus case under 28u.s.c 2241, as it was previously denied because I did not have a final order from a judge.

My immigration status change on August 17, 2026, when the Honorable Judge Stephen Ruhle GRANTED ME ASYLUM.

THEREFORE; I respectfully request that the Clerk of this office reopen my case. THANK YOU FOR YOU ATTENTION.

Johan Jose Morales Vargas

A# [redacted]