

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

Migel Tulio v. Brent Thompson

Tulio · No. 1:26-CV-00206 · Decided March 12, 2026

SUMMARY

The magistrate judge recommends denying and dismissing with prejudice Migel Tulio’s 28 U.S.C. § 2241 petition seeking immediate or early deportation to Honduras instead of serving the remainder of his state sentence. The recommendation concludes that habeas corpus does not provide relief from a lawful sentence solely to facilitate deportation and that federal law does not require removal before release from incarceration.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Joseph H. L. Perez-Montes
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	March 12, 2026
DOCKET	1:26-CV-00206
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking immediate or early deportation to Honduras instead of serving the remainder of his state sentence. The magistrate judge issued this Report and Recommendation recommending that the petition be denied and dismissed with prejudice.
STANDARD OF REVIEW	A federal court may grant habeas relief to a person in state custody only when the custody violates the Constitution, laws, or treaties of the United States. The recommendation also applied the rule that habeas corpus cannot be used to obtain relief unrelated to the legality of the detention.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Migel Tulio v. Brent Thompson

TOPICS

federal habeas corpus

deportation

sentence modification

immigration

civil procedure

PRACTICE AREAS

Habeas corpus

Immigration law

Federal civil procedure

QUESTIONS PRESENTED

1. Whether a state prisoner may obtain federal habeas relief under 28 U.S.C. § 2241 to secure release from a valid criminal sentence for the purpose of deportation.
2. Whether 8 U.S.C. § 1228 requires removal of an alien convicted of an aggravated felony before completion of the alien's term of incarceration.

HOLDINGS

1. Federal habeas corpus is unavailable to terminate a lawful criminal sentence early merely so an inmate subject to deportation may return to his home country.
2. A prisoner has no constitutional or inherent right to conditional release before expiration of a valid sentence and no right to deportation before expiration of the term of incarceration.

KEY QUOTATIONS

“A federal court may entertain an application for a writ of habeas corpus from a person in state custody, only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.”

“Habeas corpus is not available to terminate a lawful criminal sentence early just so an inmate may return home—wherever that home may be.”

“A prisoner does not possess a “constitutional or inherent right . . . to be conditionally released before the expiration of a valid sentence.””

FACTUAL BACKGROUND

Tulio is a convicted state prisoner incarcerated at Raymond Laborde Correctional Center in Louisiana. He alleged that he had been convicted of aggravated felonies and was subject to deportation after completion of his sentence, with a projected release date in 2036. Rather than challenge his conviction or sentence, he sought immediate or early release so that he could return to Honduras.

PROCEDURAL HISTORY

Tulio was convicted in the Forty-First Judicial District Court, Orleans Parish, Louisiana, on June 21, 2013, and was serving a state sentence with a projected release date in 2036. He then filed this federal § 2241 petition, asserting that he should be released for deportation before completing his sentence. The magistrate judge recommended denial and dismissal with prejudice because the petition did not challenge the validity or lawfulness of the state custody.

DISPOSITION

dismissed

CASES CITED

- 699 F.2d 256, 259 (5th Cir. 1983)
- 985 F.3d 1069, 1070 (5th Cir. 2021)
- 525 F.2d 933, 935-36 (5th Cir. 1976)
- 2025 WL 2601561, at *2 (S.D. Miss. Aug. 22, 2025)
- 442 U.S. 1, 7 (1979)
- 370 F. App'x 550, 552 (5th Cir. 2010)

OPINION

a UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA ALEXANDRIA DIVISION MIGEL TULIO #613784, CIVIL DOCKET NO. 1:26-CV-00206 Petitioner SEC P VERSUS JUDGE DRELL BRENT THOMPSON, MAGISTRATE JUDGE PEREZ-MONTES Respondent REPORT AND RECOMMENDATION Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 filed by pro se Petitioner Migel Tulio (“Tulio”), a convicted prisoner at Raymond Laborde Correctional Center in Cottonport, Louisiana.

Tulio asks that the Court order his immediate and early deportation to Honduras. ECF No. 1 at 7. Because Tulio is not entitled to the relief requested, the Petition (ECF No. 1) should be DENIED and DISMISSED WITH PREJUDICE.

I. Background Tulio alleges that he is serving a state term of imprisonment for “aggravated felonies,” as defined by 8 U.S.C. § 1227. ECF No. 1 at 1. He was convicted on June 21, 2013, in the 41st Judicial District Court, Orleans Parish. According to the automated inmate locator service of the Louisiana Department of Corrections, Tulio’s projected release date is in 2036.

Tulio asks that he be allowed to return to Honduras rather than serve the remainder of his criminal sentence. II. Law and Analysis “A federal court may entertain an application for a writ of habeas corpus from a person in state custody, only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.”, 699 F.2d 256, 259 (5th Cir.

1983) (internal quotation marks omitted). Habeas corpus “is not available to review questions unrelated to the cause of detention. Its sole function is to grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose.”, 985 F.3d 1069, 1070 (5th Cir. 2021) (citing, 525 F.2d 933, 935–36 (5th Cir. 1976)). Tulio does not challenge the validity of his state conviction or the lawfulness of his sentence.

Nor does he argue that his state conviction or sentence was obtained by unconstitutional means or in violation of federal law. Instead, Tulio seeks an early release from incarceration because he is subject to deportation at the completion of his sentence. A prisoner does not possess a “constitutional or inherent right... to be conditionally released before the expiration of a valid sentence.”, 1:25-cv-105, 2025 WL 2601561, at *2 (S.D.

Miss. Aug. 22, 2025) (internal quotations omitted) (citing, 442 U.S. 1, 7 (1979);, 370 F. App'x 550, 552 (5th Cir. 2010) (“No prisoner has a constitutional right to be released before the expiration of his sentence.”)). Nor does he have the right to deport prior to the expiration of the term of incarceration. According to 8 U.S.C. § 1228, which governs the removal of aliens convicted of committing aggravated felonies, “the Attorney General shall provide for the initiation and to the extent possible, the completion of deportation proceedings... prior to the alien’s release from incarceration.” 8 U.S.C. § 1228(a)(3)(A).

The section that immediately follows, however, provides that nothing in the law “shall be construed as requiring the Attorney General to effect the removal of any alien sentenced to actual incarceration, before release from the penitentiary or correctional institution where such alien is confined.”. at § 1228(a)(3)(B). Habeas corpus is not available to terminate a lawful criminal sentence early just so an inmate may return home—wherever that home may be.

Because the Petition fails to state a viable ground for federal habeas corpus relief, it should be denied. III. Conclusion Because Tulio fails to state a viable claim, IT IS RECOMMENDED that the Petition (ECF No. 1) be DENIED and DISMISSED WITH PREJUDICE.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service, unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party’s objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party’s failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts “plain error.” SIGNED on Thursday, March 12, 2026. xj ~ oe JOSEPH H.L.

PEREZ-MONTES UNITED STATES MAGISTRATE JUDGE