

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PRECEDENTIAL VALUE	nonprecedential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)

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