

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA**

ALBERTO SOLAR CARMONA,

Petitioner,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,**

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR IMMEDIATE
RELEASE**

INTRODUCTION

1. Alberto Solar Carmona, through his wife Leticia Leon Santiago, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and requests immediate release from immigration detention.
2. Petitioner has been detained by Immigration and Customs Enforcement (ICE) and is currently being held in custody while facing removal proceedings.
3. Petitioner's continued detention violates his constitutional rights to due process and is not justified by any legitimate government interest. Immediate release is warranted based on: (a) serious medical conditions requiring immediate care unavailable in detention; (b) strong legal case for Cancellation of Removal; (c) no flight risk due to deep community ties; (d) extreme hardship to three U.S. citizen children; and (e) demonstrated good moral character.

JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 to issue writs of habeas corpus for persons in custody in violation of the Constitution or laws of the United States.
5. Venue is proper in this District because Petitioner is detained within the Eastern District of North Carolina.

PARTIES

6. Petitioner Alberto Solar Carmona is a native and citizen of Mexico who has resided in the United States since 1995, when he was 9 years old.
7. Respondents are officials of the United States Department of Homeland Security, Immigration and Customs Enforcement, and other federal agencies responsible for Petitioner's detention and removal proceedings.
8. This Petition is submitted by Leticia Leon Santiago, Petitioner's wife, on behalf of Alberto Solar Carmona.

STATEMENT OF FACTS

A. Petitioner's Background and Presence in the United States

9. Alberto Solar Carmona entered the United States in 1995 at the age of 9 years old. He did not choose to come here illegally as a child—he had no say in that decision.

10. Petitioner has been continuously present in the United States for 30 years. This is the only home he has ever known as an adult.

11. Petitioner married Leticia Leon Santiago in 2005. They have been married for twenty years.

12. Petitioner and his wife have three United States citizen children: an 18-year-old daughter, a 15-year-old daughter, and a 12-year-old son.

B. Petitioner's Family and Community Ties

13. All three of Petitioner's children are exceptional students. All three are straight-A students with GPAs above 3.5. All three are Beta Club members, demonstrating academic excellence and strong character.

14. Petitioner has been an exceptional father who has given everything to his family. For eighteen years, Petitioner has sat with his children every single night to help them with homework, not just checking that it's done but actually engaging with what they're learning, explaining concepts, and pushing them to understand deeply.

15. Petitioner attends every parent-teacher conference. He knows his children's teachers, their grades, their strengths, and their struggles. He attends every soccer game to cheer for his children, rain or shine, near or far.

16. For two seasons, Petitioner volunteered as a soccer coach, giving his time to mentor not just his own children but other children in the community.

17. Petitioner has been an active volunteer with Toys for Tots, dedicating his time to both the distribution and collection of toys for children in the community.

18. Petitioner's children's straight-A grades and Beta Club memberships are direct proof of his dedication as a father. His children are proof of who he really is—his character can be seen in their achievements.

C. Petitioner's Support of His Family

19. Petitioner has been the primary financial provider for his family for twenty years. He works consistently and pays taxes through his employer.

20. When Petitioner's wife decided to pursue her bachelor's degree, Petitioner sacrificed his own educational and professional goals to support her.

21. For three years while his wife attended school, Petitioner worked Monday through Sunday to support the family financially, took care of their three children every day, helped them with homework every night, cooked dinners, attended parent-teacher conferences, and never once complained about carrying the extra burden.

22. Petitioner encouraged his wife to apply for DACA when the opportunity came and paid for her DACA application fees when they didn't have much money.

23. Petitioner's wife is now a DACA recipient (since 2017), holds a Bachelor of Science in Business Administration with a 3.36 GPA (graduated May 2024), works as an Agricultural Consultant for the State of North Carolina, and serves as a Board Director for 

 None of this would have been possible without Petitioner's sacrifice and support.

D. Recent Legal Issues and Rehabilitation

24. In 2024, Petitioner made serious mistakes. He was arrested for DWI twice in one week.

25. Petitioner took full responsibility for his actions. State Judge combined both cases as one. He pled guilty and accepted his sentence. He served 45 days in jail.

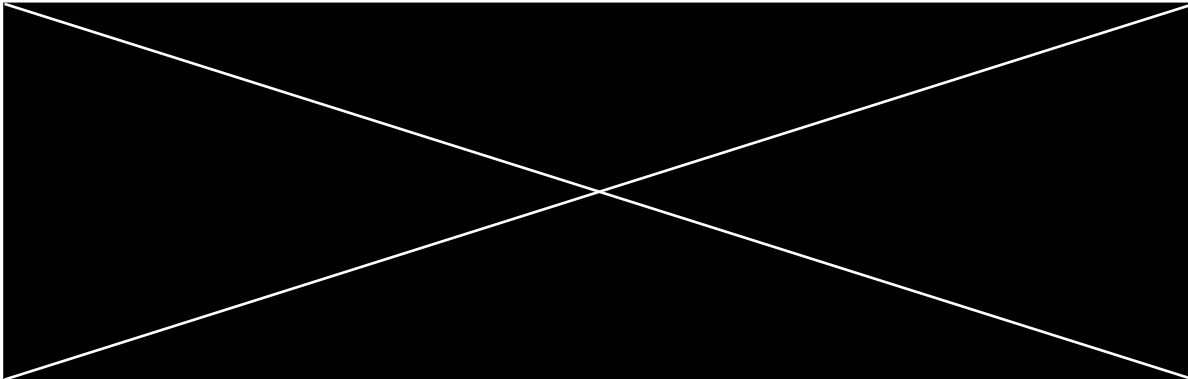
26. Petitioner was sentenced to one year of probation in July 2025. Since then, he has had perfect probation compliance—zero missed appointments and zero violations.

27. Petitioner no longer drives. His wife drives him everywhere.

28. The state court judge determined that probation—community supervision—was appropriate for Petitioner, indicating that Petitioner was safe to be in the community. Petitioner has proven that judge was right through his perfect compliance.

29. Petitioner is demonstrating through his actions that he has learned from his mistakes and is making amends.

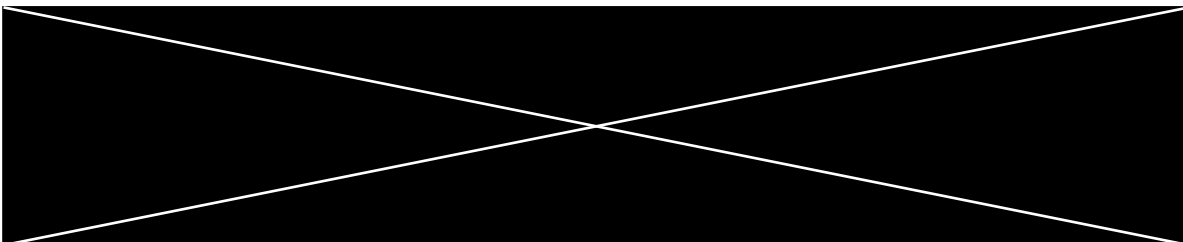
E. Medical Conditions Requiring Immediate Attention



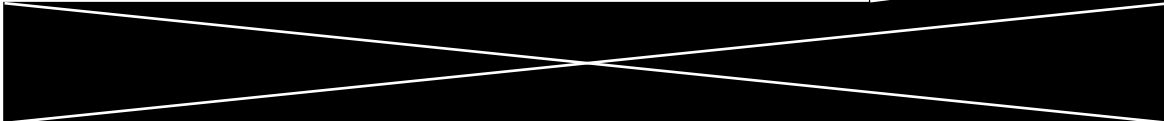
34. The detention environment [REDACTED] and makes proper management of this condition extremely difficult.

35. The detention facility does not have the resources, staff, or protocols necessary to properly manage Petitioner's [REDACTED]

36. The failure to properly manage these conditions while Petitioner is detained puts his long-term health at serious risk and could lead to irreversible complications.



39. If Petitioner were released, his family has access to medical care. [REDACTED]



F. Extreme Hardship to U.S. Citizen Children

40. Petitioner's 18-year-old daughter is currently in college. If Petitioner is not released or is deported, she will have to abandon college to work full-time and help support her younger

siblings. Twelve years of being a straight-A student will become meaningless, and her dreams of a professional career will die.

[REDACTED]

42. Petitioner's 12-year-old son asks every night when his daddy is coming home. He does not understand why his father—the man who coached his soccer team, who helps him with his math homework every night, who makes him feel safe and loved—has been taken away.

[REDACTED]

43. The family will face financial devastation. Petitioner is the primary breadwinner. His

[REDACTED]

44. This is not ordinary hardship. This is the complete destruction of a family.

LEGAL ARGUMENTS

A. Petitioner's Detention Violates Due Process

45. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. This protection extends to all persons within the United States, including non-citizens.

46. Petitioner's continued detention is not justified by any legitimate government interest and violates his constitutional right to due process.

47. Petitioner poses no flight risk. He has deep ties to the community: a wife and three U.S. citizen children in North Carolina, 30 years of continuous presence in the United States, stable employment, perfect probation compliance, and active community involvement through volunteer work.

B. Medical Conditions Require Immediate Release

48. Petitioner's serious medical conditions—[REDACTED]—require immediate proper medical care that is not available in the detention facility.

49. The detention facility lacks the resources, staff, and protocols to properly manage these conditions. Continued detention poses a serious and ongoing threat to Petitioner's health and wellbeing.

50. Petitioner's family is ready, willing, and able to ensure he receives proper medical care if he is released. His wife has health insurance through her employment with the State of North Carolina.

C. Petitioner Has a Strong Case for Cancellation of Removal

51. Petitioner meets all the requirements for Cancellation of Removal under 8 U.S.C. § 1229b(b):

a. Physical presence: Petitioner has been continuously physically present in the United States for 30 years since 1995.

b. Good moral character: Petitioner has demonstrated good moral character for decades through his work, his dedication to his family, his community service, and his perfect probation compliance.

c. Qualifying relatives: Petitioner has three United States citizen children who are his qualifying relatives.

d. Exceptional and extremely unusual hardship: As detailed above, Petitioner's removal would cause exceptional and extremely unusual hardship to his three U.S. citizen children, including financial devastation, loss of educational opportunities, severe psychological trauma, and the complete destruction of their family.

52. Given Petitioner's strong likelihood of success on his Cancellation of Removal application, his continued detention pending the outcome of his case is unnecessary and unjustified.

D. Petitioner Poses No Flight Risk or Danger to the Community

53. Petitioner poses no flight risk. His entire life is in the United States: his wife of twenty years, his three U.S. citizen children, his employment, and his community connections.

54. Petitioner has demonstrated perfect compliance with probation since July 2025, proving he is not a flight risk and will comply with court orders and conditions of release.

55. The state court judge determined that Petitioner was safe to be in the community under probation supervision. There is no reason to believe he poses any danger.

56. Petitioner is willing to comply with any reasonable conditions of release, including regular check-ins with ICE, electronic monitoring, surrender of travel documents, and residence at his home address.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Alberto Solar Carmona respectfully requests that this Court:

1. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner Alberto Solar Carmona from immigration detention;
2. Order Petitioner's immediate release from detention due to his serious medical conditions requiring care unavailable in detention, his strong case for relief from removal, his deep community ties, the extreme hardship to his U.S. citizen children, and his demonstrated lack of flight risk;
3. In the alternative, order Petitioner's release on reasonable conditions of supervision, including but not limited to regular reporting to ICE, electronic monitoring, residence at his home address, and surrender of travel documents;
4. Grant such other and further relief as the Court deems just and proper.

DECLARATION OF LETICIA LEON SANTIAGO

I, Leticia Leon Santiago, declare as follows:

57. I am the wife of Alberto Solar Carmona, the Petitioner in this matter. I am over the age of 18 and competent to make this declaration. I have personal knowledge of the facts stated herein.

58. Tonight when I tuck my 12-year-old son into bed, he asks me when his daddy is coming home. My 15-year-old daughter cries herself to sleep asking what she did wrong—why being a straight-A student isn't enough to keep her father. My 18-year-old is trying to be strong, but I see the fear in her eyes as she watches her college dreams slipping away.

59. I wake up every morning terrified that this might be the day I lose the only man I have ever loved. The man who believed in me when no one else did. The man who sacrificed everything so I could become someone. The man who gave me twenty years of love, three beautiful children, and a life worth fighting for.

60. We are not asking for special treatment. Alberto qualifies for Cancellation of Removal under the law—30 years of presence, three U.S. citizen children, exceptional and extremely unusual hardship, and good moral character demonstrated through decades of work, family devotion, and community service.

61. We are a real family. Our tears are real. Our love is real. Our contributions to this community are real. And our hope—fragile as it is—is real.

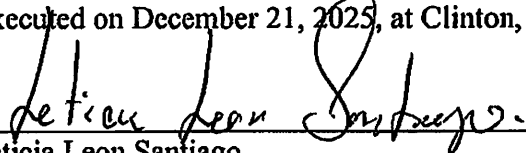
62. Twenty years ago, I married Alberto. We have built a life together through hard work, sacrifice, and love. We have raised three exceptional children who are the future of this country. We have contributed to North Carolina through our work, our taxes, and our service.

63. I am not just asking for my husband's release. I am asking for my children's future. I am asking for our family's survival. I am asking for the opportunity to stay together in the only home we have ever known.

64. From the depths of my heart, from a mother's love for her children, from a wife's devotion to her husband, I am asking: Please don't take him away from us. Please let our family stay together.

65. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 21, 2025, at Clinton, North Carolina.


Leticia Leon Santiago

Wife of Alberto Solar Carmona

Mother of three U.S. citizen children

DACA Recipient (2017)

Bachelor of Science in Business Administration - Human Resource Management (May 2024)

Agricultural Consultant, Department of Commerce- State of North Carolina

Board Director Member, 


Clinton, NC 28328



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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and per 2 copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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

UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina



Alberto Solar Carmona

Petitioner

v.

United States Department of Homeland Security, et al.

Case No. _____

(Supplied by Clerk of Court)

Respondent

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

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

Personal Information

1. (a) Your full name: Alberto Solar Carmona
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Stewart Detention Center
(b) Address: 146 Cca Rd, Lumpkin, GA 318115
[REDACTED]
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
Being held on an immigration charge
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: Immigration detention pending removal proceedings
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): Petitioner is being detained solely on the basis of his immigration status. Being undocumented without individualized determination of necessity violates the Fifth Amendment Due Process Clause

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)

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- ☐ 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):
Immigration and Customs Enforcement (ICE)
N/A - Proceedings currently pending

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

(a) Name and location of the agency or court:

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

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

(d) Date of the decision or action: September 24th 2025

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:

No - This petition is being filed concurrently with removal proceedings.

No - No prior appeals have been filed.

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(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: _____

No - No prior appeals have been filed.

(b) If you answered "No," explain why you did not file a second 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: _____

(2) Date of filing: _____

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

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

No - Not challenging validity of conviction.

[Date Taken into ICE Custody] _____

(b) If you answered "No," explain why you did not file a third 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

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

No - BIA appeal not yet filed

- (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: _____

No - Court of Appeals not yet filed

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

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

☐ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(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: _____

(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: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

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

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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

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: PROLONGED IMMIGRATION DETENTION WITHOUT BOND
HEARING VIOLATES DUE PROCESS**

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

Petitioner is being detained solely on the basis of his immigration status. Being undocumented is a civil violation, not a criminal offense. The Constitution does not permit prolonged detention based solely on civil immigration status, particularly when petitioner poses no flight risk or the Fifth amendment Due To Process Clause.

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

☐ Yes

☐ No

GROUND TWO:

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

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

☐ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No

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GROUND FOUR:

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

(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:

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

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: December 21, 2025

Signature of Petitioner

Hector Leon Santiago - W.F.

Signature of Attorney or other authorized person, if any