

JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

CARLOS YOVANI ASCENCIO-MARROQUIN,



Pro Se Petitioner, currently detained at
ERO EL PASO CAMP EAST MONTANA
6920 DIGITAL ROAD
EL PASO, TX. 79936

Petitioner,

v.

PAM BONDI,
Attorney General of the United States;

KRISTI NOEM, SECRETARY,
U.S. Department of Homeland Security (DHS);

TODD M. LYONS,
Acting Director, U.S. Immigration and Customs Enforcement (ICE);

Mary De Anda-Ybarra,
Field Office Director, ICE Enforcement and Removal Operations (ERO),
El Paso Field Office;

WARDEN/FACILITY ADMINISTRATOR,
ERO EL PASO CAMP EAST MONTANA;

AND ALL OTHER PERSONS HAVING CUSTODY OF PETITIONER,

Respondents.

FILED
JAN 13 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *CM* DEPUTY CLERK

EP26CV0043

**PETITION FOR WRIT OF HABEAS CORPUS
UNDER TITLE 28 U.S.C. § 2241 (PRO SE)**

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MONTANA:**

PETITIONER, CARLOS YOVANI ASCENCIO-MARROQUIN, appearing pro se, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2241, challenging the legality and constitutionality of his civil immigration detention by the United States Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), and in support thereof Petitioner proffers the following facts and evidence:

I. INFORMATION ABOUT PETITIONER

1. Petitioner's name is: CARLOS YOVANI ASCENCIO-MARROQUIN.
2. Petitioner's Alien Registration Number is: 
3. Petitioner is a native, citizen and national of El Salvador.
- 3A. Petitioner was born on , in El Salvador. A copy of Petitioner's birth certificate is attached hereto as **Exhibit A**.
4. Petitioner is currently detained at: ERO EL PASO CAMP EAST MONTANA, 6920 DIGITAL ROAD, EL PASO, TX. 79936.
5. Petitioner was taken into ICE custody on or about: June 24, 2025.
6. Petitioner has continuously resided in the United States since July 4, 2016.
7. Petitioner is seeking an asylum claim pursuant to II-589: Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (CAT). The relief application is attached hereto as **Exhibit B**.
8. Petitioner has no criminal history to speak of (no convictions).
9. Petitioner has strong family and community ties in the United States, including close relatives and long-term friendships. Letters demonstrating good moral character are attached as **Exhibit C**.
10. Petitioner also maintained steady employment in the landscaping industry.

II. JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of her civil immigration detention as contrary to the Constitution and laws of the United States.
12. Venue is proper in this Court because Petitioner is detained within the District of Montana.
13. Petitioner challenges the lawfulness of his present detention and the lack of adequate procedural safeguards required by due process.

III. PARTIES

14. Petitioner CARLOS YOVANI ASCENCIO-MARROQUIN is currently detained at ERO EL PASO CAMP EAST MONTANA, 6920 DIGITAL ROAD, EL PASO, TX. 79936.

15. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the general enforcement of federal immigration laws.
16. Respondent Kristi Noem is the Secretary of DHS, responsible for administering and enforcing immigration laws and policies.
17. Respondent Todd M. Lyons is the Acting Director of ICE, the DHS component responsible for Petitioner's detention.
18. Respondent Mary De Anda-Ybarra is the Field Office Director for ICE ERO's El Paso Field Office, responsible for ERO operations in Texas, including detention decisions affecting Petitioner.
19. The Warden/Facility Administrator of ERO EL PASO CAMP EAST MONTANA, 6920 DIGITAL ROAD, EL PASO, TX. 79936, is Petitioner's immediate custodian and has day-to-day control over Petitioner's confinement.
20. All other persons having custody of Petitioner are proper Respondents to the instant habeas Petition.

IV. FACTUAL BACKGROUND

21. The petitioner has a reliable financial support plan. His sponsor's financial documents are included as **Exhibit D** and demonstrate the ability to support Petitioner and ensure his compliance with all required appearances and supervision conditions.
22. Petitioner also has longstanding religious and community ties.
23. Petitioner has a steady work history, demonstrating his stability and reliability.
24. Petitioner has no criminal convictions and does not present a danger to the community.
- 24A. A Florida Department of Law Enforcement (FDLE) record search reflects no Florida criminal history for Petitioner (**Exhibit E**).
25. ICE has continued to detain Petitioner at ERO EL PASO CAMP EAST MONTANA, 6920 DIGITAL ROAD, EL PASO, TX. 79936, without a meaningful opportunity for an individualized release (or custody) determination on a record that accounts for his strong equities, strong and lengthy ties to the community, and lack of dangerousness.
26. Petitioner is not a flight risk. He has substantial ties to the United States, including family, employment, and he is willing to comply with any and all necessary conditions of release, including but not limited to electronic monitoring, house arrest, and any other alternatives to detention that the Court deems meet, just and necessary to assure his presence in Court.

V. LEGAL FRAMEWORK

27. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

28. Civil immigration detention must be reasonable in duration and accompanied by adequate procedural safeguards, including—where appropriate—an individualized custody determination.

29. Prolonged or arbitrary detention without a meaningful opportunity to be heard violates due process.

30. Federal courts have authority under 28 U.S.C. § 2241 to review the legality of immigration detention and to order appropriate relief, including an individualized bond/custody hearing or release under conditions.

VI. CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF DUE PROCESS: UNLAWFUL/ARBITRARY DETENTION WHERE RELEASE ON CONDITIONS IS REQUIRED

31. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

32. Petitioner is held in civil immigration detention without a meaningful, individualized custody determination that accounts for her strong ties, lack of criminal convictions, and the availability of conditions of release.

33. Continued detention under these circumstances is excessive, arbitrary, and not narrowly tailored to any legitimate governmental interest, in violation of the Due Process Clause of the Fifth Amendment.

COUNT TWO – VIOLATION OF DUE PROCESS: ARBITRARY ARREST AND DETENTION WITHOUT JUDICIAL WARRANT

34. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

35. Petitioner was taken into ICE custody and detained without presentation of a judicial warrant or probable-cause determination by a neutral magistrate.

36. Under the circumstances of this case, the arrest and continued detention are arbitrary and violate fundamental principles of due process.

COUNT THREE – VIOLATION OF DUE PROCESS: FAILURE TO CONSIDER LESS RESTRICTIVE ALTERNATIVES TO DETENTION

37. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
38. Even if the government asserts concerns about appearance or supervision, less restrictive alternatives to detention (including reporting requirements, electronic monitoring, or other conditions) are available and adequate in light of Petitioner's circumstances.
39. Respondents' continued detention of Petitioner without adequate consideration of alternatives violates due process.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner CARLOS YOVANI ASCENCIO-MARROQUIN, respectfully requests that this Honorable Court to:

- A. Assume jurisdiction over this matter;
- B. Declare that Petitioner's continued civil immigration detention without a meaningful individualized custody determination violates the Due Process Clause of the Fifth Amendment;
- C. Order Respondents to release Petitioner from custody forthwith under reasonable conditions of supervision or on a reasonable bond set by this Court (or, in the alternative, order a prompt individualized custody/bond hearing before a neutral decision-maker if the Court concludes such a hearing is the minimum necessary remedy);
- D. In the alternative, order any other relief necessary to secure Petitioner's prompt release, including a prompt individualized custody/bond hearing if required by law;
- E. Grant such other and further relief as the Court deems just and proper.

VIII. VERIFICATION

I, CARLOS YOVANI ASCENCIO-MARROQUIN, with alien number  declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,


CARLOS YOVANI ASCENCIO-MARROQUIN (Pro Se)



ERO EL PASO CAMP EAST MONTANA
6920 DIGITAL ROAD, EL PASO, TX. 79936.

Date: January 12, 2026

**EXPLANATORY LETTER FROM THE PETITIONER
(Re: Habeas Corpus – CARLOS YOVANI ASCENCIO-MARROQUIN)**

CARLOS YOVANI ASCENCIO-MARROQUIN (Pro Se)


ERO EL PASO CAMP EAST MONTANA
6920 DIGITAL ROAD, EL PASO, TX. 79936.

Date: January 12, 2026

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA:**

Your Honor,

My name is **CARLOS YOVANI ASCENCIO-MARROQUIN**,  and I am respectfully writing this letter in support of my Petition for Writ of Habeas Corpus. I am detained at ERO EL PASO CAMP EAST MONTANA, 6920 DIGITAL ROAD, EL PASO, TX. 79936.

I respectfully ask the Court to review my situation and order my prompt release under reasonable conditions or on a reasonable bond. If the Court concludes a hearing is required first, then I respectfully request an immediate individualized custody/bond hearing.

I have strong ties to my community, including family members and long-term friends. During my time in the United States, I have maintained steady employment. I have never been convicted of a crime.

I have an ongoing immigration process and I also have a LPR sponsor who is willing and able to support me and ensure my compliance with any court or ICE requirements. My sponsor's financial documents are included to show I have stable support and will comply with all requirements.

Because of my strong community ties, my lack of any criminal history, and the support available to me, I am not a danger to the community and I am not a flight risk. I am willing to comply with any conditions of release, including reporting, electronic monitoring, or any other alternatives to detention that the Court believes appropriate.

For these reasons, I respectfully request:

1. That the Court order ICE to provide me with an immediate bond or custody hearing; OR

2. That the Court order my release under reasonable conditions of supervision or bond.
Thank you for your time and consideration.

Respectfully submitted,

Carlos Ascencio

CARLOS YOVANI ASCENCIO-MARROQUIN (Pro Se)



ERO EL PASO CAMP EAST MONTANA
6920 DIGITAL ROAD, EL PASO, TX. 79936.

PROOF OF SERVICE

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA

I, **CARLOS YOVANI ASCENCIO-MARROQUIN**, declare that on the date shown below, I served a true and correct copy of the following documents on all Respondents by depositing the following documents in the United States Mail, first-class postage prepaid, addressed as follows:

- Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Pro Se)
- Exhibits (Exhibit A through Exhibit E)

Clerk of Court
Federal court clerk office
U.S. District Court for Western District of Texas – El Paso
525 Magoffin Ave, El Paso, TX 79901

Assistant United States Attorney's Office– District of Texas
700 E San Antonio Ave, Suite 200, El Paso, TX 79901 USA

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Department of Homeland Security (DHS)
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

U.S. Immigration and Customs Enforcement (ICE)
500 12th Street, SW
Washington, DC 20536

ICE Enforcement and Removal Operations (ERO) – El Paso Field Office
11541 Montana Avenue, Suite E
El Paso, TX 79936

Warden/Facility Administrator
ERO EL PASO CAMP EAST MONTANA
6920 DIGITAL ROAD, EL PASO, TX. 79936.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 12, 2024

Signature: Carlos Ascencio

Printed Name: Carlos Ascencio

PROPOSED EXHIBIT LIST (ATTACHMENTS)

- Exhibit A** Petitioner's birth certificate
- Exhibit B** I-589: Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (CAT)
- Exhibit C** Letters demonstrating good moral character
- Exhibit D** Petitioner's financial documents
- Exhibit E** (FDLE) record search