JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

FILED
JAN 16 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

KEVIN ARMANDO GOMEZ HERNANDEZ

[redacted]

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR, EL PASO, TEXAS;

WARDEN / OFFICER IN CHARGE, ERO EL PASO CAMP – EAST MONTANA;

SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

EP26CV0067

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

I. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241.
2. Petitioner is currently in federal immigration custody within the Western District of Texas.
3. This Petition challenges the lawfulness and constitutionality of Petitioner's continued detention.

II. PARTIES

4. Petitioner: Kevin Armando Gomez Hernandez, [redacted], is a citizen of Colombia currently in removal proceedings.

5. Respondents: Federal officers responsible for Petitioner's detention, including ICE and DHS officials.

III. CUSTODY STATUS

6. Petitioner is detained by U.S. Immigration and Customs Enforcement (ICE) at:

ERO El Paso Camp – East Montana

6920 Digital Road

El Paso, Texas 79936

IV. NEXT FRIEND STANDING

7. This Petition is filed by Jenny Hallee, a citizen of the United States, acting as Next Friend to Petitioner.
8. Next Friend is a close friend of the Petitioner's family and has a significant personal relationship with Petitioner.
9. Petitioner is detained and has limited access to the courts, legal resources, and outside assistance, making it necessary for a Next Friend to act on his behalf.
10. Next Friend acts solely in Petitioner's best interests and is not an attorney and does not provide legal representation.

V. FACTS

11. Petitioner is a citizen of Colombia seeking protection in the United States.
12. Petitioner filed Form I-589, Application for Asylum and Withholding of Removal, which remains pending.
13. Petitioner was first detained by ICE in or around January, 2026 in Minneapolis, Minnesota.
14. While detained in Minnesota, Petitioner was not provided a meaningful bond hearing before an Immigration Judge.
15. Petitioner was subsequently transferred by ICE from Minneapolis, Minnesota to El Paso, Texas, without notice to family and without an opportunity to seek release.

16. Following the transfer, Petitioner has remained detained at ERO El Paso Camp – East Montana.
17. Petitioner has never been granted bond by an Immigration Judge.
18. On or about January 7, 2026, Next Friend submitted a bond request through ICE CeBONDS seeking Petitioner's release.
19. On or about January 9, 2026, ICE denied the bond request.
20. ICE stated the reason for denial as: "No indication of granted bond by IJ."
21. ICE further indicated that the withdrawal window was closed, leaving Petitioner with no administrative means to secure release.
22. Petitioner remains detained without bond, without custody redetermination, and without a meaningful opportunity for release.
23. The transfer from Minnesota to Texas has interfered with Petitioner's access to counsel, family support, and the courts.
24. Petitioner's detention has become prolonged, indefinite, punitive, and unconstitutional.

VI. LEGAL GROUNDS

COUNT I – UNLAWFUL PROLONGED DETENTION

25. Prolonged immigration detention without a bond hearing violates 28 U.S.C. § 2241 and the Fifth Amendment Due Process Clause.
26. Civil immigration detention must remain reasonably related to its purpose and may not be indefinite.

COUNT II – DENIAL OF DUE PROCESS

27. Petitioner has been deprived of liberty without adequate procedural safeguards.
28. ICE's refusal to accept bond solely because no bond was granted leaves Petitioner in unconstitutional detention without review.

COUNT III – PUNITIVE CIVIL DETENTION

29. Civil detention may not be punitive.
30. Continued detention without a bond hearing has become punitive in nature.

COUNT IV – DUE PROCESS VIOLATION BASED ON TRANSFER

31. ICE's transfer of Petitioner from Minnesota to Texas without providing a bond hearing violated the Fifth Amendment.
32. The transfer delayed and obstructed Petitioner's opportunity to seek release and judicial review.

VII. EXHAUSTION OF REMEDIES

33. Petitioner has exhausted all available administrative remedies.
34. ICE denied bond and stated no bond exists.
35. Further administrative efforts would be futile.

VIII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

A. Grant this Petition for Writ of Habeas Corpus;

B. Order Petitioner's immediate release from ICE custody, OR

C. Order a prompt bond hearing before an Immigration Judge where the government bears the burden of proof;

D. Grant any other relief the Court deems just and proper.

IX. DECLARATION

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



01/09/2026

Jenny Hallee
Next Friend to Petitioner
United States Citizen
Close Family Friend
Address: [redacted]
City, State, ZIP: Dothan AL, [redacted]
Phone: [redacted]
Email: [redacted]@hotmail.com