FILED
MAR 19 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Prepared by Detaniee in Absense of Legal & Techinal Support

UMUT ESKIN
A# [redacted]

CASE#:5:26-cv-00047-XR

Petitioner
V.

Attorney General, Secretary of Department of Homeland Security, Director of ICE, Director of ICE Enforcement & Removal Operation, Warden; Karnes County Immigration Processing Center el al; all named in their official capacity.

Respondents

Petition For Writ of Habeas Corpus pursuant to 28 U.S.C. 2241

Petitioner, UMUT ESKIN , A No A# [redacted] by amd through this petition and response to Respondents response received on 01/05/2026 pertaining Civil Action/Case Number # 5:26-cv-00047-XR_____, seeking a write of Habeas Corpus to challenge hir prolonged and Unlawful Detention by Respondents, which violates the petitioner's statutory rights, which are protected and maintained by U.S. Constitution, Fifth Amendment and Federal Laws.

Challanges to Detention

Petitioner challanges the legality of his continued detention by the U.S.Immigration and Customs Enforcement (ICE) on immigrant charges despite the existance of valid documents such as work permit , SSN Card the petitioner has been detained since 08/25/2025, since his first arrest and has been in custody despite being in immigration court proceedings.

Pre-Determined Judgements

It has witnessed that immigration judges are under extreme preasure from the executive branch and as a result judges are entering courts with pre-determined judgement, which supports ICE"s claims for Deportation/Removal which in turn violates the very basis of Democracy and Judicial independant in the United States of America.

Detention/Removal and Deportation order under the precedent of Zaduydas V. Davis, 53 U.S. 678(2001), such prolonged, indefinite detention is Constitutronally suspect.

Asylum Application has been submit by petition since his first entry into the United States.

Jurisdiction of Court

This court has jurisdiction to hear this petition pursuant to 28 U.S.C. 2241, as it challanges the Lawfulness of the petitioner Detention under Federal Law, see Demore V. Kim, 538 U.S. 510 (2003). Venue is proper in the western district of Texas as the petitioner is currently confim within this district.

Flight Risk / Threat to Community

04/27/2022 since my entery to the United States of America and my contunied Residence and Despite mistakes I now regret doing, I have never committed any crime or being involves in Traffic ciolations in Addition being a family person, Responsible worker, I'm always keep to follow and Ad here to the Country's Laws whether federal or state based. As a result of holding a clean record with no criminal or moral crimes, i am positive i shall always attend my immigration court hearings without delay.

Fear-Based Relief and Hardship

The court may also consider the persuasive argument made in D.V.D. United States Dept. of Homeland Security.(25-10676) where the court temporarily restrained DHS from removing an Alien to a third Country with the opportunity to raise fear-based relief this highlights the importance of fair processes such ongoing detention also raises a humanitarian concerns, at my age, such long and repeated detentions inflict a significant emotional and psychological toll, revive painful memories and causing trauma where i suffer constant depression and anxiety as well as lack of sleep and constant nightmare, it is like a ground hog day, a recrewing nightmare of non-stop cruel, unusual punishment in contraventie of the 8th Amendment.

I understand the Unites States of America need for Immigration Regulations and I am fully willing to Co-operate with Authorities, However, no one should forget, specially the Respondents that the American Democracy and Freedoom principles

don't exist when I come from and my fear for my life is what has encourage me to come to the United States of America the craddle of Democracy and Freedom.

Which is protected by U.S.C., Laws and treate one of which is the immigration and nationalty Act. which prohibits detaniee for over 90 or 180 days unless justified by and governed by legal grounds with violation to the U.S. Constitution, Federal Laws and treaties where U.S. is member or a party to, such as Geneva Convention and U.N. statute for Human Rights.

Due process and Ground Relief

Ground 1:

Pro longed detention is a violation of due process and statutory rights. ICE detention violates the due process clause of the Fifth Amendment and 8 U.S.C. 1231 (a)(6) as interpreted by the supreme court in Zadvyelas V. Davis. the petitioner's detention is no longer reasonable related ti the purpose of effectuating removal deportation and has become indefinite and punitive.

The petitioner has fully cooperated with Authority through the Detention process and relief has become due to enable the petitioner to continue the court hearing outside the detention, petitioner here agrees to be placed under supervision while outside detention, where appropriate and suitable to the respondents.

Petitioner's Request for Relief.

Petitioner appeals to the honourable court and the respected respondants to approve the relief as suggested below;

1- Respondants release petitioner from custody under appropriate conditions of release to suitable public place of the petitioner original place of arrest.
2- The respondents party shall file a joint status report confirming that petitioner has been released
3- Respondents notify petitioners consul of the exact location and time of release as soon as practicale.
4- Respondents are enjoined from re-detain the petitioner without noteice and a pre-deprivation hearing before a neutral decision maker pursuant to U.S.C. 1226

Precedents of Fifth Circuits

The petitioner to the best of his ability, presents the following 5th circuits precedents in support of the petitioner request for release see Martinez V. Hyde 792 F.Supp. 3rd 211 223 n.23 (D.Mass 2025). because petitioner can't be detained under section 1225 (b)(2), the remaning option is section 1226, as respondents do not claim the petitioner is being detained under section 1226. However, the court has seen no reason to consider section 1226 as a Basis for petitioner's currant detention. His detention is unlawfull and Habeas Corpus relief avaible to petitioner through Habeas Corpus is release from custody.

Addition al., 5th circuit Precedents;

Quandos V. Noem, 2025 U.S.Dist. Lexis 232321
Pineda V. Noem, 2025 U.S.Dist. Lexis 253622

Coulibaly V. Thopmson, 2025 U.S.Dist. Lexis 250958
Gonzales-perez V. Bondi, 2026 U.S.Dist. Lexis 430
Mogos V. Thopmson, 2026 U.S.Dist. Lexis 336

Conclusion

It is important to respond to respondents assertion that the courts jurisdiction is circumscribed in making its determination due to the sweeping powers granted to the other government branches in the field of immigration ECF No. 11 at 2 one must however distinquish between the substantive power of the executive branch over immigration issuers, an area in which it indeed has plenary power, and the means the government has chosen to exercise that plenary power to which no executia defence is necessary Ashley V. Ridge 288 F.Supp.2rd 662, 667 (DNJ2003), see also Zaduydas V. Davis, 533 U.S. 678, 695, 121 S ct 2491. 150 L Ed 2nd 653 (2001). Noting the government's plenary power to expel immigrants but stating that congress must choose a constitutionaly permissible means of implementing its immigration power, INS V. Chadha, 462 U.S. 919.940-941.103 S Ct 2764. 771 Ed 2d 317(1982).

Petitioner believes that his detention pursuant to the automatic stay provision of 8 C.F.R. [1003.19(i)(2) not the mandatory detention provision of 8 U.S.C. -1225 (b) there for the court should only be concerned with law fullness of the automatic stay, the present basis for the petitioners detention.

In addition, the respondents only minimally address the TRO le-gal standarts see ECF No.11 in this regard, respondents primary argument concering the question of detention does address the merits on which this petition was made for release from detention.

A likehood of success on the merits noncitizens one entitled to due process of the law under the Fifth Amendment, see Demore V. Kim, 538 U.S. 510,523,123 5.Ct. 1708 155L Ed 724 (2003) to determine wherher o civil detention violates a detaniee's dur process rights.

Courts apply the three part test set in Mathews V. Elridge 424 U.S. 319.96. 5 Ct. 893 47L Ed 2d 18 (1976) pursuant to Mathews, court weight the following 3 factor;

1) The private interest that will be affected by the official action
2) The risk of an erroneous deprivation of such interest through the procedues used and the probable value, if any of additional or substitute procedural safe guads and
3) The goverments interest; including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

(1) Private Interest

It is undisputed, petitioner has a significant private interest in being free from detention the interest in being free from physical detention is the most elemental of liberty interests. When addressing the private interest, courts should consider the deteniee's conditions of confinement.

In this declaration, petitioner report being held at the Karnes County Immigration Processing Center and is experiencing all the deprivations of incarceration,

including loss of income earning, lock of privacy and most fundamentally. The lack of freedom of movement see Gunaydin, 2025 U.S. Dist. Lexis 99237, 2025 al. 1459154 at *7. Thus, the first Mathews factor "private interest" supports the petitioners claim of a Fifth Amendment violation.

(2) Risk of Erronous Deprivation

Under this factor the honourable court must answer whether the challenged procedure creates a risk of Erronous deprivation of individuals private rights and the degree to which alternative procedures could ameliorate these risks. The risk of deprivation is high because, taking into account the past period, proofing that petitioner is neither a flight risk nor a community risk. Taking into account, that petitioner has seeked alternative means such as bonds, where immigration judge are denying such opportunituis, specially in states like Texas.

The case presents a serious Risk of erroneous deprivation of the petitioners provate interest and [1003 19(i)(l) already provides a simple alternative that would safeguard these rights.

Thus the second Mathews factor also supports petitioners claim of a fifth Amendment violation.

(3) Respondents competing interest and Burdens of Additional or substitute procedural requirements. As to the third Mathews factor, court have found in numerous cases that Mathews is likely to succeed in demonstrating that ensuring persons subject to removal do not commit crimes or evade law enforcement is a significant governmental interest. In this case and under this factor, court should weight the private interest at stake and the risk of erroneous deprivation of these interests against respondents interests in persisting with the auotomatic stay and the burdens of additional or substitute requirements see Mathews 424. U.S. at 335.

Further more, respondents state only in conclusory fashion "the government and the public at large have a strong interest in the enforcement of the immigration laws and the removal of criminal aliens. these is no doubt that such interests have already been secured by the judge throughout the immigration court hearing, the petitioner is neither a danger nor a flight risk. this the goverments interest is both vague and minimal especially in contrast to the significant liberty interest at stake for the petitioner.

Based on the above the petitioner appeal to the Honourable court to adopt the view that petitioner is likely to succeed in demonstrating the automatic stay regulation fourd at 8 C.F.R. -1003.19(i)(2) violates the petitioner is procedural due process rights under the Fifth Amendment, fulfilling the first element an applicant must satify to obtain a TRO.

(4) No doubt petitioner has suffered greatly of irreparable harm including but not limited to psychological, financial not just to him but to his immediate family whether in the U.S.S. or in his home country.

Respondents give short shrift to irreparaple harm, failing to refute or respond to the petitioner claims other stating petitioner has provided no basis for this court to determine that his contunied detention will cause him irreparable harm

there fore the honourable court should notice that the harm is self-evident, fullfiling the second element, the petitioner salisfy to obtain TRO.

(5) Balance of harms & public interest the balance of harm and public interest favour the petitioner, as judge(s) have not cited during the hearings any events of danger or risk. In addition respondents have not presented any evidence to support their request for continuous detention.

The petitioner clearly reports here that this unlawfull detention outweight in terms of harm and suffering due to the deny of his liberty.

No doubt the protection of constitution and national security are the ultimate interest of the public, yet. The respondets state only in conclusory fashion the government and the public at large have strong interest in the inforcement of the immigration laws and the removal of criminal Aliens ECF No 11 at 6, thus, the petitioner here clearly meets his burden of persuasion.

Accordingly, I, the petitioner have with urge the honourable cort to issue the write of Habeas Corpus relief of Release, subject to reasonable conditions of supervision if necessary further grant deems just and proper.

Respectfully submitted.

Umut ESKIN

Verification

I, UMUT ESKIN , the petitioner declare under penalty of perjury under the Laws of the United States of America that the foregoing true and correct to the Best of my ability.

I, further understand that a false statement of a material fact here in may serve as the basis for prosecution for perjury.

Excuted on : 03 / 13 /2026

Name : UMUT ESKIN

Alien No : [redacted]



Certificate of Service

I, UMUT ESKIN declare that I mailed a copy of this foregoing document to the Respondents on this date 03 / 13 /2026 to the following Adress.