

**JUDGE KATHLEEN CARDONE**  
**UNITED STATES COURT**

**FOR THE WESTERN DISTRICT OF TEXAS**

**FILED**  
JAN 22 2026  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY CM  
DEPUTY CLERK

Reinaldo Lopez Armas



Petitioner,

v.

Pam Bondi, ATTORNEY GENERAL,  
Kristi Noem, SECRETARY OF THE  
DEPARTMENT OF HOMELAND  
SECURITY, Maria Deandra Ybara,  
U.S. ICE FIELD OFFICE DIRECTOR,

Respondents

**EP 26CV0131**

Civil Action No.  
PETITION FOR A WRIT OF  
HABEAS CORPUS PURSUANT  
TO 28 U.S.C. §2241, BY A  
PERSON SUBJECT TO  
INDEFINITE IMMIGRATION  
DETENTION.

### **BACKGROUND**

1. Petitioner, Reinaldo Lopez Armas, hereby petition this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, and to enjoin Petitioner's continued unlawful detention by the Respondent. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows.

### **CUSTODY**

2. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the El Paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondents and their agents.

### **JURISDICTION**

3. This action arises under the Constitution of the United States, 28 U.S.C. §2241(c)(1), and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §2241, Art.I §9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. §1331, as Petitioner is presently in custody under color of the authority of the United States., and such custody is in violation of the Constitution, laws, or treaties of the United States. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) ("We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention."); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("at its historical core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been strongest.") *Clark v. Martinez*, 543 U.S. 371 (2005) (holding that *Zadvydas* applies to aliens found inadmissible as well as removable).

### **VENUE**

4. Venue lies in the Western District of Texas, because Petitioner is currently detained in the territorial jurisdiction of this Court, at the El Paso Processing Center. 28 U.S. C. §1391.

### **EXHAUSTION OF REMEDIES**

5. Petitioner has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action. After the Supreme Court decision in *Zadvydas*, the Department of Justice issued regulations governing the custody of aliens removed. See 8 C.F.R. §241.4. Petitioner received a final order of removal in the year of 2009 while he was incarcerated. Upon his release from the penitentiary, in the year of 2020, ICE chose not to detain him and placed him on Order of Supervision (OSUP). The decision was based upon the Petitioner not being reomovable in the foreseeable future to the country of Cuba, and due to his medical condition that ICE deemed a liability if placed in detention. On June 25, 2025 ICE detained Petitioner when he reported for his annual required check-in for OSUP even though there were not any violations and the Order of Supervision was not broken and ICE did not obtain travel documents.

6. For further clarity, the Petitioner was denied travel documents from Cuba and the Petitioner was on OSUP when he was detained without cause. The Petitioner has now been detained for more than six (6) months and ICE has not obtained any travel documents.

7. Furthermore, the Petitioner's medical condition, the reason for which ICE chose not to detain him in 2020, has now worsened while in detention.

8. No statutory exhaustion requirements apply to Petitioner's claim of unlawful detention.

### **PARTIES**

9. Petitioner is a native of Cuba and received a final order of removal in 2009. ICE placed the Petitioner on Order of Supervision in 2020. The Petitioner was detained without cause on June 25, 2025 and has remained in ICE custody continuously since that date. Petitioner is currently detained at the El Paso Processing Center.

10. Respondent Pam Bondi is the Attorney General of the United States and is responsible for

the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, Pam Bondi has ultimate custodial authority over Petitioner.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Kristi Noem is the legal custodian of Petitioner.

12. Respondent Maria Deanda Ybara is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. Reno*, 233 F.3d 688, 690 (1<sup>st</sup> Cir. 2000), cert. Denied, 122 S. Ct. 43 (2001).

#### **STATEMENT OF THE FACTS**

13. I, Reinaldo Lopez Armas, Petitioner, was born in Cuba on  I immigrated to the United States in 1994. I became a Lawful Permanent Resident in 1995.

14. In 2005 I was placed on probation for a criminal offense, at that time I was not told that this impacted my Lawful Permanent Residence.

15. In 2006 I traveled to Cuba for (17) days for a medical treatment. On my return I was stopped by immigration authorities at the airport and my physical LPR Identification Card was confiscated. I was told to report for a court hearing in 2007.

16. During my 2007 hearing the Court told me to apply for a pardon and that I would qualify to have my LPR Identification Card returned. My attorney at that time filed an application for a pardon.

17. In 2008 I was convicted of a drug offense and incarcerated for 12 years.

18. In 2009, while incarcerated, I was notified that my pardon application was approved and I

was ordered to appear at a court hearing. Because I was incarcerated at that time I could not appear for the hearing.

19. In 2009, while still incarcerated, I received a Notice to Appear before an immigration judge and received an Order of Removal to the country of Cuba.

20. In 2020, before I was paroled from federal prison, ICE interviewed me and decided to not detain me due to my medical condition that they deemed a liability and because I was not removable to the country of Cuba.

21. I paroled from federal prison in 2020 and was placed on Order of Supervision by ICE.

22. After my parole I lived a quite life. I worked and supported my family. I met a woman, Yadira Rosa, a U.S. Citizen, with whom I started a relationship and a short time after my parole we decided to move in together. (Exhibit C, B, D, E)

23. I have a biological daughter, Leiris Lopez, who is 26 years old and a U.S. Citizen. (Exhibit F)

24. I also have a stepson, Yadira Rosa's biological son, whom I parent and support financially.

25. My grandson has Autism and I have been supporting my daughter, Leiris Lopez, and my grandson financially and morally. (Exhibit J)

26. My stepson is diagnosed with Down Syndrome and I have supported him and his mother for over three years. (Exhibit B)

27. Since my parole from federal prison, in 2020, I always complied with my OSUP requirements and have never caused any difficulties for the ICE authorities.

28. When I reported for my annual check-in on June 25, 2025 ICE detained me without giving

me any cause. I did not violate my Order of Supervision and ICE did not obtain travel documents.

29. Since my detention ICE has attempted to remove me to Mexico but Mexico has not provided any documentation.

30. At one point, during my current detention, ICE placed me in a vehicle with other detainees and drove us to the Mexican border. They then attempted to force us to get out of the vehicle to cross over into Mexico. When I requested some form of documentation from Mexico they did not produce anything to show the legality of what they were attempting to do.

31. When I questioned the legal basis for ICE forcing me to cross over into Mexico without any legal documentation the only response I received in return were threats. I stated that I was concerned for my well-being and ICE returned me back to the detention facility.

32. I have now been detained for over six (6) months without any reason to believe that removal is likely in the reasonable foreseeable future.

33. My Order of Supervision was revoked without cause.

34. My medical condition has worsened since my detention. Recently the facility's medical staff have conducted an ultrasound and determined that my chronic kidney disease is getting worse. They have requested for me to see an outside medical professional. (Exhibit A)

35. My family has been under hardships due to my detention and are worried that ICE will not be unbiased in consideration of reinstatement of my OSUP.

#### **LEGAL FRAMEWORK FOR RELIEF SOUGHT**

36. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that 8 U.S.C.

§1231(a)(6), when “read in light of the Constitution’s demands, limits an alien’s post-removal-period detention to a period reasonably necessary to bring about that alien’s removal from the United States.” 533U.S. at 689. “habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal.” *Id.* at 699. If the individual’s removal “is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute.” *Id.* at 699-700.

37. In determining the length of a reasonable removal period, the Court adopted a “presumptively reasonable period of detention” of six months. *Id.* at 701. After six months the government bears the burden of disproving an alien’s “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” See *Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, \*2-\*3 (D.Mass.Oct.19,2001) (quoting and summarizing *Zadvydass*). Moreover, “for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” *Zadvydass*, 533U.S. at 701. ICE’s administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien’s removal in the reasonably foreseeable future. See 8 C.F.R. §241.4 (k)(2)(ii).

38. Evidence showing successful repatriation of other persons to the country at issue is not sufficient to meet the government’s burden to establish that an alien petitioner will be deported in the reasonably foreseeable future. See *Thompson v. INS*, 2002 U.S. Dist. LEXIS 23936 (E.D.L. September 16, 2002 (government failed to show that alien’s deportation to Guyana was reasonably foreseeable where the government offered historical statistics of repatriation to Guyana, but failed to show any response from Guyana on the application for travel documents that INS and the petitioner had requested). Rather for the government to meet its burden of showing that an alien’s repatriation is reasonably foreseeable, it must provide some meaningful evidence particular to the individual petitioner’s case.

39. An alien who has been detained beyond the presumptive six months should be released where the government is unable to present documented confirmation that the foreign government at issue will agree to accept the particular individual in question. See *Agbada v. John Ashcroft*, 2002 U.S. Dist. LEXIS 15797 (D. Mass. August 22, 2002) (court “will likely grant” habeas petition after fourteen months if ICE is “unable to present document confirmation that the Nigerian government has agreed to [petitioner’s] repatriation”); *Zhou*, 2001 U.S. Dist. LEXIS 19050 at\*7 (W.D. Wash. February 28, 2002) (government’s failure to offer specific information regarding how or when it expected to obtain the necessary documentation or cooperation from the foreign government indicated that there was no significant likelihood of petitioner’s removal in the reasonably foreseeable future).

40. Furthermore, Petitioner’s due process rights under the Fifth Amendment have been violated because the Respondents failed to comply with the Order of Supervision (OSUP) revocation procedures set forth in 8 C.F.R. §§ 241.4(l)(1-2) and 241.13(h)(4)(i)(3) when revoking Petitioner’s Order of Supervision.

41. His detention after being placed on Order of Supervision in 2020, without, “any showing of changed circumstances” and “pending as-yet uninitiated third country removal”, is entirely arbitrary and violates his due process rights. See *Trejo v. Warden of the ERO El Paso E. Montana*, 2025 U.S. Dist. LEXIS 212821. In the case of Trejo the Court stated in part, “it also finds, in the alternative, that Trejo’s re-detention after his release without a bond hearing violates his due process rights.”

#### **CLAIMS FOR RELIEF COUNT ONE STATUTORY VIOLATION**

42. Petitioner re-alleges and incorporates by reference paragraphs 1 through 41 above.

43. Petitioner’s continued detention by Respondents is unlawful and contravenes 8 U.S.C. § 1231(a)(6) as interpreted by the U.S. Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for continued removal efforts has expired and the petitioner

has now been detained for over six (6) months with no changes to the Petitioner's deportation in the foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone after six months where deportation is not reasonably foreseeable is unreasonable and in violation of 8 U.S.C. §1231(a). 533 U.S. at 701.

#### **COUNT TWO SUBSTANTIVE DUE PROCESS VIOLATION**

44. Petitioner re-alleges and incorporates by reference paragraphs 1 through 43 above.

45. Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. See. *Tam v. INS*, 14 F.Supp. 2d 1184 (E.D. Cal 1998) (aliens retain substantive due process rights).

46. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. The U.S. Supreme Court in *Zadvydas* thus interpreted 8 U.S.C. §1231(a) to allow continued detention only for a period reasonably necessary to secure the alien's removal, because any other reading would go beyond the government's articulated interest—to effect the alien's removal. See *Kay v. Reno*, 94 F.Supp.2d. 546, 551 (M.D. Pa. 2000) (granting writ of habeas corpus, because petitioner's substantive due process rights were violated, and noting that "If deportation can never occur, the government's primary legitimate purpose in detention—executing removal—is nonsensical.")

#### **COUNT THREE PROCEDURAL DUE PROCESS VIOLATION**

47. Petitioner re-alleges and incorporates by reference paragraphs 1 through 46 above.

48. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this case

has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process.

49. Petitioner's detention and revocation of his Order of Supervision violates his Fifth Amendment due process rights and Immigration's procedures set forth in 8 C.F.R. §§ 241.4 and 241.13.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, under reasonable conditions of supervision.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted  
this 20<sup>TH</sup> OF JANUARY, 2026.



Reinaldo Lopez Armas, *Pro Se*



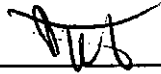
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**CERTIFICATE OF SERVICE**

I, Reinaldo Armas Lopez, certify that a true copy of the above document (Petition for Writ of Habeas Corpus) was served on JANUARY 10<sup>TH</sup>, 2026, upon the following:

Western District Court of Texas  
Albert Armendariz, Sr. United States Courthouse  
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