

JUDGE LEON SCHYDLOWER

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED
JAN 30 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

SEGUNDO MESIAS CELA QUINDI

Petitioner

v.

No.

**TODD M. LYONS, Field Office
Director for Detention Removal, U.S.
Immigration and Customs Enforcement,
Department of Homeland Security and
Christopher Chestnut, Warden, Ero El
Paso Camp East Montana
Center**

Respondents

EP 26CV0258

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus filed on behalf of SEGUNDO MESIAS CELA QUINDI seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Segundo Mesias Cella Quindi pending the execution of his final removal order. Mr. Segundo Mesias Cella Quindi has fully cooperated with Respondents in their efforts to remove him. To date, Respondents have been holding him without bond and thus, he has been detained for more than three(3) months. Mr. Segundo Mesias Cella Quindi is not a flight risk or a danger to the community. Prior to his detention, he had no contact with the U.S. Immigration and Customs Enforcement (USICE) and had committed no crimes. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

On or about September 17, 2025, Respondent U.S. Immigration and Customs Enforcement (USICE) arrested Mr. Segundo Mesias Cella Quindi and placed him in the custody of the Ero El Paso Camp East Montana in El Paso, Texas. Mr. Segundo Mesias Cella Quindi's detention

was for the purpose of awaiting his hearing. In September 2025, Mr. Segundo Mesias Cela Quindi requested release based the fact that he has lived in the United States since 2014 and he has no criminal record. He is not a danger to the community or a flight risk. Mr. Segundo Mesias Cela Quindi filed for a redetermination of custody status which the Court denied on November 19, 2025 based on *In the matter of Hurtado 29 I & N Dec. 216 (2025)*.

Mr. Segundo Mesias Cela Quindi submits that his detention is in violation of his constitutional rights. His mandatory detention is not justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Segundo Mesias Cela Quindi from their custody.

CUSTODY

1. Mr. Segundo Mesias Cela Quindi is in the physical custody of Respondent Todd M. Lyons Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Christopher Chestnut, Warden of the Ero El Paso Camp East Montana in El Paso, Texas. At the time of the filing of this petition, Petitioner is detained at the Ero El Paso Camp East Montana in El Paso, Texas. The Detention Center contracts with the DHS to detain aliens such as Petitioner. Mr. Segundo Mesias Cela Quindi is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has 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 authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondents, Todd M. Lyons and Christopher Chesnut reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Segundo Mesias Cela Quindi is a national and citizen of Mexico is awaiting his cancellation of removal hearing. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondent Todd M. Lyons is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Johnson is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Texas, El Paso Division. Pursuant to Respondent Johnson's orders, Petitioner remains detained.

6. Respondent Christopher Chesnut is the warden of the Ero El Paso Camp East Montana in El Paso, Texas. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Texas, El Paso Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. Mr. Segundo Mesias Cela Quindi has exhausted his administrative remedies to the extent required by law.

8. He has fully cooperated with Respondents and has not delayed or obstructed his detention.

9. Mr. Segundo Mesias Cela Quindi 's only remedy is by way of this judicial action.

STATEMENT OF FACTS

10. Petitioner Segundo Mesias Cela Quindi is a national and citizen of Ecuador.

11. Mr. Segundo Mesias Cela Quindi applied for withholding of removal under the Immigration and Nationality Act.

12. On or about September 17, 2025, Respondent Johnson and his agents arrested Mr. Segundo Mesias Cela Quindi as he was a passenger in a vehicle. He was not charged with any criminal offense or cited for ant traffic violation There was no reason for his arrest.

13. Mr. Segundo Mesias Cela Quindi has fully cooperated with Respondent.

14. Respondents have reviewed Mr. Segundo Mesias Cela Quindi's custody status and have determined that he should be detained because his removal is likely.

15. Mr. Segundo Mesias Cela Quindi has now been in detention for more than three (3) months. Respondents continue to detain Mr. Segundo Mesias Cela Quindi.

16. Mr. Segundo Mesias Cela Quindi is not a danger to the community or a flight risk. He has no pending criminal cases.

17. Mr. Segundo Mesias Cela Quindi has deep roots in this community. His wife, children, sisters and cousins live in the United States.

18. Prior to his arrest, Mr. Segundo Mesias Cela Quindi was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

19. Respondents' decision to detain Mr. Segundo Mesias Cela Quindi is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. Segundo Mesias Cela Quindi 's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

20. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

21. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO STATUTORY CLAIM

22. Petitioner alleges and incorporates by reference paragraphs 1 through 22 above.

23. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

24. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;

3. Issue a writ of habeas corpus ordering Respondents to release Mr. Segundo Mesias Cela Quindi on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

Rosalind Kelly

/s/ Rosalind Kelly

ROSALIND KELLY

TBN: 11237580

Attorney for Defendant

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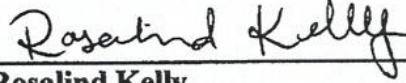
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VERIFICATION OF COUNSEL

I, Rosalind Kelly, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/Rosalind Kelly

A handwritten signature in cursive script that reads "Rosalind Kelly". The signature is written in black ink and is positioned above a horizontal line.

Rosalind Kelly

ROSALIND A. KELLY

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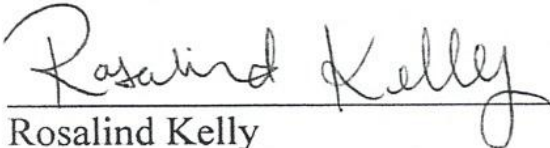
To Whom It May Concern:

Enclosed please find the original and one copy of the Writ of Habeas Corpus and the \$5 filing fee in the form of a money order.

Please file stamp the copy of the Writ and send it back to me in the self-addressed envelope.

If you have any questions or need any additional information, please contact me at the above number.

Thank you,



Rosalind Kelly