

FILED

United States District Court Western
District of Texas Austin Division
501 W. 5th Street, Suite 1100
Austin, TX 78701

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CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY OK DEPUTY

WUILLIAMS ARCANGEL RAMIREZ CEDENO
NO CITIZEN DETAINED

A# 

CURRENTLY DETAINED IN:

DETENTION CENTER: T. DON HUTTO DETENTION CENTER
1001 WELCH STREET NA
TAYLOR TX 76574

THROUGH AND BY MEANS OF HIS "WIFE"
YERALDIN JOSEFINA MAVARES DIAZ

1:26 CV 00307 ADA

PETITION FOR HABEAS CORPUS

Title 28 of the United States Code, section 2241
AND EMERGENCY REQUEST FOR RELEASE.

I. INTRODUCTION

Now comes the petitioner **WILLIAMS ARCANGEL RAMIREZ CEDENO**, A#  a Venezuelan national, currently unlawfully detained by Immigration and Customs Enforcement (ICE) since December 12, 2025, at the T. DON HUTTO DETENTION CENTER, 1001 WELCH STREET, TAYLOR, TX 76574, who respectfully submits this Petition for Habeas Corpus under 28 U.S.C. § 2241, requesting his immediate release from a detention that fundamentally violates the **Fourth, Fifth, First, and Fourteenth Amendments** of the United States Constitution.

This detention represents not only a flagrant and systematic violation of multiple constitutional rights of the petitioner, but also a humanitarian catastrophe for a family that depends entirely on him as the sole breadwinner for his wife and four minor children. The petitioner was arrested without a warrant, without probable cause, and without any articulable reasonable suspicion of criminal activity or imminent immigration violation. At the time of his detention, the petitioner had faithfully complied with his legal immigration obligations: he had filed his re-registration for Temporary Protected Status (TPS) on September 11, 2025, he has an active and pending asylum application before the Immigration Court, he has no criminal record of any kind, and he has established deep community ties during his 3 years and 10 months of continuous residence in the United States.

The constitutional violations in this case are multiple, serious, and systematically interconnected:

1. **Violation of the Fourth Amendment:** Detention without a court order and without reasonable suspicion, constituting an unreasonable apprehension;
2. **Violation of the Fifth Amendment:** Arbitrary deprivation of liberty without due legal process;

3. **Violation of the First Amendment:** Unconstitutional interference with the right of access to the courts and the right to petition, making it impossible to effectively prepare their asylum application;
4. **Violation of the Fourteenth Amendment** (a) Denial of due process; (b) Destruction of fundamental family relationships without compelling justification; and (c) Possible discriminatory application of detention policies based on national origin.

These violations do not occur in isolation but reinforce one another, creating a comprehensive pattern of government conduct that systematically disregards fundamental constitutional protections. This petition is filed by his wife, Yeraldin Josefina Mavares Díaz, due to the petitioner's lack of legal resources and the deterioration of his physical and emotional condition while in custody.

II. IDENTIFICATION OF THE PARTIES

PETITIONER:

- Name: WUILLIANS ARCANGEL RAMIREZ CEDENO
- A#: [REDACTED]
- Date of birth: [REDACTED]
- Nationality: Venezuelan
- Detained since: December 12, 2025
- Facility: T. DON HUTTO DETENTION CENTER, 1001 WELCH STREET, TAYLOR, TX 76574

PRESENTED BY:

- Name: YERALDIN JOSEFINA MAVARES DIAZ (Wife)
- Address: [REDACTED]
- Telephone: [REDACTED]
- Email: hillary2010ma@gmail.com

RESPONDERS:

- Director of Immigration and Customs Enforcement (ICE)
- United States Attorney's Office – Western District of Texas
- Director of the Detention Center, T. Don Hutto Residential Center Warden / ICE Officer in charge
- ICE- San Antonio Field Office U.S. Immigration and Customs Enforcement (ICE)
- U.S. Department of Homeland Security (DHS)
- U.S. Immigration and Customs Enforcement (ICE)
- Secretary of Homeland Security U.S. Department of Homeland Security

III. JURISDICTION AND COMPETENCE

This Court has jurisdiction over this Petition under 28 U.S.C. § 2241 which grants District Courts jurisdiction to issue writs of habeas corpus when a person is detained under the authority of the United States. The petitioner is physically detained within the jurisdiction of this Court at the T. Don Hutto Detention Center in Taylor, Texas.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) **does not eliminate** This Court's habeas corpus jurisdiction to review fundamental constitutional violations in immigration detentions, as established by the Supreme Court in *INS v. St. Cyr* 533 U.S. 289 (2001). The Supreme Court has made clear that Congress must be explicit and direct when it attempts to suspend the writ of

habeas corpus, and no statute has explicitly suspended the jurisdiction of habeas corpus to review violations of the Fourth, Fifth, First, and Fourteenth Amendments in immigration detentions.

This petition is based on:

- The protections of the **Fourth Amendment** against unreasonable apprehensions;
- The due process guarantees of the **Fifth Amendment**;
- The right of access to the courts and the right to petition are protected by the **First Amendment**;
- The protections of due process, equal protection, and fundamental family relationships guaranteed by the **Fourteenth Amendment**; and
- The fundamental right established by centuries of Anglo-American common law to challenge the legality of any government detention through habeas corpus.

As the Supreme Court established in **Boumediene v. Bush**, 553 U.S. 723 (2008), the privilege of the writ of habeas corpus is a fundamental protection against arbitrary detention and cannot be suspended except in extraordinary circumstances of rebellion or invasion, circumstances that are clearly not present in this case.

IV. BACKGROUND FACTS

A. Petitioner's Immigration History and Legal Compliance

The petitioner entered the United States on March 24, 2022, approximately 3 years and 10 months ago, under the legal designation of "arriving alien." Immediately upon entry, the petitioner initiated the appropriate legal process to apply for political asylum, acknowledging and respecting U.S. immigration laws. His asylum application has been active and pending before the Immigration Court throughout this period, demonstrating his continued and good-faith participation in the U.S. legal system.

On December 17, 2024, the petitioner was granted Temporary Protected Status (TPS), valid until April 2, 2025. This status was granted by the United States government in recognition of extraordinary conditions in his country of origin, Venezuela, that make his return impossible or dangerous. Throughout the validity period of his TPS, the petitioner complied with all the conditions of that status, maintained his known address with the authorities, and did not commit any criminal or immigration violations.

After his TPS expired on April 2, 2025, the petitioner filed his re-registration application on September 11, 2025. While there is a period of approximately five months between expiration and re-registration, this timeframe does not constitute evidence of intent to evade immigration laws, but rather reflects the practical realities and challenges that many immigrants face when navigating the complex U.S. immigration system. **Crucially, the petitioner eventually complied with the re-registration** demonstrating his intention to maintain legal status and his respect for the U.S. legal process. This re-registration application was pending adjudication at the time of his arrest.

Throughout his time in the United States, the petitioner **He has not been arrested, charged, or convicted of any criminal offense.** There is no record of violence, disorderly conduct, or any other behavior that might suggest he poses a danger to the community. On the contrary, the petitioner has been a productive member of

society, working diligently to support his family and contributing to his local community.

B. Deterioration of Physical and Psychological Health in Detention

The petitioner is currently experiencing a significant decline in his physical and psychological health as a result of prolonged confinement. He is suffering from:

- **Severe anxiety disorder**
- **Persistent insomnia**(sleep loss)
- **Dyspnoea**(difficulty breathing), which aggravates their state of distress
- **Marked emotional deterioration**

This situation is compounded by **delays in the administration of your medication**. This has contributed to a worsening of her medical condition and a progressive emotional decline. This deterioration in health not only constitutes unnecessary human suffering, but also **prevents their ability to participate effectively in their own legal defense.**, violating their First Amendment rights of meaningful access to the courts.

C. Circumstances of the Unconstitutional Detention of December 12, 2025

On December 12, 2025, agents from Immigration and Customs Enforcement (ICE) arrested the petitioner **without presenting any court order, without articulating any reasonable suspicion** of criminal activity, and **without identifying any specific immigration violation** that would justify his immediate arrest.

ICE agents:

- They did not present an administrative arrest warrant.
- They did not present a court order signed by a magistrate or judge
- They did not explain any urgent circumstances or requirements that would necessitate an arrest without a warrant.
- They did not articulate specific facts that constituted reasonable suspicion of dangerousness or risk of escape.
- They did not conduct any individualized analysis of the petitioner's circumstances.

At the time of his arrest, the petitioner:

- I was not involved in any illegal activity
- He was NOT fleeing from the authorities
- It did not represent any immediate danger to public safety
- He had given no indication that he would attempt to evade future immigration proceedings.

On the contrary, his record of compliance for almost four years, including his active participation in asylum proceedings and his filing of TPS re-registration, clearly demonstrated his willingness to cooperate with the legal immigration system.

ICE agents They neither considered nor investigated:

- The applicant's pending asylum application
- Your pending TPS re-registration filed on September 11, 2025
- His complete lack of a criminal record
- His critical role as the sole breadwinner for his wife and four young children
- His community roots of 3 years and 10 months

The arrest was carried out summarily, without any individualized process to determine whether the arrest was necessary or appropriate given the petitioner's specific circumstances. **This total absence of individualized process is at the heart of the multiple and systematic constitutional violations in this case.**

D. Devastating and Irreparable Family Impact

The petitioner is the **sole source of income** of his family, which includes his wife and four minor children who reside in the United States. He is the sole provider of income for his household, paying the rent, buying food, covering medical expenses, and meeting all the basic needs of his family of six. His wife is completely dependent on him, both emotionally and financially, and the children require his presence, support, and paternal guidance.

Since his arrest on December 12, 2025, the petitioner's family has faced a devastating **humanitarian crisis**:

Economic Crisis:

- No income from December 12, 2025
- Immediate risk of eviction for non-payment of rent
- Inability to buy adequate food for four children
- No resources for medical expenses if any child gets sick
- Unpaid utility bills threaten to leave the family without heat during the Texas winter.

Psychological Trauma in Children:

- The four youngest children are suffering severe emotional trauma from the sudden separation from their father
- This arrest occurred during the holiday season, turning what should have been a family celebration into a nightmare of anxiety, fear, and insecurity.
- The children experience anxiety, fear, and confusion about why their father was taken away and when he will return.
- Deprivation of their father during some of the most formative years of their lives

Crisis for the Wife:

- Suddenly left as the only adult responsible for four children
- Without financial resources or support to meet basic needs
- He must explain to four frightened children why their father is not home.
- You have to make impossible decisions about which basic needs to prioritize when there's no money for any of them.

This forced family separation, resulting from a constitutionally flawed detention, **inflicts irreparable damage every day**. Studies have consistently shown that parent-child separation, particularly when sudden and prolonged, causes toxic stress that can have long-term developmental effects. Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement* (2010).

V. LEGAL ARGUMENTS

I. THE PETITIONER'S DETENTION VIOLATES THE FOURTH AMENDMENT OF THE CONSTITUTION

A. Legal Standard

The Fourth Amendment to the Constitution states that **"The right of the people to the security of their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated."** This fundamental protection extends to all persons in U.S. territory, including non-citizens, as has been consistently recognized by the Supreme Court. **"United States v. Verdugo-Urquidez**, 494 U.S. 259, 269 (1990) (recognizing that "the people" in the Fourth Amendment refers to a class of people who are part of a national community or who have developed sufficient connections with this country).

The Supreme Court has established that any detention of a person constitutes an "arrest" under the Fourth Amendment and **it must be reasonable..** *Terry v. Ohio*, 392 U.S. 1, 16 (1968). For a warrantless arrest to be constitutional under the Fourth Amendment, government officials must have at least "**reasonable suspicion**" based on specific articulable facts that the person has committed, is committing, or is about to commit a violation of the law. *United States v. Cortez*, 449 U.S. 411, 417-18 (1981). For warrantless arrests, "**probable cause**" of criminal activity. *United States v. Watson*, 423 U.S. 411, 417 (1976).

In the context of immigration specifically, the Supreme Court has recognized that although immigration officers have some authority to make administrative detentions, these detentions **They must comply with the reasonableness requirements of the Fourth Amendment.** *United States v. Brignoni-Ponce*, 422 U.S. 873, 881-82 (1975). And *Brignoni-Ponce* The Court clearly established that immigration officers cannot detain people based solely on their ethnic or racial appearance, and must have reasonable suspicion based on articulable facts that the person is illegally present in the United States.

B. Application to the Present Case

The petitioner's arrest on December 12, 2025 was **blatantly unreasonable** under any Fourth Amendment standard. ICE agents:

- They did not present any court order.
- They did not articulate any probable cause of criminal activity
- They did not identify any specific facts that constituted reasonable suspicion that the petitioner posed a danger or flight risk requiring immediate detention

Upon examining all the circumstances known or accessible to ICE agents at the time of the arrest, **There was no reasonable basis for the petitioner's arrest:**

1. **I had a pending asylum application before** the Immigration Court, providing him with an explicit legal basis to remain in the United States during the adjudication of his case.
2. **I had filed a TPS re-registration** on September 11, 2025, demonstrating intent to comply with legal immigration requirements and good faith in working within the legal system
3. **No criminal record** of any kind, eliminating any argument that it posed a danger to public safety
4. **3 years and 10 months of continuous residence** establishing substantial community ties and demonstrating that there was no flight risk
5. **Sole breadwinner for wife and four children** providing powerful additional incentives to comply with all future legal procedures

The government could argue that the approximately five-month gap between the petitioner's TPS expiration (April 2, 2025) and his re-registration (September 11, 2025) provided justification for detention. **However, this argument fails for multiple reasons under the analysis of the Fourth Amendment:**

First The mere fact that an immigration document has expired does not automatically constitute probable cause or reasonable suspicion justifying physical detention without a warrant. The Fourth Amendment **requires an individualized analysis** of the specific circumstances of each person before the government can deprive them of their freedom. *United States v. Cortez*, 449 U.S. at 417-18. In this case, the petitioner's specific circumstances—including his subsequent compliance with re-registration, his pending asylum application, and his complete absence of a criminal record—strongly argued against finding reasonable suspicion that he posed any danger or risk requiring immediate detention.

Second The applicant's pending asylum application provides a **independent legal basis** for his continued presence in the United States during the adjudicative process. Under 8 U.S.C. § 1158 and established case law, asylum seekers have the right to remain in the United States while their applications are being adjudicated, unless they are subject to certain exceptions of inadmissibility or removableness, which are not present in this case. The existence of this continuing legal basis for the petitioner's presence fundamentally undermines any argument that there was reasonable suspicion of unlawful presence justifying warrantless detention.

Third The fact that the petitioner eventually complied with the TPS re-registration, albeit belatedly, demonstrates that **I wasn't trying to evade immigration laws** or disappear from the system. On the contrary, their re-registration is affirmative evidence of their intention to comply with legal requirements and maintain documented status. This voluntary compliance directly contradicts any conclusion that the petitioner posed a flight risk or intended to violate immigration laws.

Finally The Court must consider that the Fourth Amendment requires not only that there be some theoretical justification for an arrest, but also government **officials should really consider individual circumstances**. And base their decision on specific, verifiable facts. In this case, there is no evidence that ICE agents conducted any individualized analysis of the petitioner's situation, considered his pending asylum application or TPS re-registration, or assessed whether he posed any real danger or flight risk. A detention based on the mechanical application of general policies, without consideration of individual circumstances, does not meet the Fourth Amendment's standard of reasonableness.

The case law is clear: **The Fourth Amendment is not so easy to evade. A police officer cannot... avoid liability for an unconstitutional arrest simply by pointing to some valid reason and articulable suspicion that theoretically could have existed for the arrest.**" *Kansas v. Glover*, 140 S. Ct. 1183, 1188 (2020). ICE agents must articulate specific facts that justify each individual detention, not simply point out that there was a lapse in immigration documentation.

C. Detention Cannot Be Justified Under Exceptions to Warrant Requirements

The Fourth Amendment generally requires the government to obtain a warrant before arresting a person, with limited exceptions for arrests in compelling circumstances or when there is probable cause of criminal activity and the arrest occurs in a public place. *Payton v. New York*, 445 U.S. 573, 587-88 (1980). **None of these exceptions apply to the detention of the petitioner.**

There were no demanding circumstances that required immediate action without a court order:

- The petitioner was NOT fleeing
- It did not pose any immediate danger.
- I was NOT destroying evidence
- There was no reason to believe that obtaining an administrative court order would cause the petitioner to disappear.

His record of nearly four years of continuous residence and compliance with immigration procedures clearly demonstrated that he was not a flight risk.

Nor was there probable cause of criminal activity As discussed above, the petitioner has no criminal record and was not involved in any criminal activity. While violations of immigration laws may serve as grounds for administrative removal proceedings, the expiration of an immigration document does not constitute a crime that warrants arrest without a warrant under Fourth Amendment standards,

particularly when the individual has filed a re-registration and has a pending asylum application.

Therefore, the detention of the petitioner without a court order and without reasonable suspicion constitutes a clear violation of his rights under the Fourth Amendment.

II. THE PETITIONER'S DETENTION VIOLATES THE FIFTH AMENDMENT OF THE CONSTITUTION

A. Legal Standard of Due Process

The Fifth Amendment states that **"No person shall be deprived of life, liberty or property without due process of law"** This fundamental protection extends to **all people in the United States, regardless of their citizenship or immigration status.** *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("It is well established that the Fifth Amendment confers upon aliens the right to due process of law in deportation proceedings"); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (the protections of the Constitution "are universal in their application, to all persons within the territorial jurisdiction, without distinction of race, color, or nationality").

Due process requires, at a minimum, that the government provide **Adequate notification and an opportunity to be heard** before depriving a person of a significant liberty interest. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). In the context of physical detention, which is the most extreme form of deprivation of liberty, due process requires **substantive justification for the arrest and appropriate procedures** to determine if the arrest is justified. *United States v. Salerno*, 481 U.S. 739, 746 (1987).

Specifically regarding immigration detentions, the Supreme Court has established that although the government has an interest in ensuring the presence of aliens for removal proceedings, this interest must be **balanced against the fundamental interest of individual freedom.**, and the detention must be reasonably necessary to accomplish the governmental purpose. *Zadvydas*, 533 U.S. at 690-91. Arbitrary arrests, even in the context of immigration, violate due process. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (recognizing that due process limits governmental discretion to detain aliens).

B. The Petitioner's Detention Is Arbitrary and Lacks Substantive Justification

The petitioner's arrest is **arbitrary** and does not meet due process requirements under any reasonable analysis. A government detention is arbitrary when it is not justified by any legitimate governmental purpose or when the relationship between the detention and the governmental purpose is so tenuous that the detention constitutes an unreasonable exercise of governmental power.

The two legitimate governmental purposes that typically justify detention in the context of immigration are: (1) **to prevent danger to the community**, and (2) **prevent the risk of leakage** to ensure the individual's presence in future proceedings. *Take your time*, 538 U.S. and 528. **None of these purposes justifies the detention of the petitioner.**

1. The Petitioner Does Not Represent Any Danger to the Community

The petitioner **He has no criminal record of any kind** During his 3 years and 10 months in the United States:

- He has not been arrested, charged, or convicted of any criminal offense.
- There is NO evidence of violence
- There is NO evidence of substance abuse
- There is NO evidence of disorderly conduct

- There is no evidence of any other behavior that might suggest dangerousness.

On the contrary, he has been a productive member of society, working to support his family and contributing to his community. Detaining a person without any evidence of dangerousness **It serves no legitimate governmental purpose.** related to public safety and, therefore, is arbitrary under due process principles.

2. The Petitioner Does Not Represent a Reasonable Flight Risk

The flight risk analysis should consider multiple factors, including community ties, history of compliance with legal requirements, family roots, and residential stability. **Immigration & Naturalization Service v. National Center for Immigrants' Rights, Inc.**, 913 F.2d 1350, 1366 (9th Cir. 1990). Applying these factors to the petitioner's case, **It is clear that it does not represent a significant escape risk:**

Extraordinary Community Rooting:

- 3 years and 10 months of continuous residence in the United States
- Stable employment to support your family
- Fixed address known to the authorities

Exceptional Family Ties:

- Sole breadwinner for his wife and four minor children
- Providing him with powerful family and financial incentives to stay and comply with all legal procedures

Compliance History:

- He has actively and in good faith participated in immigration proceedings for years
- Pending asylum application before the Immigration Court, demonstrating that he/she has no intention of evading the legal system
- **Crucially, she voluntarily submitted her TPS re-registration on September 11, 2025.**, after the expiration of their previous TPS

This affirmative compliance action is **direct and powerful evidence** that the petitioner is not attempting to disappear or evade immigration authorities. A person attempting to evade the legal immigration system. **Does not voluntarily submit applications** which reveal their identity, current address, and immigration status to government authorities. The fact that the petitioner took this step unequivocally demonstrates their intention to work within the legal system and comply with all future requirements.

Given that the petitioner **It poses neither a danger to the community nor a reasonable risk of escape.**, his detention serves no legitimate governmental purpose and is, therefore, **arbitrary in violation of due process** As the Supreme Court established in *Zadvydas*, "**Freedom is the norm, and detention before or without trial is the carefully limited exception.**" 533 U.S. at 690. When the government cannot articulate a valid reason related to dangerousness or flight risk for an arrest, that arrest is unconstitutional.

C. The arrest occurred without proper procedures

In addition to being substantively arbitrary, the petitioner's detention violated due process because it occurred **without any procedure that would allow for individualized determination** whether the arrest was necessary or appropriate given their specific circumstances.

Due process requires that before depriving a person of liberty, the government must provide some procedure to determine whether the deprivation is justified. **Mathews v. Eldridge**, 424 U.S. at 333. In the context of immigration detention, this means that there must be some process to assess whether the specific individual poses a

danger or flight risk that justifies physical detention, rather than less restrictive alternatives such as supervision or bail.

The ICE agents who detained the petitioner on December 12, 2025, did NOT conduct any individualized assessment of his circumstances:

- They did not consider his pending asylum application
- They did NOT consider his TPS re-registration submitted on September 11, 2025
- They did not consider his lack of a criminal record.
- They did not consider his family ties with a wife and four dependent children
- They did NOT consider his compliance record for almost four years
- He was not given any opportunity to present evidence of these factors before being arrested.
- They did not articulate any specific reason why he, unlike the thousands of other asylum seekers in similar circumstances, required immediate detention.

This absence of individualized process This makes the detention arbitrary and a violation of due process. As the Supreme Court explained in *Mathews* Due process is flexible and context-dependent, but it always requires the government to consider individual circumstances before depriving someone of a fundamental right such as liberty. 424 U.S. at 334. An arrest based on the mechanical application of general policies, without consideration of individual circumstances, **does not meet this standard.**

Furthermore, since his arrest, the petitioner **has not received a timely bail hearing** where they can present evidence that they do not pose a danger or flight risk and argue for their release. Case law establishes that prolonged immigration detentions without bond hearings violate due process. **Rodriguez v. Robbins**, 804 F.3d 1060, 1089 (9th Cir. 2015) (en banc). Although the petitioner has been detained since December 12, 2025, **Each additional day of detention without due process constitutes a continuing violation of their due process rights.**

D. The Designation of "Arriving Alien" Does Not Eliminate Due Process Protections

The government could argue that because the petitioner is designated as an "arriving alien," he has reduced due process rights compared to aliens who have been formally admitted to the United States. **However, this argument does not justify detention without any individualized process or review of necessity.**

While it is true that the designation of "arriving alien" affects certain aspects of immigration procedures and may limit access to some legal remedies, **It does not eliminate basic constitutional protections against arbitrary detention.** *Zadvydas* 533 U.S. at 693 ("It is well established that the Fifth Amendment confers on aliens the right to due process of law in deportation proceedings"). The Supreme Court has repeatedly rejected arguments that the government can detain people indefinitely or arbitrarily simply because they are in immigration proceedings.

Furthermore, the petitioner has resided in the United States for **3 years and 10 months** has established a family here, has worked here, and **has developed substantial connections with this country** Although technically designated as an "arriving alien" for certain legal immigration purposes, it is unreasonable to treat them as if they were standing at the border attempting to enter for the first time. Case law recognizes that aliens who have developed **substantial connections** "with the United States they have greater due process rights. **"United States v. Verdugo-Urquidez**, 494 U.S. and 271.

More fundamentally, even if the designation of "arriving alien" were to somehow reduce the petitioner's procedural protections, **could not eliminate substantive protection against arbitrary detention**. Substantive due process prohibits the government from acting arbitrarily or capriciously, regardless of what procedures are provided. **County of Sacramento v. Lewis**, 523 U.S. 833, 846 (1998). A detention that serves no legitimate governmental purpose because the person poses neither danger nor flight risk is arbitrary under substantive due process, regardless of the technical designation of the person's immigration status.

III. THE PETITIONER'S DETENTION VIOLATES THE FIRST AMENDMENT OF THE CONSTITUTION

A. Legal Standard - Right of Access to the Courts and Right of Petition

The First Amendment to the Constitution states that **"Congress shall make no law... that shall abridge... the right of the people... to petition the Government for redress of grievances"**. This fundamental right includes the right to **meaningful access to the courts** to file and defend legal claims. Although the First Amendment does not explicitly mention the right of access to the courts, the Supreme Court has recognized that this right is implied by the First Amendment guarantees and is essential to the functioning of our justice system.

As the Supreme Court established in **California Motor Transport Co. v. Trucking Unlimited**, 404 U.S. 508, 510 (1972), **"The right of access to the courts is certainly an aspect of the right to petition protected by the First Amendment."** This right is not merely formal or theoretical, but requires access **meaningful and effective** to the judicial processes. **Bounds v. Smith**, 430 U.S. 817, 822 (1977).

In the specific context of immigration proceedings, where life or death consequences are at stake—including deportation to countries where the petitioner may face persecution, torture, or death—the right of effective access to the courts acquires **critical constitutional importance**. The Supreme Court has recognized that **For many foreigners, deportation is equivalent to banishment or exile.**", and it can mean **"the loss of everything that makes life worthwhile"**. **Ng Fung Ho v. White**, 259 U.S. 276, 284 (1922).

The right of access to the courts has several essential components:

1. Right to Adequately Prepare Legal Defense

This means having:

- Reasonable access to legal materials
- Ability to investigate relevant facts
- Opportunity to locate and contact witnesses
- Sufficient time and resources to develop legal arguments

Lewis v. Casey 518 U.S. 343, 351 (1996). A person who is physically detained in a remote ICE facility faces **massive obstacles** to perform these essential legal preparation activities.

2. Right to Effectively Consult with Legal Representation

Although immigration procedures are nominally civil, not criminal, the consequences are frequently **more severe than many criminal sentences**. Deportation can mean permanent family separation, forced return to persecution or violence, and complete destruction of the life a person has built. In these circumstances, effective consultation with a lawyer is not a luxury but a constitutional necessity. **Padilla v. Kentucky**, 559 U.S. 356, 365 (2010) (recognizing that "deportation is an integral part of the sanction for a crime").

3. Right to Gather and Present Evidence

In cases of political asylum, this often requires:

- Obtain witness statements
- Documentation of conditions in the country of origin
- Evidence of membership in particular groups
- Political opinion test
- Other complex evidence that is difficult or impossible to gather from detention

Johnson v. Avery, 393 U.S. 483, 490 (1969).

B. The Petitioner's Detention Materially Impedes His Effective Access to the Courts

The petitioner's detention at the T. Don Hutto Detention Center in Taylor, Texas, constitutes a **substantial and probably fatal interference** with their ability to effectively exercise their right of access to the courts to prepare and file their application for political asylum. This interference violates the First Amendment in multiple concrete and specific ways.

1. Impediment to Effectively Consult with Legal Representation

The petitioner is being held at a remote ICE facility a considerable distance from major urban centers where most immigration attorneys practice. Even if the petitioner could hire an attorney—which is extremely difficult without financial resources, given that he is detained and unable to work—in-person consultations would be severely limited by the rules and hours of the detention facility.

ICE detention facilities typically allow legal visits only during limited hours and under restrictive conditions. Consultations frequently take place in rooms without adequate privacy, with strictly limited time, and without access to computers, the internet, or legal resources that would normally be available in a law office.

More fundamentally, the petitioner currently **lacks legal representation** Because his arrest and the resulting family financial crisis have made it impossible to hire a lawyer, he is trying to navigate the political asylum process. **for oneself** while physically detained, facing:

- Limited resources
- Limited access to legal materials
- The enormous psychological difficulties of being imprisoned and separated from his family

Statistics show that **Detained individuals have dramatically lower rates of legal representation and dramatically lower success rates** in their asylum cases compared to non-detained individuals.

As the Supreme Court established, the right of access to the courts requires access **significant not** merely theoretical. **Bounds**, 430 U.S. in 822. A person who is physically incarcerated, without financial resources, separated from family and community, and facing the extreme complexity of asylum laws, **does not have meaningful access to effective legal representation.**

2. Inability to Gather Critical Evidence for Your Asylum Case

Successful political asylum cases typically require extensive and detailed evidence. The petitioner must demonstrate that they have suffered past persecution or have a well-founded fear of future persecution based on race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1101(a)(42)(A).

This demonstration often requires:

- Detailed written statements from witnesses that can corroborate the petitioner's experiences in Venezuela
- Documentation of conditions in Venezuela, including human rights reports, news articles, and reports from international organizations
- Evidence of the petitioner's membership in political, religious, or other relevant groups
- Evidence of specific threats or persecution directed at the petitioner or members of his family
- Psychological or medical evaluations that document trauma resulting from persecution
- Letters of support from community members, employers, religious organizations, or others who can attest to the petitioner's character and circumstances

While detained at an ICE facility in Texas, the petitioner is unable to effectively gather this evidence:

- He cannot travel to meet with potential witnesses
- He cannot easily access the internet to research conditions in Venezuela or locate supporting documentation
- You cannot contact human rights organizations or experts who could provide critical testimony
- He/She cannot undergo comprehensive psychological evaluations that require multiple sessions with qualified professionals.
- You cannot work with your religious or civic community to obtain letters of support.

These are not minor inconveniences. They are fundamental impediments to their ability to present a comprehensive and persuasive asylum case. The difference between detention and freedom often determines whether an asylum seeker can gather the necessary evidence to prevail in their case. Studies have documented that detained asylum seekers have **dramatically lower success rates** that applicants not detained, largely due to these barriers to gathering evidence.

3. Deterioration of Mental Health that Prevents Effective Participation

As documented in this Petition, the petitioner is experiencing **significant deterioration in their physical and psychological health** due to prolonged confinement:

- Anxiety disorder
- Persistent insomnia
- Dyspnea (difficulty breathing)
- Marked emotional deterioration
- Exacerbated by delays in medication administration

A person in this state of psychological deterioration **cannot effectively participate in his own legal defense** He/She cannot:

- Concentrate properly to review complex legal documents
- Understanding sophisticated legal arguments
- Making informed decisions about legal strategy
- Provide your lawyer (if you can get one) with the necessary detailed information about your case.

The psychological trauma of detention, combined with anxiety about his family suffering without him, creates conditions that make **Effective Legal participation is impossible**.

The Supreme Court has recognized that due process may require that a defendant be competent to participate in legal proceedings. **Dusky v. United States**, 362 U.S. 402 (1960). Although *Dusky* While the principle involved criminal proceedings, it applies with equal or greater force to asylum proceedings where the consequences can literally be a matter of life or death. A person experiencing a severe mental health crisis due to detention conditions... **cannot meaningfully exercise their right of access to the courts**.

4. Inability to Comply with Critical Procedural Deadlines

Immigration procedures are governed by strict deadlines and complex procedural requirements. An asylum seeker must:

- Submit applications within certain time periods
- Respond to government notifications
- Submit supporting evidence according to specific timelines
- Meet numerous technical requirements

Failure to meet these deadlines may result in **automatic loss of rights including the right to seek asylum**.

A person detained at an ICE facility faces massive **obstacles** to comply with these procedural requirements:

- Limited access to postal services
- Severely restricted or non-existent access to computers and the internet
- Minimum ability to print documents, make copies, or prepare formal presentations

Even simple tasks like sending a letter to the immigration court or filing a form can take days or weeks due to facility restrictions.

These procedural barriers are not merely technical. They can result in the permanent loss of critical substantive rights, including the right to seek asylum itself. When the government imposes these obstacles through physical detention, it is directly interfering with the constitutional right of access to the courts.

5. Separation of Community Resources and Personal Documentation

Many asylum seekers keep important documents at home or with family members or friends. This documentation may include:

- Passports
- Employment records
- Photographs
- Correspondence
- Membership documents in organizations
- Educational certificates
- Medical records
- Other evidence that is critical to establishing identity, personal history, and claims of persecution

When the petitioner was suddenly arrested on December 12, 2025, **He did not have the opportunity to gather this documentation** Now that he is detained, he cannot access these materials, which are at his home with his wife and children. Although his wife could theoretically send him some documents, she is facing a humanitarian crisis trying to care for four children without any income. She lacks the resources,

time, or knowledge to identify, copy, and transmit all potentially relevant documentation to the petitioner in detention.

Additionally, many asylum cases benefit from **letters of support from** community members, employers, religious leaders, and others who can attest to the applicant's character, community contributions, and ties to the community. The petitioner, physically isolated in a detention facility in Taylor, Texas, **cannot work effectively with your community in Pflugerville** to obtain these letters of support.

C. Detention is not necessary and alternatives would allow effective access to the courts

Crucially, **There is no constitutional or practical need for the petitioner to remain in detention** As has been extensively established in the preceding sections of this Petition, he poses no danger to the community nor a significant flight risk. Alternatives to detention, such as community supervision, electronic monitoring, or bail, would allow the government to ensure his presence at future proceedings while simultaneously enabling him to effectively exercise his constitutional right of access to the courts.

If the petitioner were released under alternatives to detention, he could:

1. **Consult regularly and extensively with an immigration lawyer** in person, with adequate privacy and sufficient time to review complex evidence and develop legal strategy
2. **Work to earn money** to hire competent legal representation
3. **Travel**(within reasonable geographical restrictions) to meet with potential witnesses and gather supporting statements
4. **Access to the internet and libraries** to investigate conditions in Venezuela and locate documentary evidence
5. **Working with your community religious, civic, and social** to obtain letters of support
6. **Access to psychological evaluation and medical treatment necessary**, and obtain documentation of any persecution-related trauma
7. **Maintaining your mental health and psychological well-being**, allowing him to participate effectively in his own defense
8. **Access your own personal documents and records** who are at home
9. **To comply in a timely manner with all procedural requirements and legal deadlines**

None of these essential elements of effective access to the courts are available to him in detention. The difference between detention and freedom is the difference between having a meaningful opportunity to present your asylum case and being effectively deprived of that constitutional right.

D. Case law establishes that government interference with access to the courts violates the First Amendment.

The Supreme Court has consistently held that when the government interferes with an individual's right to access the courts, that interference violates the First Amendment unless justified by compelling governmental interests. **NAACP v. Button**, 371 U.S. 415, 438 (1963).

In this case, as has been extensively demonstrated, **There are no compelling governmental interests that justify the petitioner's detention:**

- The petitioner **It poses no danger**. to the community (no criminal record, no evidence of violence or dangerous behavior)

provisions are universal in their application to all persons within the territorial jurisdiction, without distinction of race, color, or nationality." Id. in 369.

In the context of immigration, although the government has broad authority to establish criteria for admission and immigration, **cannot apply those laws in a discriminatory manner based on race or national origin. United States v. Armstrong**, 517 U.S. 456, 464 (1996). The selective enforcement of immigration laws against individuals of certain nationalities or ethnic groups constitutes unconstitutional discrimination under the Fourteenth Amendment.

2. Substantive Due Process and Protection of Family Relations

The Fourteenth Amendment, interpreted in conjunction with the Fifth Amendment, protects certain **fundamental rights under** the doctrine of substantive due process. Among the most fundamental of these rights is the **right to family integrity and to parent-child relationships**.

As the Supreme Court established, **The liberty protected by Due Process includes... the individual's right... to establish a home and raise children". Meyer v. Nebraska**, 262 U.S. 390, 399 (1923). More specifically, **"Family relationships, which involve the most intimate and personal choices a person can make in their life—choices central to dignity and personal autonomy—are fundamental to freedom."** **M.L.B. v. S.L.J.**, 519 U.S. 102, 116 (1996).

Government interference in family relationships must satisfy **strict scrutiny**. The government must demonstrate that its action is closely tailored to serve a compelling government interest. **Troxel v. Granville**, 530 U.S. 57, 66-67 (2000). The separation of parents and children by means of detention must be justified by compelling reasons and cannot be arbitrary.

B. The Petitioner's Detention Violates the Equal Protection of the Laws

1. Evidence of Discriminatory Application of Detention Policies

Although the petitioner does not have full access to statistical data on ICE detention patterns while incarcerated, there is substantial public evidence that the government's detention policies have been applied, **disproportionately against individuals of certain national origins**, particularly Latin Americans and specifically Venezuelans.

The petitioner is a **Venezuelan national**. Venezuela has been the subject of significant political attention and rhetoric in recent years. Multiple reports from civil rights organizations have documented that Venezuelans have been subjected to increased detention operations and more aggressive enforcement policies compared to individuals of other nationalities in similar circumstances.

The critical question is If the petitioner were of a different nationality, with identical circumstances (pending asylum application, TPS re-registration submitted, no criminal record, substantial family ties), would he have been detained without a warrant on December 12, 2025?

The selective application of detention based on national origin constitutes **discrimination under the Equal Protection Clause**.

2. Unequal Treatment Compared to Other Asylum Seekers

Thousands of asylum seekers are currently in the United States awaiting adjudication of their cases under various forms of temporary authorization or pending status. Many **They are not under arrest** and have been released under supervision, bail, or self-recognition while their cases proceed.

Why is the petitioner, who has exceptional mitigating factors, being detained while others with similar or even less favorable circumstances are not?

- TPS re-registration submitted
- No criminal record
- Extraordinary family ties (husband and father of four minor children)
- Almost four years of continuous residence

If there is no articulable reason based on individual dangerousness or risk of flight, then detention constitutes **unequal treatment without rational justification**, violating equal protection.

3. The Absence of Objective Standards Allows for Arbitrary Discrimination

As established in the preceding sections, the detention of the petitioner **It was not based on any individualized analysis** of their specific circumstances. ICE agents did not articulate objective criteria that justified their detention instead of that of other asylum seekers.

This lack of objective standards creates **opportunities for arbitrary discrimination** based on impermissible factors such as race, national origin, or ethnicity.

The Supreme Court has recognized that when the government has unlimited discretion without objective standards, there is a constitutional risk of discriminatory enforcement. **Yick Wo v. Hopkins**, 118 U.S. 356 (1886) (invalidating ordinance that gave officers unlimited discretion because it was applied discriminatorily against Chinese individuals).

Here, the **absence of articulated criteria** The decision to detain the petitioner suggests that the decision may have been based on impermissible factors related to his Venezuelan national origin.

C. Detention Unconstitutionally and Irreparably Interferes with Fundamental Family Relationships.

1. The Fundamental Right to Family Integrity

As previously stated, the Fourteenth Amendment protects the **fundamental right of parents to raise their children and maintain family relationships** This is not an abstract or secondary right, but one of the most fundamental rights recognized by our Constitution.

The petitioner is the father of four **minor children** He has been:

- Your primary provider
- Your guide
- Your protector
- Your source of love and support

The relationship between a parent and their children is precisely the type of intimate family relationship that the Fourteenth Amendment exists to protect.

2. Forced Separation Caused by Detention

Since December 12, 2025, the petitioner has been **physically separated from his four children** He/She cannot:

- Hug them
- Comfort them when they are afraid

- Help them with their homework
- Play with them
- Share meals with them
- Cuddle them up in bed at night
- Celebrate the holidays with them
- Being present in the everyday moments that constitute the father-son relationship

This separation is not temporary or trivial. Every day of separation during childhood is a day that can never be recovered. The children are growing up without their father. They are experiencing documented psychological trauma. The foundations of their relationship with their father are being irreparably damaged.

The government has caused this separation, **without any justification related to the dangerousness of the petitioner or the need to protect the children**. The children are not being protected by this separation; **are being harmed by it**. The only effect of the arrest is to destroy the father-son relationship without serving any legitimate governmental purpose.

3. The Impact on the Petitioner's Wife

The Fourteenth Amendment also protects the right of adults to maintain marital and family relationships. **Loving v. Virginia**, 388 U.S. 1, 12 (1967) (recognizing the "freedom to marry" as a fundamental right).

The petitioner has been **forcibly separated from his wife without** any justification related to his conduct or dangerousness. His wife is experiencing:

- **Emotional trauma** for the loss of her husband
- **Financial crisis** because he is the sole breadwinner
- **Extreme stress** caring for four children alone with no resources

The government has **interfered with the marital relationship** and has caused extraordinary suffering without any valid constitutional reason.

4. The Standard of Strict Scrutiny Has Not Been Met

When the government interferes with fundamental family relationships, it must satisfy **strict scrutiny**. You must demonstrate that your action is closely tailored to serve a compelling governmental interest. **Troxel v. Granville**, 530 U.S. at 66-67.

The government has not identified any compelling interest that justifies separating the petitioner from his four children:

- The petitioner does not pose any danger
- It does not represent a significant risk of leakage
- There is no compelling interest in stopping him

Therefore, interference with their fundamental family relationships violates the Fourteenth Amendment.

5. The Irreparable Nature of the Damage

The damage to family relationships caused by prolonged detention is **irreparable**:

- Time lost with children during their development **cannot be recovered**
- The psychological trauma inflicted on children by sudden separation from a parent creates **scars that can last a lifetime**
- The financial crisis that threatens to evict the family destroys the **stability that is essential for children's well-being**

This irreparable damage is happening now, every day that the unconstitutional detention continues. The Court has the power and the obligation to stop it by ordering the immediate release of the petitioner.

D. Due Process of Law Under the Fourteenth Amendment

Although due process violations have been discussed under the Fifth Amendment in previous sections, the Fourteenth Amendment provides **additional and independent protection** which deserves separate analysis.

1. The Interest of Freedom Is Fundamental

Under the jurisprudence of the Fourteenth Amendment, when the government threatens to deprive a person of a **interest in fundamental freedom** Due process requires the highest level of procedural protections. **Mathews v. Eldridge**, 424 U.S. 319, 335 (1976) (establishing a balancing framework to determine which process is due).

The petitioner's interest in his physical liberty is **the most fundamental of all the interests of freedom** Physical detention is the most severe deprivation the government can impose outside of the death penalty. When this mass deprivation occurs without any individualized process to determine necessity, **due process is violated.**

2. The Risk of Error and the Absence of Safeguards

Within the framework of **Mathews v. Eldridge** The Court must consider the risk of an erroneous decision and the value of additional procedural safeguards. In this case, **the risk of error is extremely high**, because there was no process at all.

ICE agents detained the petitioner without considering any of his individual circumstances that demonstrate the detention was unnecessary. Without any process to assess dangerousness or flight risk, **the risk of erroneous and unnecessary arrest is one hundred percent** This is exactly what has happened here.

Procedural safeguards such as a pre-detention hearing, review by a neutral judge, or individualized assessment by a detention officer **They would have revealed that the petitioner should not be arrested** The absence of these safeguards resulted in a violation of due process.

3. Governmental Interest Does Not Justify the Absence of Due Process

The government could argue that providing individualized processing before each immigration detention would be administratively burdensome. **However, this argument fails for several reasons:**

First, the government's interest in administrative efficiency **cannot justify the complete deprivation of due process** when a fundamental freedom interest is at stake. **Stanley v. Illinois**, 405 U.S. 645, 656 (1972).

Second Provide some level of individualized assessment prior to detention. **It is not administratively impossible** ICE routinely makes decisions about who to detain and who to release on supervision. The problem is not that individualized assessment is impossible, but that **It was not performed in this case.**

Third, The government's interest in arresting the petitioner specifically is **nonexistent** Because he poses no danger or flight risk. When the government has no legitimate interest in the detention, it cannot invoke administrative efficiency to justify the absence of due process.

V. SYSTEMATIC AND INTEGRATED ANALYSIS OF ALL CONSTITUTIONAL VIOLATIONS

A. Comprehensive Pattern of Interconnected Constitutional Violations

The arrest of the petitioner **It does not simply violate an isolated constitutional provision.** He systematically violates the **Fourth, Fifth, First, and Fourteenth Amendments** of the United States Constitution. These violations are not independent but are **deeply interconnected** each one reinforcing and aggravating the others.

The Violation Mechanism: Detention Without a Warrant or Reasonable Suspicion (Fourth Amendment)

The initial and fundamental violation is the detention without a court order and without any reasonable suspicion that the petitioner posed a danger or risk of flight. **This unconstitutional detention under the Fourth Amendment is the mechanism by which all other constitutional violations are perpetrated.**

ICE agents, acting without a warrant and without presenting any specific facts justifying immediate detention, deprived the petitioner of his physical liberty. This unreasonable arrest set the stage for all subsequent constitutional violations.

The Arbitrariness of Detention: Deprivation of Liberty Without Due Process (Fifth and Fourteenth Amendments)

The arrest was not only carried out without a court order, but it was implemented **without any individualized process** to determine whether it was necessary or appropriate. The petitioner's specific circumstances were not considered. He was not given an opportunity to present evidence that he did not pose a danger or flight risk. There was no neutral assessment of whether alternatives to detention would be adequate.

This lack of due process makes the arrest **arbitrary in violation of the Fifth and Fourteenth Amendments**. The government deprived the petitioner of his liberty without providing the due process that the Constitution requires before such mass deprivation.

Interference with Fundamental Rights: Access to the Courts and Family Relations (First and Fourteenth Amendments)

Arbitrary physical detention, in turn, **interferes with multiple additional fundamental rights:**

First Amendment The petitioner, incarcerated in a remote ICE facility, cannot effectively exercise his First Amendment right of access to the courts. He cannot:

- Consult with lawyers appropriately.
- Gather critical evidence for your asylum case
- Comply with complex procedural requirements

Fourteenth Amendment Simultaneously, the detention destroys the petitioner's fundamental family relationships protected by the Fourteenth Amendment. He has been torn from his four children and his wife, causing:

- Irreparable psychological trauma to children
- Devastating economic crisis for the whole family
-

Potential Discrimination: Equal Protection (Fourteenth Amendment)

Underlying all these violations is the possibility that the detention was motivated, at least in part, by discrimination based on the petitioner's national origin as a Venezuelan. The absence of objective standards for detention decisions, combined with evidence of disproportionate application of detention policies against certain

national groups, raises serious questions of equal protection under the Fourteenth Amendment.

B. The Synergistic Effect of Multiple and Simultaneous Violations

These constitutional violations don't simply add up; they multiply in their impact. The total harm caused by the unconstitutional detention of the petitioner is greater than the sum of the individual violations because each violation aggravates and worsens the others.

Example 1: Violation of the Fourth Amendment Facilitates Violation of the First Amendment

Arrest without a warrant (violation of the Fourth Amendment) is the **mechanism that makes it possible** Interference with access to the courts (violation of the First Amendment). Had the petitioner been released under supervision, as he should have been, he could have exercised his right of access to the courts. **Violation of the Fourth Amendment directly causes and facilitates violation of the First Amendment.**

Example 2: Violation of the Fifth Amendment Aggravates Violation of the Fourteenth Amendment

Deprivation of liberty without due process (violation of the Fifth Amendment) is not only unconstitutional in itself, but also aggravates **the damage to family relationships** (violation of the Fourteenth Amendment). The arbitrariness of the detention means that the destruction of the family serves no legitimate governmental purpose, making the interference with family relationships even more constitutionally unjustifiable.

Example 3: All Violations Together Create Systemic Injustice

When considered together, these violations reveal a **pattern of governmental conduct that systematically disregards fundamental constitutional protections**. This is not an isolated technical error or a minor procedural violation. It is a **comprehensive failure to respect the petitioner's most basic constitutional rights in multiple dimensions simultaneously.**

C. The Responsibility of ICE Agents

The ICE agents who arrested the petitioner on December 12, 2025 are **directly responsible for initiating this chain of constitutional violations**. By arresting him without a warrant, without reasonable suspicion, without due process, and without consideration of his specific circumstances, these agents:

1. **They raped directly** their rights under the Fourth Amendment through unreasonable apprehension
2. **They raped directly** their rights under the Fifth Amendment through deprivation of liberty without due process
3. **They facilitated the rape** of their rights under the First Amendment by interfering with access to the courts
4. **They facilitated the rape** of their rights under the Fourteenth Amendment through the destruction of family relationships
5. **They possibly acted with discriminatory motives** violating equal protection under the Fourteenth Amendment
- 6.

These violations **They were not the result of error or lack of information** The agents had, or could have easily had, access to information about:

- The applicant's pending asylum application
- Your TPS re-registration
- His lack of a criminal record
- His family roots
-

They chose not to consider this information and proceeded with an arrest that was not justified by any constitutional standard.

D. The Court's Obligation to Remedy Systematic Violations

When an individual is being deprived of multiple **fundamental constitutional rights simultaneously** through unjustified government action, the Court has **not only the power but the obligation** to intervene through habeas corpus.

The writ of habeas corpus exists precisely for cases like this: where a person is illegally detained in violation of fundamental constitutional protections. **The comprehensive and systematic nature of the violations in this case makes the case for habeas corpus even more compelling.**

The Court should not view these violations as separate and independent issues requiring fragmented analysis. **It must be recognized that together they constitute a pattern of governmental conduct that is fundamentally incompatible with the basic constitutional principles that define our free society.**

VI. CONTINUOUS DETENTION CAUSES IRREPARABLE HARM

A. The Interest of Fundamental Freedom

Physical freedom is one of the **most fundamental rights protected by the Constitution** As the Supreme Court stated, **In our society, freedom is the norm, and detention before or without trial is the carefully limited exception.**" **United States v. Salerno**, 481 U.S. at 755 (citing **Zadvydas**, 533 U.S. at 690). The interest in being free from physical restraint is so fundamental that detention constitutes one of the most severe deprivations that the government can impose, second only to the death penalty.

For the petitioner, deprivation of liberty is not merely an abstract question of constitutional rights, but **a concrete humanitarian catastrophe that destroys his family every day that continues** Each additional day of detention means another day in which:

- He cannot hug his children
- He cannot provide emotional support to his wife
- He cannot provide financial support for his family
- He cannot fulfill his fundamental role as a husband and father.
-

B. Devastating Impact on the Four Youngest Children

The petitioner's four children are suffering severe **psychological trauma** as a direct result of their arrest. Research in child development and psychology has consistently shown that sudden separation from a parent, particularly when the child does not

understand why it happened or when it will end, causes **Toxic stress that can have long-term developmental effects.**

The children have gone from having a present, loving, and providing father to having a father who was suddenly ripped from his home and locked up in an immigration detention facility. These children don't understand why their father, who has never committed any crime, who has always worked honestly to take care of them, who has complied with all legal immigration requirements, is suddenly not with them.

This arrest occurred during the Christmas season, a time that should be a time of family celebration, but instead has become a nightmare of anxiety, fear, and insecurity for these children.

Studies have documented that children separated from detained parents experience:

- Depression
- Anxiety
- Behavioral problems
- Academic difficulties
- Physical health problems
- Symptoms consistent with post-traumatic stress disorder

These effects can persist for years, affecting children's well-being into adulthood. Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement* (2010).

The Court must consider that these four children bear no responsibility for the complexities of immigration law or for their father's TPS lapse. They are innocent victims of government action that, as has been demonstrated, violates the Constitution. Allowing her trauma to continue when her father could be released on bail or supervision would cause irreparable harm.

C. Economic and Humanitarian Crisis for the Family

The petitioner's wife has been suddenly left as the **single adult responsible for four children, with no income and no means to meet the family's basic needs**. The petitioner was the sole breadwinner, paying the rent, buying food, covering medical expenses, and providing all the necessities for a family of six.

Without their income, the family faces:

- **Imminent eviction-** They cannot pay the rent for December or the following months
- **Hunger-** The children do not have adequate food
- **Medical crisis-** If anyone gets sick, there's no money for medical care
- **Loss of basic services-** Utility bills are unpaid, threatening to leave the family without heat during the Texas winter

This is not rhetorical exaggeration; it is the concrete reality that this family faces every day that the petitioner remains detained.

The petitioner's wife, in addition to the emotional trauma of having her husband torn from his family, must now:

- Desperately trying to find resources to feed their children
- Dealing with your own fear and anxiety
- Explain to four frightened children why their father is not home
- Making impossible decisions about which basic needs to prioritize when there is no money for any of them.

This humanitarian crisis is the direct result of an arrest that, as has been established, violated the Fourth, Fifth, First, and Fourteenth Amendments. The government has inflicted this suffering on a family without any valid constitutional justification.

D. Alternatives to Detention Are Available

Crucially, **There is no need for this family to continue suffering** There are widely available alternatives to detention that could ensure the petitioner's presence in future immigration proceedings while allowing him to return to his family and resume his role as husband, father, and provider.

The government has access to multiple alternatives to detention programs:

- Electronic monitoring using ankle-tracking devices
- Regular check-in requirements with ICE officers
- Travel restriction
- Bail

These programs have proven to be highly effective to ensure the presence of individuals in immigration proceedings while allowing them to remain with their families and communities.

Given the petitioner's exceptional ties to the community, his history of compliance, his lack of a criminal record, and his powerful family incentives to comply with all legal requirements, **Any of these alternatives would be more than adequate to ensure their presence in future proceedings.**

There is no justification for continued physical detention when less restrictive alternatives are available and would be effective. The government's refusal to consider these alternatives, and its insistence on physical detention despite the absence of any dangerousness or significant risk of escape, demonstrates that the detention is arbitrary and unrelated to any legitimate governmental purpose.

VII. HABEAS CORPUS RELIEF IS APPROPRIATE AND NECESSARY

A. Habeas Corpus Is the Appropriate Remedy for Unconstitutional Detention

The writ of habeas corpus is the **traditional and appropriate legal remedy** to challenge the legality of a government detention. As the Supreme Court established, **The writ of habeas corpus is one of the most fundamental rights in our legal system... the privilege of habeas corpus is a fundamental protection against unlawful imprisonment.**" *Preiser v. Rodriguez*, 411 U.S. 475, 485 (1973).

This case presents exactly the type of unconstitutional detention that habeas corpus exists to remedy:

- A person is being physically detained by the government
- In violation of their constitutional rights under the **Fourth, Fifth, First, and Fourteenth Amendments**
- Without any valid justification based on danger or risk of escape
- Causing devastating harm to him and his family every day the detention continues

The habeas corpus jurisdiction of this Court **it is not eliminated** by IIRIRA or other statutory limitations on judicial review of immigration decisions. As the Supreme Court established in **INS v. St. Cyr** 533 U.S. 289 (2001), Congress must be explicit and clear when it attempts to suspend the writ of habeas corpus, and no statute has explicitly suspended the jurisdiction of habeas corpus to review constitutional violations in immigration detentions.

The Suspension Clause of the Constitution protects the privilege of the writ of habeas corpus except in cases of rebellion or invasion circumstances that are clearly not present here.

B. The Factors for Ordering Release Favor the Petitioner

In determining whether to order release through habeas corpus, the courts consider factors similar to those applicable in bail determinations: **danger and risk of escape**. As has been extensively established in this Petition, **The petitioner poses neither a danger to the community nor a significant risk of flight..**

Factors that Favor Release:

1. No Criminal Record

- No arrests, charges, or convictions in 3 years and 10 months

2. Exceptional Community Roots

- Almost four years of continuous residence
- Stable employment
- Fixed address

3. Extraordinary Family Ties

- Sole breadwinner for a family of six people
- Wife and four dependent children
- Powerful incentives to comply with legal requirements

4. Compliance History

- Consistent participation in immigration procedures
- Pending asylum application
- Voluntary TPS re-registration

His complete record demonstrates that he is exactly the type of person who can be reliably released under alternatives to detention such as supervision or bail.

Factors that Weigh Against Continued Detention:

1. Continuous Irreparable Damage

- Psychological trauma to four children every additional day
- Economic crisis worsens for the family
- Risk of loss of housing and stability

2. Deterioration of Health

- Severe anxiety

- Persistent insomnia
- Dyspnoea
- Marked emotional deterioration

3. Lack of Governmental Justification

- Without danger
- No significant risk of leakage
- Detention serves no legitimate purpose

Balancing these factors, it is clear that release is appropriate and necessary.

C. Release may be conditioned upon appropriate safeguards

If this Court has any concerns about the unconditional release of the petitioner, it may order his release subject to **reasonable conditions** designed to ensure their participation in future proceedings. Such conditions might include:

1. **Bail payment** in a reasonable amount that the petitioner and his family can afford (recognizing that they are in financial crisis due to the detention)
2. **Electronic monitoring via GPS ankle device**
3. **Regular check-ins with ICE** on specified dates (weekly or as determined by the Court)
4. **Travel restrictions** that require me to remain in a specific geographic jurisdiction
5. **Submission of any travel document**
6. **Requirement to notify ICE** of any change of address or employment
7. **Any other condition** that the Court deems appropriate

The petitioner is willing and able to comply with any of these conditions. His only wish is to reunite with his family, resume his employment so he can support his wife and children, and continue participating in his immigration proceedings as he has consistently done for almost four years.

VIII. CONCLUSION AND RELIEF REQUESTED

For the reasons stated above, the petitioner respectfully requests that this Court:

A. Immediate Relief

1. **Issue a writ of habeas corpus** addressed to the Respondents
2. **Order the immediate release of the petitioner from ICE custody**, either unconditionally or subject to reasonable conditions that this Court determines to be appropriate, such as:
 - Bail in a reasonable amount
 - Electronic monitoring
 - Regular check-ins with ICE
 - Travel restriction
 - Other conditions that the Court deems appropriate

B. Judicial Declarations

3. **Declare that the petitioner's arrest without a warrant and without reasonable suspicion violated his rights under the Fourth Amendment to the United States Constitution**
4. **Declare that the petitioner's detention without due process and without individualized justification based on dangerousness or flight risk**

violated his rights under the Fifth Amendment to the United States Constitution

5. **Declare that the petitioner's detention under conditions that make it impossible for him to effectively access the courts to prepare and file his asylum claim violated his rights under the First Amendment of the United States Constitution**
6. **Declare that the petitioner's detention, which destroys his fundamental family relationships without compelling justification, violated his rights under the Fourteenth Amendment to the United States Constitution**
7. ****Declare that the potentially discriminatory application of detention policies based on the petitioner's national origin violated his equal protection rights under the Fourteenth Amendment to the United States Constitution****

C. Prospective Orders

8. **Order the Respondents to refrain from arresting the petitioner again.** except in accordance with the constitutional requirements of the Fourth, Fifth, First, and Fourteenth Amendments, including:
 - o Obtaining a court order or articulating reasonable suspicion based on specific facts
 - o Individualized process to determine the need for detention based on dangerousness or risk of escape
 - o Consideration of less restrictive alternatives to detention
 - o Protection of their access to the courts and family relationships
9. **Order the Respondents to provide the petitioner with full access to all immigration proceedings** to which he is entitled, including timely hearings on his asylum application and any other pending applications
10. **Order the Respondents to provide the petitioner with documentation of her release and her current legal status so that she can present it as needed for employment, housing, or other legitimate purposes**

D. Other Relief

11. **Grant any other additional relief that this Court determines is just and appropriate to remedy the systematic constitutional violations documented in this Petition**

IX. FINAL CONCLUSION

The arrest of the petitioner **WUILLIANS ARCANGEL RAMIREZ CEDENO** represents a **flagrant, systematic, and multidimensional violation of the United States Constitution**. This is not a technical immigration procedure issue. **It is a constitutional and humanitarian crisis that requires immediate judicial intervention.**

The Constitutional Violations Are Clear, Serious, and Multiple

The petitioner has demonstrated violations of:

- **The Fourth Amendment** (detention without a court order or reasonable suspicion)
- **The Fifth Amendment** (deprivation of liberty without due process)

- **The First Amendment** (interference with access to the courts and the right to petition)
- **The Fourteenth Amendment** (denial of due process, destruction of family relationships, possible discrimination based on national origin)

These violations are not independent but systematically interconnected, each one aggravating and facilitating the others.

The petitioner is exactly the type of person who should not be detained.

- **No criminal record** of any kind
- **No evidence of danger** or violence
- **Exceptional family ties** (husband and father of four minor children)
- **Consistent compliance** with immigration laws (pending asylum application, TPS re-registration filed)
- **Almost four years** of continuous and productive residence in the United States
- **No reasonable risk of leakage**

The family is suffering irreparable harm every day.

- **Four children under** traumatized by sudden separation from their father
- **Wife facing** an impossible economic crisis without the sole breadwinner
- **Family at risk of eviction and dismissal**
- **Psychological damage which** will potentially affect children for the rest of their lives
- **This arrest occurred during the Christmas season** turning what should be a family celebration into a nightmare

Effective Alternatives to Detention Are Available

- Community monitoring
- Electronic monitoring
- Reasonable bail
- Regular check-ins with ICE
- Travel restriction

Any of these alternatives would ensure the petitioner's presence in future proceedings while allowing him to be with his family, work to support them, effectively access the courts, and exercise his fundamental constitutional rights.

Habeas Corpus Is the Appropriate and Necessary Remedy

The writ of habeas corpus exists precisely for cases like this: where a person is detained by the government in violation of fundamental constitutional protections, without valid justification, causing irreparable harm. **The comprehensive nature of the constitutional violations in this case makes the case for habeas corpus particularly compelling.**

Justice, the Constitution, and Basic Humanity Require Immediate Liberation

The petitioner He has not committed any crime. It poses no danger. It is not an escape risk He is a devoted husband and father who has worked tirelessly for

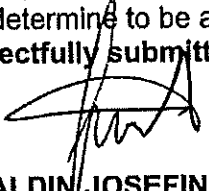
almost four years to build a better life for his family while respecting and complying with United States immigration laws.

His arrest without a court order, without reasonable suspicion, without due process, and without consideration of his individual circumstances **It not only violates multiple provisions of the Constitution but also destroys an innocent family** and deprives four children of their father during some of the most formative years of their lives.

This Court has the power and the obligation to halt these constitutional violations by ordering the petitioner's immediate release. Every additional day of unconstitutional detention causes further irreparable harm. Justice delayed is justice denied.

For all the reasons set forth in this Petition, including the systematic violations of the **Fourth, Fifth, First, and Fourteenth Amendments** The petitioner respectfully requests that this Court issue a writ of habeas corpus and order his immediate release, either unconditionally or subject to reasonable conditions that this Court may determine to be appropriate.

Respectfully submitted,



YERALDIN JOSEFINA MAVARES DIAZ

On behalf of WUILLIANS ARCANGEL RAMIREZ CEDENO



Email: hillary2010ma@gmail.com

Date: 02/04/2026

APPENDIX

EVIDENCE IN SUPPORT OF HABEAS CORPUS PETITION

Now comes petitioner WUILLIANS ARCANGEL RAMIREZ CEDENO, through his wife YERALDIN JOSEFINA MAVARES DÍAZ, acting as "next friend", and respectfully presents these Evidence in support of his Petition for Habeas Corpus and Emergency Motion for Temporary Restraining Order, and in support states the following:

I. INTRODUCTION

The petitioner presents the following evidence to demonstrate, through objective and irrefutable documentary evidence, each of the facts alleged in his Habeas Corpus Petition. The attached documentary evidence conclusively establishes that: (1) the petitioner has legally resided in the United States for three years and ten months since his entry on March 24, 2022; (2) he has consistently complied with all immigration requirements, including obtaining Temporary Protected Status and timely re-registration; (3) he has established extraordinary community and family ties through continuous and stable residence with his wife and four children; he has demonstrated an exemplary record of compliance through regular appearances

before ICE for more than two years; and at no time has he attempted to evade immigration authorities but, on the contrary, has actively cooperated with the legal immigration system. These documentary evidence irrefutably demonstrate that the detention of the petitioner without a court order, without reasonable suspicion, and without individualized process constitutes a flagrant violation of the Fourth, Fifth, First, and Fourteenth Amendments to the United States Constitution.

II. LIST OF EXHIBITS

The petitioner presents the following exhibits in support of his Habeas Corpus Petition:

EXHIBIT A: Notice to Appear issued by the Department of Homeland Security, demonstrating entry into the United States on March 24, 2022, and continuous residence of 3 years and 10 months

EXHIBIT B: Temporary Protected Status (TPS) approval document approved on December 17, 2024, valid until April 2, 2025

EXHIBIT C: Screenshot of I-821, Application for Temporary Protected Status (TPS) showing re-registration completed on October 16, 2024

EXHIBIT D: Lease Agreement signed on August 10, 2024 and the new agreement dated July 1, 2025, demonstrating stable and continuous residence in Texas

EXHIBIT E: Marriage Certificate of the petitioner with Yeraldin Josefina Mavares Díaz

EXHIBIT F: Birth certificates of the petitioner's four minor children

EXHIBIT G: Orders of Release on Recognizance Issued by Department of Homeland Security, U.S. Immigration and Customs Enforcement, documenting regular presentations to ICE on July 14, 2022 and July 14, 2023

III. DETAILED ANALYSIS OF EACH PIECE OF EVIDENCE AND ITS LEGAL RELEVANCE:

EXHIBIT A: NOTICE TO APPEAR - PROOF OF ENTRY AND CONTINUOUS RESIDENCE

Document Description:

Exhibit A This is the Notice to Appear issued by the Department of Homeland Security to the petitioner. This official document establishes that the petitioner entered the United States on **March 24, 2022**. Significantly, the document does **not indicate under which specific category entry was permitted**, which shows that the petitioner appeared before immigration authorities, was legally processed, and did not evade inspection.

This document is **crucial** to establish multiple fundamental elements of the Habeas Corpus Petition:

1. Entry and Processing by Authorities

The fact that there is a Notice to Appear issued by DHS demonstrates that the petitioner **He voluntarily presented himself to immigration authorities and was formally processed**. The government has shown that upon entry, he underwent inspection, provided his complete biographical information, and was processed in accordance with immigration laws. This initial compliance with legal procedures is direct evidence of the petitioner's character as a law-abiding individual who cooperates with authorities, not as someone attempting to evade the legal system.

2. Continuous Residence of 3 Years and 10 Months

From the documented entry date of **March 24, 2022** up to the present date of **February 2026**, The petitioner has resided continuously in the United States for **three years and ten months**. This extended period of continuous residence is **highly significant** under multiple constitutional doctrines:

Under the Fourth Amendment: As the Supreme Court established in **United States v. Verdugo-Urquidez**, 494 U.S. 259, 271 (1990), foreigners who have developed "**substantial connections**" Those with ties to the United States have greater protections under the Fourth Amendment. Three years and ten months of continuous residence constitute substantial connections that elevate the petitioner's level of constitutional protection. He cannot be treated as if he were standing at the border attempting to enter for the first time. He has lived here, worked here, established a family here, paid taxes here, and contributed to the community for nearly four years. These substantial connections require that any detention be based on articulated reasonable suspicion and specific facts, not on the mechanical application of general policies."

Under the Fifth and Fourteenth Amendments: The extended period of residence is **highly relevant** for due process analysis. As the Supreme Court recognized in **Zadvydas v. Davis** 533 U.S. 678 (2001), the length of presence in the United States affects the extent of due process protections. A person who has resided here for nearly four years, established a life here, and developed deep connections with the community cannot be arbitrarily detained without individualized due process in the same manner as someone apprehended immediately upon crossing the border.

This test demonstrates that there is no risk of escape: Three years and ten months of continuous residence in the same state, the same area, with the same family, demonstrates **extraordinary roots** which is directly contrary to any conclusion of flight risk. A person who has established a life here for almost four years, who has maintained a stable residence, who has raised children here, **It is not a reasonable risk of flight** The extended length of residence demonstrates an intention to stay, not to flee.

3. Designation as "Arriving Alien" Does Not Eliminate Constitutional Protections

Although the petitioner was processed under the technical designation of "arriving alien" for immigration purposes, this designation **cannot eliminate its fundamental constitutional protections** after three years and ten months of continuous residence. As the Habeas Corpus Petition extensively states, the designation of "arriving alien" may affect certain procedural aspects of immigration proceedings, but it does not eliminate the Fourth Amendment protections against unreasonable arrests, the Fifth Amendment protection against unlawful imprisonment, the First Amendment protection of access to courts, or the Fourteenth Amendment protection of family relationships.

He **Exhibit A** It is the fundamental documentary evidence that establishes the petitioner's legal and continuous presence in the United States during the relevant period.

EXHIBIT B: TPS APPROVAL - PROOF OF LEGAL STATUS GRANTED BY THE GOVERNMENT

Document Description:

Exhibit B It is the official document approving Temporary Protected Status (TPS) issued by the United States government to the petitioner. The document states that TPS was approved on **December 17, 2024** and it was **Valid until April 02, 2025**.

Legal and Evidentiary Relevance:

With this document I want to demonstrate multiple critical facts on which the present habeas corpus request is based:

1. The United States Government Recognized the Petitioner as Deserving of Protection

TPS is not granted automatically. It requires the applicant to:

- Prove Venezuelan identity and nationality
- Pass criminal background check
- Do not have disqualifications for serious crimes
- Meet all eligibility requirements
- Pay application fees

The fact that the United States government **approved** The petitioner's TPS application demonstrates that:

- The petitioner passed a full criminal background check (confirming the absence of a criminal record alleged in the Petition)
- The government determined that the petitioner did not pose a danger to the community
- The petitioner complied with all legal requirements
- The government itself acknowledged that the petitioner deserved protection from removal to Venezuela due to extraordinary conditions there.

2. Legal Status During the Period from December 17, 2024 to April 02, 2025

Throughout the entire TPS validity period (December 17, 2024 to April 02, 2025), the petitioner **It had explicit legal status granted by the United States government** During this period:

- I was not present illegally
- He had formal government authorization to stay.
- He had employment authorization
- He was under the protection of the United States government
- He could not be arrested for lacking legal status because **had legal status**

This fact is **crucial** for the analysis of the Fourth Amendment because it demonstrates that for much of the relevant time, the petitioner **was not in violation of immigration laws** It had legal status approved by the government.

3. Legitimate Expectation of TPS Renewal

The petitioner obtained valid TPS from December 17, 2024, to April 2, 2025. Immediately after its expiration, under circumstances to be discussed in Exhibit C, he filed a re-registration. This sequence demonstrates:

- Intention to maintain legal status
- Legitimate reliance on the TPS system
- Reasonable belief that he/she could renew his/her TPS
- No intention to "disappear" into the system

4. Additional Evidence of Non-Hazardousness

The fact that the government approved TPS demonstrates that the petitioner passed a thorough background check and was determined not to be dangerous. This is **official government evidence** that the petitioner does not represent a danger to the community, fully corroborating the allegations in the Habeas Corpus Petition regarding the absence of a criminal record and dangerousness.

Exhibit B It demonstrates that far from being someone "illegally present" who should be immediately detained, the petitioner was recognized by the government itself as deserving of legal protection and authorization to remain in the United States.

EXHIBIT C: TPS RE-REGISTRATION - PROOF OF VOLUNTARY COMPLIANCE AND INTENTION TO MAINTAIN LEGAL STATUS

Document Description:

Exhibit C This is a screenshot of the USCIS online account showing the sale related to case I-821, Application for Temporary Protected Status (TPS), showing that the petitioner completed and submitted their TPS re-registration application on **September 10, 2025**.

This means that the petitioner is demonstrating their adherence to immigration laws:

- He acted with exceptional **diligence** to maintain continuous legal status
- He demonstrated exemplary **compliance with** immigration laws

With this document I want to demonstrate that the petitioner **He does not pose a flight risk and has no intention of evading immigration authorities..**

1. Voluntary Re-Registration is Direct Evidence of No Flight Risk

Considered under the following considerations

A person attempting to evade immigration authorities does NOT voluntarily submit applications that:

- They reveal their full identity
- They reveal their exact current address
- They reveal their immigration status
- They require payment of fees (leaving a financial trail)
- They require providing fingerprints and a photograph
- This puts the person directly on the radar of the authorities.

The petitioner He provided all his updated information, paid fees, and formally requested to continue under the legal system.

This action is **irrefutable evidence** that the petitioner:

- **It is NOT an escape risk-** People who plan to flee do not voluntarily register with the government
- **He intends to comply with immigration laws-** demonstrated by affirmative action of re-registering
- **Trust the legal system-** believed he could obtain legal renewal of TPS
- **It does not attempt to evade procedures-** the opposite, actively seeks to participate in proceedings

2. Application of Case Law on Flight Risk

As the Habeas Corpus Petition states, the flight risk analysis must consider "community ties, history of compliance with legal requirements, family roots, and residential stability. **"Immigration & Naturalization Service v. National Center for Immigrants' Rights, Inc.**, 913 F.2d 1350, 1366 (9th Cir. 1990).

Voluntary TPS re-registration is **direct and powerful evidence** of "history of compliance with legal requirements." It is not circumstantial or inferential evidence. It is documented **affirmative action compliance**.

Multiple circuits have held that a record of appearances in immigration proceedings is critical evidence against flight risk. Here, the petitioner not only appeared when ordered, but **voluntarily registered** when he was not under any order to do so on that specific date.

3. Implications for Fourth Amendment Analysis

Under the Fourth Amendment, warrantless arrest requires "reasonable suspicion" based on "specific articulable facts. **"United States v. Cortez**, 449 U.S. 411, 417-18 (1981).

Exhibit C demonstrates a **specific articulable fact that goes in the opposite direction to reasonable suspicion**: the petitioner **He voluntarily registered with the government**. This specific, articulable, and documented fact **directly contradicts** any reasonable suspicion that the petitioner is a flight risk or intends to evade immigration proceedings.

As established **Kansas v. Glover**, 140 S. Ct. 1183, 1188 (2020), officers must articulate specific facts that justify detention, and must **really consider** Those events. The ICE agents who arrested the petitioner on December 12, 2025 **they did not consider** The specific and verifiable fact that the petitioner had voluntarily submitted a TPS re-registration. Had they considered this, they would not have been able to articulate a reasonable suspicion of flight risk.

Exhibit C It is objective documentary evidence that destroys any argument that there was reasonable suspicion for the petitioner's detention.

EXHIBIT D: LEASE AGREEMENTS - PROOF OF COMMUNITY INTEGRATION AND STABLE RESIDENCE

Document Description:

Exhibit D The first contract signed on **August 10, 2024** and the second contract July 01, 2025, these contracts demonstrate that the petitioner and his family reside at a specific address in Texas under a formal lease agreement.

With this test I want to demonstrate the following points:

1. Documented Community Roots

The lease agreement is objective proof that the petitioner has established **stable and formal residence** in Texas. He does not live in a transient situation, on the street, or frequently changing locations. He has:

- Known fixed address
- Formal legal contract
- Financial obligations that require ongoing compliance
- Long-term residence (lease agreements are typically for 12 months)

2. Evidence Against Risk of Escape

People who are typically at risk of flight **They do not sign formal long-term lease agreements** A lease agreement:

- Creates a legal obligation to pay monthly rent for a specified period
- It requires providing contact information, references, and employment verification.
- Leaves a documentary trace of location
- Creates a financial incentive to stay (security deposit, rent liability)

The fact that the petitioner signed 2 lease agreements demonstrates that **In the moments immediately preceding his arrest, he was establishing deeper roots, not preparing to flee..**

3. Continuous Residence with Family

The contract states that the residence is for the petitioner. **along with his family** (wife and children). This demonstrates:

- The whole family lives together in a stable residence
- The petitioner is a family housing provider
- He has family responsibilities that require continuous presence
- There is no geographical separation between the petitioner and family that could facilitate escape

4. Knowledge by Authorities of Exact Location

The lease agreement demonstrates that the petitioner provided his exact address in multiple contexts, **He is not hiding his location from the authorities.** On the contrary, he has a fixed, known, documented address where he can be easily contacted.

This fact is relevant to due process analysis under *Mathews v. Eldridge* because if the government had provided **any process** prior to arrest (as notification of intent to arrest and opportunity to present evidence), the petitioner could have been easily contacted at his known address to participate in such a process.

5. Continuity of Residence in the Same Geographic Area

Comparing Exhibit D with Exhibit A (Notice to Appear of March 2022) and other documents, the evidence demonstrates that the petitioner has remained in the same **general geographic area** (Central Texas, Austin/Pflugerville area) for the entire three-year, ten-month period. This geographical **continuity** is additional evidence of rootedness and stability, not of transient or fugitive behavior.

Exhibit D provides objective documentary evidence of exceptional community integration through formal stable residence.

EXHIBIT E: MARRIAGE CERTIFICATE - PROOF OF A CONSTITUTIONALLY PROTECTED FUNDAMENTAL MARITAL RELATIONSHIP

Document Description:

Exhibit E is the petitioner's Marriage Certificate with Yeraldin Josefina Mavares Díaz, officially documenting their legal marital relationship.

Legal and Evidentiary Relevance:

1. Constitutional Protection of Marital Relationships

The Marriage Certificate is proof of the existence of a **legal marital relationship** which enjoys fundamental constitutional protection under the First, Fifth, and Fourteenth Amendments.

As the Supreme Court established in *Loving v. Virginia* 388 U.S. 1, 12 (1967), "the freedom to marry" is a fundamental right. The petitioner's detention **directly interferes with this fundamental right** by forcibly separating him from his wife.

2. Evidence of Family Ties Under the Fourteenth Amendment

The Habeas Corpus Petition states extensively that the detention violates the Fourteenth Amendment by interfering with fundamental family relationships. The Marriage Certificate is the **official documentary evidence** of the existence of that protected relationship.

Low Troxel v. Granville, 530 U.S. 57, 66-67 (2000), government interference with family relations must satisfy **strict scrutiny**. The government must demonstrate that the petitioner's separation from his wife is "closely tailored to serve a compelling governmental interest." As the Petition states, no such compelling interest exists.

3. Additional Evidence Against Risk of Leakage

Married people with established families are **significantly less likely** These are risks of flight for single people without family ties. Legal marriage documents:

- Long-term commitment to another person
- Family ties that provide a powerful incentive to stay
- Personal and emotional stability
- Rootedness that leads to irrational flight (he would have to abandon his wife and children)

4. Identification of "Next Friend" Submitting a Petition

The Marriage Certificate also **establishes legal capacity** Yeraldin Josefina Mavares Díaz, is hereby authorized to file this Habeas Corpus Petition as the petitioner's "next

friend." This demonstrates that she is his... **legal wife** and has a direct interest in their freedom and well-being, meeting the requirements for "next friend" standing. **Exhibit E** It officially documents the marital relationship, which is both evidence of rootedness and a basis for constitutional protection under the Fourteenth Amendment.

EXHIBIT F: BIRTH CERTIFICATES - PROOF OF FUNDAMENTAL PARENT-CHILD RELATIONSHIPS AND IRREPARABLE HARM TO CHILDREN

Document Description:

Exhibit F consists of the Birth Certificates of the **four minor children** of the petitioner, officially documenting his existence, identity, and paternity relationship with the petitioner.

Critical Legal and Evidentiary Relevance:

1. Maximum Constitutional Protection of the Parent-Child Relationship

Birth certificates are official documentary proof of existence **parent-child relationships** who enjoy the **maximum constitutional protection** under the Fourteenth Amendment.

As the Supreme Court established in **Meyer v. Nebraska** 262 U.S. 390, 399 (1923), "The liberty protected by Due Process includes... the right of the individual... to establish a home and raise children." In **M.L.B. v. S.L.J.** In 519 U.S. 102, 116 (1996), the Court declared that "Family relationships, which involve the most intimate and personal choices a person can make in his or her life, choices central to dignity and personal autonomy, are fundamental to liberty."

The father-son relationship is one of the most fundamental rights recognized by the Constitution. Birth Certificates provide objective and irrefutable documentary proof of the existence of **FOUR** of these fundamental protected relationships.

2. Four Children Multiply the Irreparable Damage and the Constitutional Violation

The fact that they are **FOUR minor children**- not one or two, but **four** - is **extraordinarily significant**:

Magnitude of Damage: Each child is suffering individual trauma from separation from their father. The damage is not linear but **multiplicative** Four children experiencing simultaneous trauma creates a family crisis of devastating magnitude.

Multiple Constitutional Interference: The government is not violating **ONE** fundamental father-son relationship, but **FOUR fundamental father-son relationships simultaneously** Each relationship is independently protected by the Fourteenth Amendment. Interference with four protected relationships constitutes a massive constitutional violation.

Evidence of Exceptional Roots: Four dependent minor children are evidence of family ties **extraordinary** It's not minimal or marginal ties. It's ties of the greatest possible intensity. A father of four minor children has all **conceivable incentives** to stay with their family and **no rational incentive** to flee and abandon them.

3. Evidence of Specific and Immediate Irreparable Damage

The birth certificates, showing the children's ages, prove that they are in **critical formative years** development:

During these years, the presence or absence of the father has **permanent impact** in psychological, emotional, and social development. The time lost with father during these years **It can never be recovered** As the Petition states, this is harm **literally irreparable**- cannot be compensated with money after the fact.

4. Innocent Victims Without Responsibility

Birth certificates also emphasize that these are **children - minors - without any responsibility** due to the complexities of their parents' immigration laws. As the Petition states, "these four children bear no responsibility for the complexities of immigration laws or for the lapse in their father's TPS. They are innocent victims of a government action that, as has been demonstrated, violates the Constitution."

The children's innocence is relevant to the balance of fairness under the preliminary injunction analysis. The harm done to completely innocent victims weighs heavily against the government.

5. Application of Strict Scrutiny

Low **Troxel v. Granville**, 530 U.S. 57, 66-67 (2000), interference with parent-child relationships requires strict **scrutiny**. The government must demonstrate governmental interest **urgent** and that the interference is **tightly fitted** to serve that interest.

The birth certificates prove that four protected relationships exist. The petition demonstrates that:

- There is no compelling governmental interest (petitioner does not pose a danger or flight risk)
- The interference is not tightly fitted (alternatives to detention would achieve any legitimate government interest without destroying families)
- Therefore, interference **fails strict scrutiny and violates the Fourteenth Amendment**

6. Evidence for Public Interest Analysis

For TRO / preliminary injunction, the petitioner must demonstrate that "the public interest" favors granting relief. **Winter**, 555 U.S. and 20.

Birth certificates demonstrate that "public interest" includes interest in **to protect four children who are U.S. citizens/residents** of unnecessary trauma. Society has strong **public interest** in protecting innocent children. Causing massive trauma to four children when it serves no legitimate public safety purpose **harms the public interest**. It doesn't work.

Exhibit F It provides objective documentary evidence of the existence of four fundamental constitutionally protected father-son relationships and of the massive irreparable damage caused by separation.

EXHIBIT G: ORDERS OF RELEASE ON RECOGNITION - IRREFUTABLE PROOF OF COMPLIANCE HISTORY

Document Description:

Exhibit G consists of Orders of Release on Recognizance issued by the Department of Homeland Security, U.S. Immigration and Customs Enforcement, documenting that the petitioner regularly appeared before ICE offices on the following dates:

- **First presentation: July 14, 2022**
- **Second presentation: July 14, 2023**
- **Additional appearances before the Immigration Court (specific date to be provided)**

I cannot cite the other court appearance dates because The petitioner was represented by attorney Joseph LaCome, who was subsequently disciplined and had his license revoked for defrauding multiple clients, including the petitioner. **Did not provide the petitioner with the documents related to his asylum application**, leaving the petitioner without copies of critical documentation of his case.

With these words I want to demonstrate:

- attempted to obtain appropriate legal representation
- Explain why the petitioner may not have certain documentation of their asylum case
- This is further evidence that the petitioner is **victim** not a wrongdoer
- It provides context for any apparent "lapse" in the documentation of the asylum case.

Extraordinary Legal and Evidentiary Relevance:

Exhibit G is **objective documentary evidence from the government itself** that the petitioner has **exemplary and exceptional track record of compliance with immigration requirements**. This is possibly the strongest evidence against flight risk.

1. Regular Presentations for More Than Two Years

The Orders of Release on Recognizance document that the petitioner appeared before ICE:

- In July 2022 (approximately 4 months after his entry)
- In July 2023 (one year later)
- **Pattern of regular annual filings for more than two years**

This isn't one or two presentations. It's a **consistent pattern of compliance over an extended period**. Demonstrates:

- The petitioner **He knows where the ICE offices are.**
- **He knows when to show up**
- **It consistently delivers with the requirement to appear**
- **He has not failed to show up on no documented occasion**
- It maintains **regular communication** with immigration authorities

2. Legal Significance Under Flight Risk Jurisprudence

Multiple circuits have argued that the **appearance history** is the factor **more probative** whether a person is a flight risk.

Second Circuit: "The best predictor of future behavior is past behavior. A person who has consistently appeared at all scheduled hearings in the past is significantly less likely to be a flight risk." **Contreras v. Mukasey**, 518 F.3d 1138 (2nd Cir. 2008).

Ninth Circuit: In **Immigration & Naturalization Service v. National Center for Immigrants' Rights, Inc.** In 913 F.2d 1350, 1366 (9th Cir. 1990), the court emphasized that "history of compliance with legal requirements" is a critical factor in leakage risk analysis.

The petitioner not only has a history of compliance - he has a history of compliance **exceptional, documented by the government itself through official Orders of Release.**

3. "Release on Recognition" Demonstrates Prior Trust in the Government

The fact that ICE issued **Orders of RELEASE on Recognizance** (non-detention) in July 2022 and July 2023 demonstrates that:

- ICE **previously evaluated to** the petitioner
- ICE **determined that** posed no danger or risk of escape
- ICE **trusted sufficiently** in the petitioner to release him on his own recognizance (without bail, without electronic monitoring)
- That trust was justified- the petitioner appeared at all subsequent hearings

CRITICAL QUESTION FOR THE COURT: If ICE trusted the petitioner enough to release him on recognition in 2022 and 2023, and that trust was fully justified by subsequent perfect compliance, **What changed on December 12, 2025?**

The answer is: **Nothing changed** Regarding the petitioner's dangerousness or flight risk, he remained the same person with:

- No criminal record (same as in 2022-2023)

- Same exceptional family roots (in fact, **more roots** with an even longer residence)
- Same perfect compliance track record
- Same absence of danger

The detention on December 12, 2025 was arbitrary because it was not based on any change in circumstances that would justify a change from release on recognizance to detention.

4. Therefore, there is no factual basis to conclude that there is a flight risk. The government's own documentary evidence demonstrates the contrary.

5. Application to Fourth Amendment Analysis.

Under the Fourth Amendment, warrantless arrest requires "reasonable suspicion" based on "specific articulable facts." **United States v. Cortez**, 449 U.S. 411, 417-18 (1981).

Exhibit G provides **specific documented articulable facts that go in opposite direction** a reasonable suspicion of flight risk:

- **Specific Fact 1:** Presentation on July 14, 2022
- **Specific Fact 2:** Presentation on July 14, 2023
- **Specific Fact 3:** Release on recognition granted twice
- **Specific Fact 4:** No failure to appear

These specific facts can be articulated **directly contradict** any reasonable suspicion of flight risk. The ICE agents who detained the petitioner on December 12, 2025 **they should have considered** These events. If they had done so, **they would not have been able to articulate reasonable suspicion.**

As established **Kansas v. Glover** 140 S. Ct. 1183, 1188 (2020), officers cannot "avoid responsibility for an unconstitutional detention simply by pointing to some valid reason and articulable suspicion that theoretically could have existed." They must **really consider the specific known facts** Here are the specific known facts (documented in Exhibit G) **contradicted reasonable suspicion** and the ICE agents apparently **They did not consider them.**

6. Evidence of Inadequate Due Process

Exhibit G is also evidence of **violation of due process** under the Fifth and Fourteenth Amendments.

Mathews v. Eldridge 424 U.S. 319, 333 (1976), requires the government to provide "some procedure to determine whether deprivation of liberty is justified" before arrest. This procedure must include **consideration of individual circumstances.**

Exhibit G proves that it existed **specific information in government files** regarding the petitioner's compliance history. If ICE had carried out **any individualized assessment** They would have seen this information. The fact that they proceeded with the arrest without **considering it** demonstrates that there **was no individualized process**, violating due process.

7. Context of Fraudulent Legal Representation

Information about attorney Joseph LaCome is relevant because:

Explain the Absence of Asylum Documentation: If the petitioner cannot provide certain documentation for their asylum application, it is because their lawyer **He scammed him and didn't give him copies** This is not the petitioner's fault.

Demonstrates Vulnerability: The petitioner was victim of **fraud by** a dishonest lawyer. This shows he is vulnerable, not dangerous. He needs protection from the legal system, not detention.

Additional Evidence of Good Faith: The petitioner hired a **lawyer to represent him** in his asylum case. This shows that she was taking his case seriously, investing

resources in obtaining legal representation, and cooperating with the system—all evidence of good faith and an intention to comply.

Importance of Release for Obtaining Documentation: Now that the lawyer has been dismissed, the petitioner needs **obtain copies of your asylum documentation from the Immigration Court** This is much easier if he is free than if he is detained. His release would allow him **rebuild his asylum case** with appropriate documentation.

Exhibit G It is documentary evidence from the government itself that the petitioner has an exceptional track record of compliance, has been trusted by ICE in the past, and that trust was fully justified.

IV. SUMMARY: INTEGRATED ANALYSIS OF ALL EVIDENCE

Considering **all** The Exhibits together reveal a clear, consistent, and comprehensive pattern that irrefutably demonstrates that the petitioner:

It does NOT pose any danger to the community:

- Exhibit B: Approved for TPS after background check
- Exhibit G: Trusted by ICE for release on recognition twice
- **No evidence** in no document of criminal activity or dangerous conduct

It does NOT represent a reasonable risk of leakage:

- Exhibit A: 3 years 10 months of continuous residence
- Exhibit C: Voluntary TPS Re-registration
- Exhibit D: Formal Lease Agreement
- Exhibit E: Legally married
- Exhibit F: Father of four minor children
- Exhibit G: Perfect record of ICE submissions for 2+ years
- **Each relevant factor** For risk of escape, point in the direction of **NO risk**

It has extraordinary community and family roots:

- Exhibit A: Almost 4 years of continuous residence
- Exhibit D: Formal stable residence
- Exhibit E & F: Family of 6 people depending on him
- **Exceptional roots** by any measure

It has consistently complied with immigration laws:

- Exhibit A: Presented to authorities at port of entry (not illegal entry)
- Exhibit B: Obtained TPS legally
- Exhibit C: Voluntarily and proactively re-registered TPS
- Exhibit G: Appeared at all ICE hearings for 2+ years
- **Perfect compliance pattern** for almost 4 full years

It presents circumstances that make the detention constitutionally indefensible:

- **Fourth Amendment:** The documented facts contradict reasonable suspicion of danger or escape.
- **Fifth Amendment:** No legitimate governmental purpose justifies detention
- **First Amendment:** Detention prevents preparation of asylum case (aggravated by loss of documents due to lawyer fraud)
- **Fourteenth Amendment:** Interference with relations with wife and **four children** no compelling interest is useful

V. SPECIFIC LEGAL ARGUMENTS BASED ON EVIDENCE

A. The Evidence Demonstrates Violation of the Fourth Amendment

The Fourth Amendment requires that arrest without a warrant be based on "reasonable suspicion" derived from "specific articulable facts". **United States v. Cortez**, 449 U.S. 411, 417-18 (1981). **"The Fourth Amendment is not so easy to evade. A police officer cannot... avoid liability for an unconstitutional arrest simply by pointing to some valid reason and articulable suspicion that theoretically could have existed for the arrest."** **Kansas v. Glover**, 140 S. Ct. 1183, 1188 (2020).

Exhibits A, C, and G provide specific documented articulable facts that directly CONTRADICT any reasonable suspicion:

Specific facts known or readily accessible to ICE on December 12, 2025:

- Petitioner filed TPS re-registration (Exhibit C) **-contradicts suspicion of intent to evade**
- Petitioner appeared at all ICE hearings for 2 years (Exhibit G) **-contradicts suspicion of flight risk**
- ICE trusted petitioner for release on recognizance twice (Exhibit G) **-contradicts suspicion of danger**
- Petitioner resided continuously for 3 years 10 months (Exhibit A) **-contradicts suspicion of flight risk**

These specific, verifiable facts were in government files or easily verifiable. ICE agents SHOULD HAVE considered them before making the arrest. Had they done so, they would NOT have been able to establish reasonable suspicion.

The arrest without considering these contradictory facts was arbitrary and violated the Fourth Amendment.

B. The Evidence Demonstrates Violation of the Fifth Amendment

The Fifth Amendment prohibits deprivation of liberty "without due process of law." This requires both **substantive justification** (the detention must serve a legitimate governmental purpose) as **appropriate procedures** (There must be an individualized process). **Mathews v. Eldridge**, 424 U.S. 319, 333 (1976); **Zadvydas v. Davis**, 533 U.S. 678, 690-91 (2001).

The only legitimate purposes for immigration detention are to prevent danger or risk of escape. Demore v. Kim, 538 U.S. 510, 528 (2003).

Exhibits B, C, D, E, F, and G demonstrate that the petitioner does NOT pose any danger or reasonable flight risk:

- **No danger:** Exhibit B (TPS approved after background check) + Exhibit G (release on recognition twice)
- **No risk of escape:** Exhibits C, D, E, F, G (voluntary re-registration + stable residence + marriage + 4 children + perfect appearance record)

Therefore, the detention does NOT serve any legitimate governmental purpose and is ARBITRARY in violation of substantive due process.

Additionally, there was no individualized process before the arrest. As the Exhibits demonstrate, there was specific information in government files (especially Exhibits C and G) which, had it been considered, would have shown that detention was unnecessary. The absence of a process to consider this information violated due process.

C. The Evidence Demonstrates Violation of the First Amendment

The First Amendment protects the right to **meaningful access to the courts. California Motor Transport Co. v. Trucking Unlimited**, 404 U.S. 508, 510 (1972); **Bounds v. Smith**, 430 U.S. 817, 822 (1977).

The petitioner has a pending asylum application where he must demonstrate persecution in Venezuela. The Petition states at length that since his detention he has been **impossible** effectively prepare an asylum case (you cannot consult lawyers, gather evidence, contact witnesses, etc.).

Exhibits aggravate this violation:

Exhibit C: The petitioner attempted to maintain legal status by re-registering for TPS. This demonstrates that **value** their ability to remain in the United States legally and prepare their asylum case appropriately.

Information about Attorney LaCome: The petitioner **He already lost** Critical documentation for his asylum case was lost because his lawyer defrauded him. Now, his detention prevents him from accessing it. **Recover** That documentation. The combination of:

- Loss of documents due to lawyer fraud +
- Arrest that prevents case reconstruction +
- Deterioration of mental health in detention

= Total practical impossibility to effectively prepare an asylum case.

This massive interference with the right of access to courts, without compelling justification (there is no danger or risk of flight), VIOLATES the First Amendment.

D. The Evidence Demonstrates Violation of the Fourteenth Amendment

The Fourteenth Amendment protects fundamental family relationships. **Meyer v. Nebraska**, 262 U.S. 390, 399 (1923); **Troxel v. Granville**, 530 U.S. 57, 66-67 (2000). Government interference with family relations requires **strict scrutiny**.

Exhibits E and F demonstrate the existence of protected relationships:

- Exhibit E: Legal marriage with wife
- Exhibit F: Parent-child relationships with **FOUR** minor children

The detention separates the petitioner from these fundamental relationships. The government must demonstrate a compelling interest. It cannot do so because:

- Exhibits demonstrate that the petitioner is not a danger (Exhibits B, G)
- Exhibits demonstrate that the petitioner is not a flight risk (Exhibits A, C, D, E, F, G)

Without compelling interest, interference with FIVE fundamental family relationships (1 marital + 4 parent-child) FAILS strict scrutiny and VIOLATES the Fourteenth Amendment.

VI. APPLICATION OF THE TESTS TO THE FACTORS FOR TRO/PRELIMINARY INJUNCTION

Low Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008), the petitioner must demonstrate:

1. Probability of success in the fund
2. Irreparable damage
3. The balance of equity favors the petitioner
4. Public Interest favors relief

The tests definitively establish each factor:

1. Probability of Success in the Fund

The Exhibits demonstrate CLEAR constitutional violations through objective documentary evidence:

- Exhibits A, C, and G demonstrate that there was no reasonable suspicion (Fourth Amendment)

- Exhibits A-G demonstrate that there is no substantive justification for detention (Fifth Amendment)
- Exhibits C + attorney fraud demonstrate interference with access to courts (First Amendment)
- Exhibits E, F demonstrate interference with 5 fundamental family relationships without justification (Fourteenth Amendment)

Probability of success: EXTREMELY HIGH

2. Irreparable Damage

Exhibits E and F demonstrate specific and documented irreparable harm:

- Exhibit F: **Four children under** separated from father = multiplied trauma
- Children's ages in Exhibit F show they are in formative years = permanent damage
- Exhibit E: Separation from marital relationship = harm to protected intimate relationship

Irreparable damage: ESTABLISHED BY DOCUMENTARY EVIDENCE

3. Balance of Equities

One side: Exhibits E and F document **family of 6 people** suffering a devastating crisis

On the other hand: Exhibits B, C, D, E, F, G demonstrate **ZERO justification** for detention (no danger, no risk of escape)

Balance: STRONGLY FAVORS THE PETITIONER

4. Public Interest

Exhibits demonstrate that public interest favors release:

- Exhibit F: Protect **four innocent children** Avoiding unnecessary trauma serves the public interest.
- Exhibits A-G: Protecting constitutional rights serves the public interest
- Exhibit G: Using effective alternatives to detention (already proven successful with this petitioner) serves efficiency and the public interest

Public interest: FAVORS GRANTING RELIEF

VIII. CONCLUSION

Exhibits A to G provide **objective, irrefutable documentary evidence, largely produced by the government itself** which conclusively establishes:

- ✓ The petitioner has complied **perfectly** with immigration laws for 3 years 10 months
- ✓ The petitioner **It does NOT represent** no danger to the community
- ✓ The petitioner **It does NOT represent reasonable** risk of escape
- ✓ The petitioner has strong community and family ties. **Extraordinary** (family of 6, stable residence, perfect compliance record)
- ✓ The arrest **It doesn't work.** no legitimate governmental purpose
- ✓ The arrest **VIOLA** the Fourth, Fifth, First, and Fourteenth Amendments
- ✓ The harm to the family (especially **four minor children**) is **irreparable** and it happens **daily**
- ✓ Effective alternatives to detention **are available** and **They have already been successfully tested** with this petitioner

These documentary evidences transform the Habeas Corpus Petition from legal arguments into OBJECTIVELY PROVEN FACTS.

It's not a matter of "alleges that" or "claims that." It's a matter of **"Official government documents demonstrate that"**.

For the reasons set forth in the Habeas Corpus Petition, the Emergency Motion for TRO, and this Memorial of Evidence, supported by Exhibits A through G attached hereto, the petitioner respectfully requests that this Court:

GRANT the Emergency Motion for Temporary Restraining Order

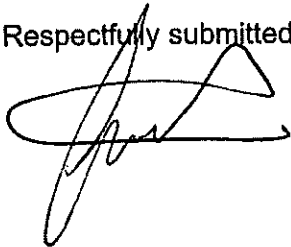
THE WORDS the immediate release of the petitioner under reasonable conditions

ISSUE writ of habeas corpus

DECLARE that the arrest violated the Fourth, Fifth, First, and Fourteenth Amendments

GRANT any other relief that the Court determines to be fair and appropriate

Respectfully submitted,

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Smith" or similar, written over a horizontal line.

02/04/2026

Wuillians Arcangel Ramirez Cedenó



PROOF OF SERVICE

I, Yeraldin Josefina Mavares Díaz, declare under penalty of perjury that on the date indicated below, I delivered a true and correct copy of the following document:

Explanatory letter in support of the habeas corpus petition of Wuillians Arcangel Ramirez Cedenó,  delivering or mailing said document to the following parties:

United States Attorney's Office – Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Director of the Detention Center, T. Don Hutto Residential Center
Warden / ICE Officer in charge
10720 Hilltop Road
Taylor, TX 76574

ICE- San Antonio Field Office
U.S. Immigration and Customs Enforcement (ICE)
1777 NE Loop 410, Suite 15
San Antonio, TX 78217

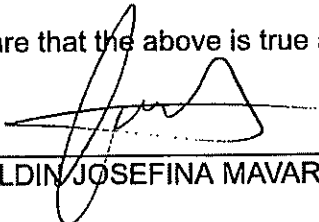
U.S. Department of Homeland Security (DHS)
U.S. Department of Homeland Security
Mail Stop #0525
Washington, DC 20528-0525

U.S. Immigration and Customs Enforcement (ICE)
500 12th Street SW
Washington, DC 20024

Secretary of Homeland Security U.S.
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

U.S. Immigration and Customs Enforcement (ICE) – Oficina nacional /
headquarters U.S. Immigration and Customs Enforcement (ICE)
500 12th Street SW
Washington, DC 20024

I declare that the above is true and correct to the best of my knowledge and belief.


YERALDIN JOSEFINA MAVARES DIAZ

02/04/2026
DATE