

UNITED STATES DISTRICT COURT

for the
Northern District of Texas



ISMEL ARLEY FRANCISCO-CASAS

Petitioner

v.

KRISTI NOEM / DHS SECRETARY / TODD M. LYONS
ICE DIRECTOR / ROBERT CERNA (FIELD OFFICE
DIRECTOR / WARDEN OF BLUEBONNET DET FCLTY

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-084-H

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: ISMEL ARLEY FRANCISCO-CASAS
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: BLUEBONNET DET FCLTY
(b) Address: 400 2ND STREET ANSON, TX 79501
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Department of Homeland Security - Immigration and Customs Enforcement - 400 2ND STREET ANSON, TX 79501

(b) Docket number, case number, or opinion number: 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Petitioner challenges the continued, arbitrary, and indefinite detention by Immigration and Customs Enforcement (ICE) without a meaningful, individualized assessment of the necessity of such detention.

(d) Date of the decision or action: 01/28/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

Appeal would be futile because the Board of Immigration appeals cannot decide Constitutional issues.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 01/28/2026

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of the Fifth Amendment's Due Process Clause (Arbitrary and Punitive Detention)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Petitioner's detention is illegal as it lacks a valid constitutional basis. As a non-criminal individual with no flight risk zero danger to the community, and strong ties including his job and family. His continued custody serves no regulatory purpose and is purely punitive. For a minor traffic registration issue. The officer conducted a pretextual immigration inquiry asking: "Are you Cuban?" Confirming his origin led to immediate detention without a warrant or criminal probable cause. He was held by the Sheriff and transferred to ICE the next day.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Violation of the Fifth Amendment's Equal Protection and Due Process (Inconsistent and Disproportionate Treatment)

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

The Fifth Amendment strictly forbids such arbitrary deprivations of liberty, mandating that executive detention be justified by individualized necessity rather than the discriminatory application of legal fictions to people within U.S territory. Petitioner's detention is a manifest violation of the Fifth Amendment as the Government is exercising an extra-constitutional power to bypass the judiciary.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner did not raise these core constitutional grounds in administrative appeals because the agency (EOIR/ICE) lacks the authority to adjudicate the constitutionality of its own governing statutes and practices. Pursuant to McCarthy v. Madigan 503 U.S. 140 (1992), exhaustion is not required when the administrative remedy is inadequate or the agency cannot grant the requested relief.

Request for Relief

15. State exactly what you want the court to do:

Grant the Writ of Habeas Corpus and order Petitioner's immediate release from custody, or in the alternative, Grant any other relief the Court deems just and necessary.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 2/10/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 2026, a true and correct copy of the Petition for Writ of Habeas Corpus, Emergency Motion for Temporary Restraining Order, and all supporting documents was served in accordance with Federal Rule of Civil Procedure 5 by Regular Mail upon the following:

• **United States Attorney for the Northern District of Texas**

Office of the United States Attorney
Northern District of Texas
1100 Commerce Street, Third Floor Dallas,
TX 75242

• **Attorney General of the United States**

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

• **ROBERT CERNA (FIELD DIRECTOR OFFICE)**

Dallas Field Office 125 East John Carpenter Freeway Irving,
TX 75062

• **Respondent – Immediate Custodian**

Warden/Administrator
BLUEBONNET DET FCLTY
400 2ND STREET
ANSON, TX 79501

DATED this 18th day of February, 2026.

ISMEL ARLEY FRANCISCO-CASAS (PRO SE)

, USA

ISMEL ARLEY FRANCISCO-CASAS





Case No. _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

Petitioner,

v.

KRISTI NOEM
SECRETARY OF THE U.S. DEPARTMENT
OF HOMELAND SECURITY;

TODD M. LYONS
DIRECTOR, U.S. IMMIGRATION AND
CUSTOMS
ENFORCEMENT;

ROBERT CERNA
FIELD OFFICE DIRECTOR, ICE
ENFORCEMENT
AND REMOVAL OPERATIONS
DALLAS FIELD OFFICE);

WARDEN/ADMINISTRATOR, BLUEBONNET
DET FACILITY;

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)