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APR 17 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY

RUBIN CHADEZ BORJAS/ [redacted]
Name and Prisoner Number/Alien Registration Number

ELOY DETENTION CENTER
Place of Confinement

1705 EAST HANNA ROAD
Mailing Address

ELOY, ARIZONA, 85131
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

RUBIN CHADEZ BORJAS
(Full Name of Petitioner)

Petitioner,

v.

WARDEN ELOY FEDERAL CONTRACT FACILITY (CORECIVIC)
(Name of Warden, Jailor or authorized person having custody of Petitioner)

Respondent.

CASE NO. CV26-2662-PHX-SPL--JFM
(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2241 FOR A WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY

PETITION

1. What are you challenging in this petition?
   - [X] Immigration detention
   - [ ] Bureau of Prisons sentence calculation or loss of good-time credits
   - [ ] Probation, parole or supervised release
   - [ ] Other (explain): _____

2. (a) Name and location of the agency or court that made the decision you are challenging: U.S IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), ELOY DETENTION CENTER / PHOENIX FIELD OFFICE.

   (b) Case or opinion number: [redacted]

   (c) Decision made by the agency or court: CONTINUED ADMINISTRATIVE DETENTION AFTER THE IMMIGRATION JUDGE TERMINATED REMOVAL PROCEEDINGS ON FEBRUARY 11, 2026.

   (d) Date of the decision: FEBRUARY 11, 2026

3. Did you appeal the decision to a higher agency or court? Yes ☐ No ☒

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

(1) Name of the agency or court: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal the decision to a higher agency or court, explain why you did not: THE IMMIGRATION JUDGE'S DECISION ON FEBRUARY 11, 2026, WAS FAVORABLE TO PETITIONER (TERMINATED). DHS RESERVED THE RIGHT TO APPEAL BUT FAILED TO DO SO WITHIN THE 30-DAY STATUTORY PERIOD, MAKING THE DECISION FINAL. THEREFORE, THERE WAS NO ADVERSE DECISION FOR PETITIONER TO APPEAL.

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes ☐ No ☒

If yes, answer the following:

(a) Name of the agency or court: _____

(b) Date you filed: _____

(c) Opinion or case number: _____

(d) Result: _____

(e) Date of result: _____

(f) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. **For this petition, state every ground on which you 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.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: UNLAWFUL AND PROLONGED ADMINISTRATIVE DETENTION IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT AND 8 U.S.C § 1226.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):
THE PETITIONER WAS DETAINED BY ICE ON JANUARY 12, 2026, ON FEBRUARY 11, 2026, AN IMMIGRATION JUDGE ORDERED THE TERMINATION OF REMOVAL PROCEEDINGS. DHS RESERVED THE RIGHT TO APPEAL BUT FAILED TO FILE A TIMELY APPEAL WITHIN THE 30-DAY STATUTORY PERIOD, WHICH EXPIRED ON MARCH 13, 2026. AS OF TODAY, MORE THAN 50 DAYS HAVE PASSED SINCE THE JUDICIAL ORDER TO TERMINATE THE CASE, AND OVER 20 DAYS SINCE THE ORDER BECAME FINAL. ICE CONTINUES TO DETAIN PETITIONER WITHOUT A LEGAL BASIS, AS THERE ARE NO PENDING REMOVAL PROCEEDINGS OR A FINAL ORDER OF REMOVAL.

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes ☐ No ☒

(c) If yes, did you present the issue to:
- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:
THERE ARE NO FURTHER ADMINISTRATIVE REMEDIES AVAILABLE WITHIN THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR), BECAUSE THE CASE WAS TERMINATED. ICE HAS FAILED TO ACT ON THE JUDICIAL TERMINATION, AND A WRIT OF HABEAS CORPUS IS THE ONLY REMAINING VEHICLE TO CHALLENGE THE LEGALITY OF THIS CONTINUED DETENTION.

GROUND TWO: UNLAWFUL AND INDEFINITE DETENTION IN VIOLATION OF THE SUPREME COURT'S HOLDING IN ZADVYDAS V. DAVIS, 533 U.S. 678 (2001).

(a) **Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):** THE PETITIONER'S REMOVAL PROCEEDINGS WERE TERMINATED BY AN IMMIGRATION JUDGE ON FEBRUARY 11, 2026. BECAUSE THE CASE IS TERMINATED, THERE IS NO SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE. UNDER ZADVYDAS, THE GOVERNMENT CAN NOT HOLD AN ALIEN INDEFINITELY WHEN REMOVAL IS NOT A LEGAL OR PRACTICAL POSSIBILITY. CONTINUED DETENTION SERVES NO LEGITIMATE GOVERNMENT INTEREST.

(b) **Did you exhaust all available administrative remedies relating to Ground Two?** Yes ☐ No ☒

(c) **If yes, did you present the issue to:**

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) **If you did not exhaust all available administrative remedies relating to Ground Two, explain why:** ADMINISTRATIVE REMEDIES ARE UNAVAILABLE AS THE REMOVAL PROCEEDINGS HAVE BEEN TERMINATED AND THERE IS NO FINAL ORDER OF REMOVAL TO CHALLENGE WITHIN THE AGENCY.

GROUND THREE:

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other:

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:

GROUND FOUR: _____

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ Other: _____

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes ☐ No ☒
(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Case number: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: _____

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: JANUARY 12, 2026

(b) Date of removal or reinstatement order: N/A (PROCEEDINGS WERE TERMINATED ON 02/11/2026)

(c) Did you file an appeal with the Board of Immigration Appeals? Yes ☐ No ☒

(1) Date you filed: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

_____

_____

_____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(d) Did you file an appeal with the federal court of appeals? Yes ☐ No ☒

(1) Name of the court: _____

(2) Date you filed: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

_____

_____

_____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. Petitioner asks that the Court grant the following relief: IMMEDIATE RELEASE FROM CUSTODY; IN ALTERNATIVE, ORDER AN IMMEDIATE BOND HEARING BEFORE AN IMMIGRATION JUDGE WHERE THE BURDEN OF PROOF IS ON THE GOVERNMENT TO JUSTIFY CONTINUED DETENTION; GRANT ANY OTHER RELIEF THAT THE COURT DEEMS JUST AND PROPER.

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on APRIL 08, 2026 (month, day, year).

_____
Signature of Petitioner

_____
Signature of attorney, if any

04/08/2026
Date

PRELIMINARY STATEMENT.

PETITIONER IS BEING DETAINED BY ICE DESPITE THE FACT THAT AN IMMIGRATION JUDGE TERMINATED HIS REMOVAL PROCEEDINGS ON FEBRUARY 11, 2026. THE GOVERMENT'S 30-DAY APPEAL PERIOD HAS EXPIRED, AND NO LEGAL BASIS EXISTS FOR CONTINUED DETENTION, PETITIONER SEEKS IMMEDIATE RELEASE UNDER FIFTH AMENDMENT.

CERTIFICATE OF SERVICE

Name: RUBÍN CHÁVEZ SORIANO
(Nombre)

A Number: A [redacted]
(Número de Caso A)

I hereby certify that on the date indicated below copies of the attached were delivered to the United States Immigration Court and to Immigration and Customs Enforcement (ICE) in separate envelopes by placing those envelopes into intra-facility mail.

Por medio de la siguiente yo certifico que las copias de lo adjunto fueron entregadas al Tribunal de Inmigración de los Estados Unidos y Control de Aduanas e Inmigración (ICE) en la fecha indicada abajo, en sobres separados, y al colocar los sobres dentro del correo interno.

Date: 04/08/2026
(Fecha)

Signature: [signature]
(Firma)