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APR 2 4 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY ___ DEPUTY

Name: Brenda Santiago Nunez

A number: [redacted]

Address: 1705 E Hanna Rd, Eloy AZ 85131

PRO SE

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Case No.

CV26-02868-PHX-KML--JFM

petitioner

V.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. s 2241

ERIC ROKOSKY
Warden of Eloy Detention Center

JASON CILIBERTI.
United States Immigration and Custom Enforcement Field Office Director

KRISTI NOEM.
Secretary, United States Department of Homeland Security:

PAMELA R. BONDI.
United States Attorney General

Respondents

PARTIES

1) Petitioner BRENDA SANTIAGO NUNEZ s a native citizen of Venezuela. Petitioner was taken

into ICE custody August 17, 2025 and has remained in ICE custody continuously since that date.

Petitioner is subject to a final order of removal from January 12 , 2026

2) Respondent ERIC ROKOSKY warden of ELOY Detention Center where petitioner is currently detained under the authority of ICE, alternatively may be considered to be petitioner's immediate custodian

3) Respondent JASON CILIBERTI is one of the ICE Field Director and is petitioner's immediate custodian who signed petitioner's continued detention letters.

4) Respondent Kristi Noem is the secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Nationality Act (INA) As such KRISTI NOEM is the Legal Custodian of petitioner.

5) Respondent PAMELA R. BONDI is the Attorney General of the United States and is responsible for the Administration of ICE and the implementation and Enforcement of the Immigration and National Act (INA) As such PAMELA R. BONDI has ultimate custodial authority over petitioner's

6) All respondent's are sued-in their official capacities

FACTUAL ALLEGATIONS

Petitioner entered the United States on October 20, 2023

Petitioner was detained by ICE on August 17, 2024.

Petitioner has remained continuously detained since that date (7 months)

Petitioner has complied with all institutional rules and has maintained good conduct during detention

LEGAL FRAMEWORK

The Fifth Amendment protects non-citizen from deprivation of liberty without due process of law.

In Zadvydas v. Davis, the supreme court held that post-removal detention is presumptuously reasonable for six months.
After six months, if there is no significant likelihood removal in the reasonably foreseeable future continued detention violates the constitution.

The court made clear that civil detention cannot become indefinite

INTRODUCTION

Petitioner Brenda Santiago respectfully petitions this Court for a Writ of Habeas Corpus to 28 U.S.C s 2241. Petitioner has been detained by Immigration and Customs Enforcement for an extended period following a final order of removal. Her continued detention exceeds the presumptuously reasonable period recognized by the Supreme Court in Zadvydas v. Davis, 533 U.S 678 (2001) , and violates the Due Process Clause of the Fifth Amendment

Petitioner seeks immediate under supervision because her continued detention is no longer constitutionally

ARGUMENT

COUNT I

Violation of the Fifth Amendment Due Process Clause

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.

Petitioner's continued detention is civil in nature and must bear a reasonable relationship to its purpose..

Whatever justification initially existed for Petitioner's detention has become constitutionally excessive due to length of confinement.

This detention period greatly exceeds the brief detention period contemplated in Demore v. Kim.

Petitioner has already prevailed before the Immigration Judge on the merits of her applications for Cancellation of Removal

Petitioner's detention has therefore become arbitrary, excessive , and unconstitutional.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

Assume jurisdiction over this matter;

Declare that Petitioner's prolonged detention violates the Due Process Clause of the Fifth Amendment;

Order Respondent's to immediate release Petitioner from Immigration detention under appropriate conditions of supervision:

OR, in the alternative

Order Respondent's to provide Petitioner with an individualized bond hearing before an Immigration Judge within three days.

Grant such other and further relief as the Court deems just and proper.

PETITIONER PRESENTS A STABLE RELEASE PLAN

If released , Petitioner will reside at:

Address: [redacted]

Petitioner will be received and support by:

Name: Wilson Donald Clyde

Relationship: Friend

Petitioner intends to engage in the following lawful employment or activities

Petitioner is willing to comply with all conditions of supervision imposed by ICE

Respectfully submitted,

_____

Brenda Santiago Nunez

Pro se

Eloy Detention Center

Date: 04-03-2026

Signature: Brenda S.

Brenda Santiago

#A: [redacted]

Honorable Judge, My name is Brenda Santiago Nunez, Nationality Venezuelan #A [redacted] actually I'm detained in the Eloy Detention Center, AZ. I write you this letter to explain you a little bit about my case, I arrived to this country en October 20,2023 with the application CBP 1. In 2024 I submitted an asylum in New York and an application for work permit that was later approved In march 2025. in September 2024 I moved to AZ , Everything was good until in August 16 2025 me and my ex girlfriend had an incident were I ended up arrested for one day, when I got to see the judge he dismissed my case and he ordered my release, while I was waiting at the release room I was apprehended by ICE and transported to their office located at central Phoenix a expended a few hours at that location then transported to Florence detention center for two days and then I was brought here. after that I fought my asylum case until December 2025 when DHS assigned me a third country(Ecuador) to be deported, after that my former lawyer sent an email to the judge accepting my deportation to Ecuador, I took that decision because I'm alone with my son in this country and my asylum was denied. I got my asylum answer and my deportation to Ecuador in January 12,2026, since that day I been waiting from ICE to respond about my deportation, I already tried everything and cooperate with ICE to get my travel documents but I haven't get any answer either, I also been sending them messages through the tablet but their only answer is that they are waiting for Ecuador to accept me, I also received a notice to alien of file custody review ,where it says that ICE officer will review my case and probably release me under supervision. Dear judge I please ask you to give me the opportunity to get out of this detention to be able to be with my son, while we get deported I will accept any conditions that you provide me. Thank you for reading this letter and taking it into consideration.

To who may concern;

Here are the exact days the codes that I had communicate with ice, and the only answers I had is that I have to be patient, and that there is no new updates on my case since my third country Ecuador haven't accepted me yet, Thank you.

January 25,2026 [redacted]1
January 27,2026 1
January 29,2026
February 5,2026
February10,2026
February16,2026
February23,2026
February25,2026 1
March 01,2026
March 05,2026
March 10,2026
March 16,2026
March 30,2026

Office of Enforcement and Removal Operations
U.S. Department of Homeland Security
1705 E. Hanna Rd. #343
Eloy, Arizona 85131

U.S. Immigration and Customs Enforcement

SANTIAGO-NUNEZ, BRENDA
C/O Eloy Detention Facility
A[redacted]
1705 E. Hanna Road
Eloy, Arizona 85131

Notice to Alien of File Custody Review

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody, ICE's Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about April 12, 2026. The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document; and
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide legal assistance to you in preparing your case. **Please Submit any Documentation or Support Letters as Soon as Possible**

U.S. Department of Homeland Security
Immigration and Customs Enforcement
Attn: A. Tiznado
1705 E. Hanna Road
Eloy, Arizona 85131

METHOD OF SERVICE

I certify that this form was provided to the alien by: (Hand) (institution Mail)
( ) CC: Attorney of Record or Designated Representative
(X)CC: A-file

Signature of Officer
(Final 01/12/05)

DO APODACA
Print Name of Officer

2/13/2026
Date

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Warning for Failure to Depart

Name:	District Office:	File #:
SANTIAGO-NUNEZ, BRENDA	PHO/ EAZ	A [redacted]

Section 243(a) of the Immigration and Nationality Act of 1952, as amended, provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who–

(A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action U.S. Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will *NOT* relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of that period of time if the alien refuses, during the detention period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final:	Ordered Removed under Section:
01/12/2026	Section 241a5

Record of Service
(Check method used)

( ) **Record of Personal Service**

Served By: (Print Name and Title of Officer)	Date:
Deportation Officer C. Apodaca	2/13/2026
Officer's Signature:	**Location of Service:** Eloy, Arizona
Served On: (Alien's Signature)	**Date:** 2/13/2026

( ) **Warning administered in Court**
(Copy of order attached)

Record of Personal Service (Cont)

( ) **Certified Mail Service**

Fingerprint of Alien
(Specify finger used)

Attach certified mail receipts here.

R. Index

I-229 (a)

SANTIAGO-NUNEZ, BRENDA
A [redacted]

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

X Submit passports (current and expired) to the Bureau. If you have a copy of your passport, you are to submit it.

X Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.

X Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.

X Submit to the Bureau birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.

X Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.

X Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.

X You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.

X Provide the Bureau with written copies of requests to embassies or consulates requesting issuance of a travel document.

X Provide the Bureau with written copies of responses from embassies or consulates regarding your requests.

Solicit permission from another country, which may be able to accept you, to enter that country to effect your removal from the United States.

___ Other: _____.

Alien's Signature _____ A Number [redacted]

Served by _____ on 2/13/2026 at Eloy, Arizona
Officer's Name Date Location

To be served with I-229 (a) no later than 30 days after the final order

(Rev. 10/24/02)

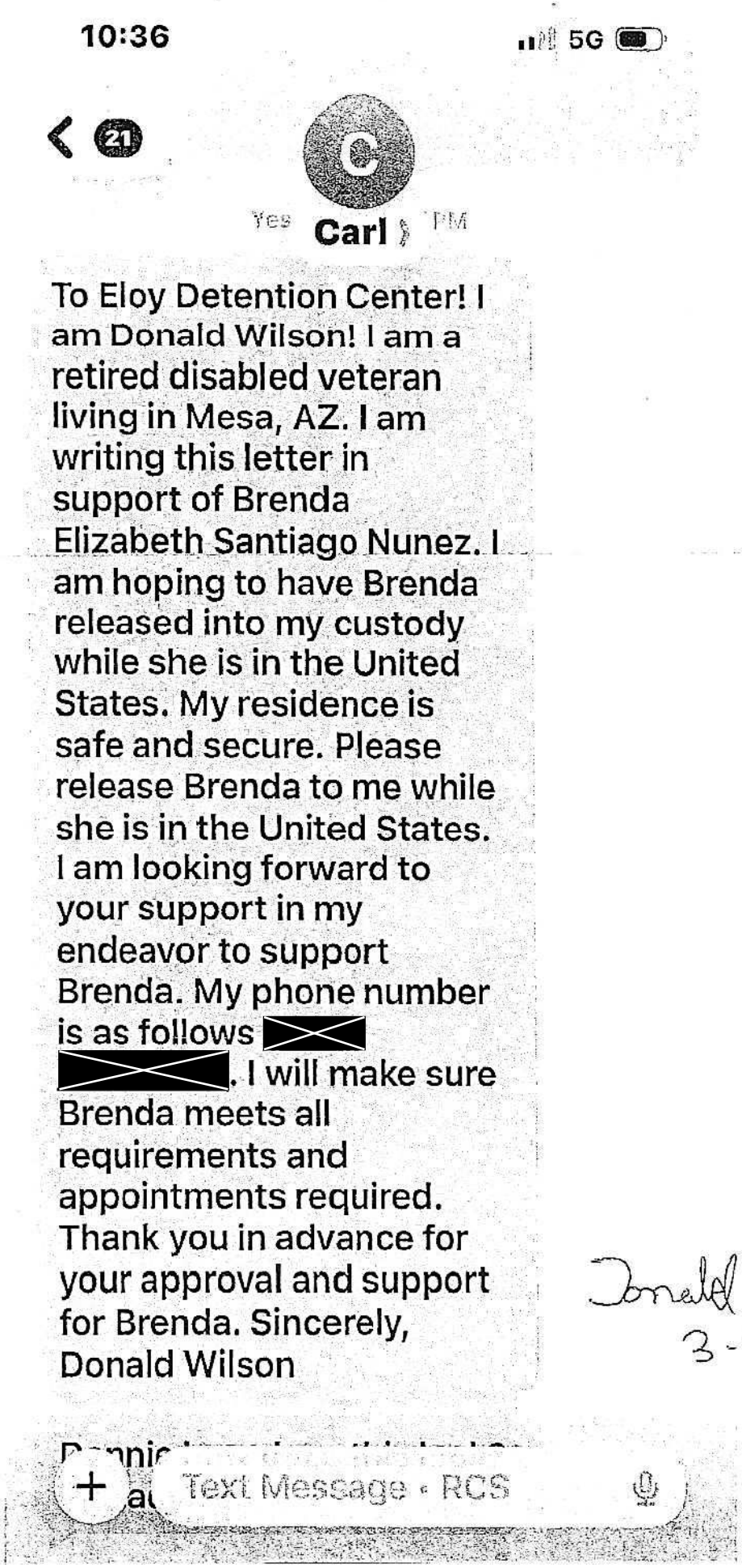
Sorry.

Here is my letter!
To Eloy Detention Center, ICE! My name is Carl A Helber Sr. Im writing this letter in support of Brenda Elizabeth Santiago Nunez. I met Brenda through my ex-wife Mayra Helber. Brenda and her son are in my opinion upstanding people that I am glad I met. They in my opinion are no trouble to society. I look forward to seeing then both soon!
Regards, Carl A. Helber Sr.
Brenda Elizabeth Santiago Nunez
A# [redacted]

Text Message • RCS

My name is donald c Wilson writing a letter for Brenda Elisabeth Santiago nunez a [redacted] to let you know she is great person and a terrific mother to her son c [redacted] who is a great kid to let you know she is not a danger to society she is very kind I was in the airforce and am a disabled vet thank you for your consideration [redacted]

Donald C. Wilson


10:36
5G
21
C
Yes Carl TM
To Eloy Detention Center! I am Donald Wilson! I am a retired disabled veteran living in Mesa, AZ. I am writing this letter in support of Brenda Elizabeth Santiago Nunez. I am hoping to have Brenda released into my custody while she is in the United States. My residence is safe and secure. Please release Brenda to me while she is in the United States. I am looking forward to your support in my endeavor to support Brenda. My phone number is as follows [redacted]. I will make sure Brenda meets all requirements and appointments required. Thank you in advance for your approval and support for Brenda. Sincerely, Donald Wilson
Donald Wilson
3-9-2026
Text Message • RCS

CERTIFICATE OF SERVICE

Name: Brenda Santiago
(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: 04-03-2026
(Fecha)

Signature: Brenda
(Firma)