**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF TEXAS**
**SAN ANTONIO DIVISION**

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| **Javier Ernesto Ramirez Carcamo**<br>Petitioner-Plaintiff,<br><br>v.<br><br>**David Venturella,**<br>ICE Acting Director<br>U.S. Immigration and Customs Enforcement;<br><br>**Facility Warden**<br>South Texas Detention Facility<br><br>Respondents-Defendants | Civ. No. 5:26-cv-4165<br><br>DHS File Number: [redacted] |

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

## I. INTRODUCTION

This Petition challenges Petitioner's continued civil detention under the Fifth Amendment. It does not dispute that Congress has enacted a statutory framework governing immigration detention. Rather, it alleges that Petitioner's continued confinement must remain consistent with the constitutional protections afforded by the Due Process Clause and that habeas corpus remains available to review the legality of executive detention where a petitioner contends that his continued confinement exceeds constitutional limits. Petitioner therefore seeks habeas relief under 28 U.S.C. § 2241 together with such declaratory and injunctive relief as the Court deems appropriate.

Despite the civil nature of immigration detention, the absence of any statutory mandate requiring detention, and the lack of any individualized custody determination consistent with due process, ICE continues to detain Petitioner at the **South Texas Detention Center in Pearsall**

**Texas**. His continued confinement is arbitrary, punitive in effect, and in violation of the **Due Process Clause of the Fifth Amendment**. Petitioner therefore respectfully seeks immediate release.

## II. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.

2. Jurisdiction is also proper under 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201–2202.

3. Venue lies in this District pursuant to 28 U.S.C. § 1391(e) and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise custody and control over him here.

## III. PARTIES

1. Petitioner, **JAVIER ERNESTO RAMIREZ CARCAMO**, is a native and citizen of Honduras currently detained by U.S. Immigration and Customs Enforcement ("ICE") at **South Texas Detention Center in Pearsall Texas**.

3. Respondent Warden at **South Texas Detention Center**, which exercises legal custody and supervisory authority over Petitioner. He is sued in his official capacity.

4. Respondent **David Venturella** is the Acting Director of the U.S. Immigration and Customs Enforcement ("ICE").

## IV. FACTUAL BACKGROUND

Since his arrest, Petitioner has remained in immigration custody at the South Texas Detention Complex in Pearsall, Texas. To date, no removal proceedings have been initiated before the Immigration Court, and no case appears in the Executive Office for Immigration Review's ("EOIR") Automated Case Information System.

Accordingly, Petitioner remains detained without access to the ordinary judicial process governing his detention and removal proceedings.

Petitioner has likewise not received any custody determination review or bond hearing. He remains detained without a known individualized custody assessment addressing whether continued detention is necessary.

Petitioner has no history of violence, no criminal convictions, and no known evidence suggesting that he presents a danger to the community. He also has family and community ties, including support from his brother, Carlos, which weigh against any claim that he is a flight risk.

Petitioner's continued detention without prompt procedural safeguards has left him confined while the status of formal immigration proceedings remains unresolved.

**V. STATUTORY AND CONSTITUTIONAL FRAMEWORK**

Federal district courts have jurisdiction under 28 U.S.C. § 2241 to review whether a noncitizen is "in custody in violation of the Constitution or laws or treaties of the United States." *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Habeas jurisdiction extends to challenges to the **fact, duration, or legality of immigration detention**, including constitutional claims. *INS v. St. Cyr*, 533 U.S. 289, 290, 301 (2001).

Where, as here, a petitioner alleges that continued detention violates due process because it is arbitrary, punitive, or unsupported by any individualized findings, habeas jurisdiction is proper.

**VI. ARGUMENT**

**A.** Under the immigration regulations, removal proceedings ordinarily commence through the issuance and filing of a Notice to Appear ("NTA"), which serves as the charging document setting forth the factual allegations and statutory grounds for removability. The regulations further provide that jurisdiction generally vests with the Immigration Court when a charging document is filed with the court. See 8 C.F.R. §§ 1003.13 (defining "charging document"), 1003.14(a) (jurisdiction vests upon the filing of a charging document), and 1239.1(a) (governing the issuance of a Notice to Appear). According to the information presently available, Petitioner has not appeared before an Immigration Judge, and understands that no charging document has been filed with the Immigration Court. Consequently, Petitioner remains in immigration custody while the status of the initiation of formal removal proceedings remains unresolved.

**B.** Those regulations describe the procedural role of the NTA and when Immigration Court jurisdiction generally begins. Whether the absence of service or filing of an NTA has legal consequences in a particular case depends on the specific facts and the applicable statutory and case law.

**C. Civil Immigration Detention Is Subject to Constitutional Due Process Limits**

Immigration detention is civil, not criminal. As such, it is constitutionally permissible only if it serves a legitimate regulatory purpose and is accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

The Supreme Court has repeatedly emphasized that civil detention may not be imposed as punishment and may not continue where it becomes excessive in relation to its regulatory

purpose. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *United States v. Salerno*, 481 U.S. 739, 747 (1987).

Even when Congress authorizes detention, "the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

**D. Petitioner's Continued Detention Violates Substantive Due Process**

Substantive due process forbids arbitrary civil detention that is not reasonably related to a legitimate governmental objective. *Zadvydas*, 533 U.S. at 690. The only permissible purposes of immigration detention are to prevent flight or to protect the community. *Demore*, 538 U.S. at 528.

Here, Petitioner's detention is unsupported by any individualized finding that it serves either purpose:

1. Petitioner has no criminal history and has never been arrested or convicted of any offense.
2. Petitioner has continuously resided in the United States since his entry in 2021.
3. No adjudicator has ever determined that Petitioner poses a danger to the community or a flight risk.
4. Petitioner was taken into ICE custody on June 28, 2026, after leaving a gas station, despite having no criminal history or outstanding warrants.
5. Petitioner is currently detained at the South Texas Detention Complex in Pearsall, Texas.

6. To date, no removal proceedings have been initiated before the Immigration Court, and no case appears in the Executive Office for Immigration Review's ("EOIR") Automated Case Information System. Petitioner has not been scheduled for a Master Calendar Hearing or any hearing before an Immigration Judge.
7. As a result, Petitioner remains detained without any meaningful individualized custody determination or access to the ordinary judicial process governing his immigration detention.

**E. Arbitrary Executive Detention Without Judicial Review Violates Separation-of-Powers Principles**

The writ of habeas corpus exists to prevent arbitrary executive detention. *St. Cyr*, 533 U.S. at 301. Where the Executive claims the authority to detain an individual indefinitely while disclaiming any obligation to provide a mechanism for review, habeas relief is essential. ICE's position results in unbounded executive detention insulated from both administrative and judicial oversight. Such a regime is incompatible with fundamental constitutional principles. *Boumediene*, 553 U.S. at 783 ("The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty."). Absent meaningful judicial review, the Executive's detention power exceeds constitutional limits.

Neither **Jennings v. Rodriguez, 583 U.S. 281 (2018), Matter of Yajure Hurtado**, nor **Buenrostro-Mendez** held that detention authorized by statute is exempt from constitutional review or immune from habeas corpus review under **28 U.S.C. § 2241**. The Supreme Court has repeatedly recognized that even civil immigration detention is subject to constitutional limitations. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

**F. The Government Cannot Carry Its Constitutional Burden"**

This should become the centerpiece of the petition. Respondents will undoubtedly argue that Congress authorized detention under § 1225(b). Petitioner does not dispute that statutory authority may exist. The flaw in Respondents' position is that statutory authorization alone does not answer the constitutional question before this Court. Congress authorizes detention. The Constitution limits detention. Habeas exists to police that boundary. Petitioner's challenge is therefore not a challenge to Congress's authority to authorize immigration detention.

Rather, Petitioner challenges the constitutionality of his continued detention where Respondents cannot identify individualized evidence demonstrating that he presents either a danger to the community or a meaningful risk of flight despite his more than twenty years of continuous residence in the United States, his complete lack of criminal history, his two United States citizen children, and his apparent eligibility for Cancellation of Removal under **INA § 240A(b).**

**G. Exhaustion Is Excused and Habeas Relief Is Required**

Exhaustion in § 2241 proceedings is prudential and is excused where administrative remedies are unavailable or futile. Respondents may argue that Petitioner must seek a bond determination before the Immigration Court and appeal any adverse decision to the Board of Immigration Appeals ("BIA"). However, such remedies are not meaningfully available here. **The Respondent has not been served with an NTA so the Immigration Court has no Jurisdiction.**

Upon information and belief, Respondents are treating Petitioner as subject to detention under 8 U.S.C. § 1225(b). In such circumstances, Immigration Judges in this jurisdiction have taken the position that they lack authority to conduct bond hearings unless directed by a federal

court. Therefore, the Immigration Court is unlikely to exercise jurisdiction over Petitioner's custody.

Under *Matter of Jonathan Javier Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges have concluded that they lack jurisdiction to redetermine custody for certain noncitizens classified under § 1225(b)(2). Because Petitioner entered without inspection and is present without admission, Respondents may categorize him under that provision. Thus:

- The Immigration Court lacks authority to provide meaningful relief;
- Administrative remedies are functionally unavailable; and
- Exhaustion would be futile.

A detainee is not required to pursue remedies the agency itself asserts it lacks power to grant. Courts in this District routinely excuse exhaustion where Immigration Judges decline jurisdiction over custody determinations, rendering administrative remedies unavailable in practice.

**H. Release Is the Appropriate Habeas Remedy**

Where detention violates the Constitution, release is the appropriate remedy. *Zadvydas*, 533 U.S. at 699; *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Courts possess broad equitable authority under § 2241 to order release from unlawful custody. Because Petitioner's continued detention violates substantive and procedural due process, the writ should issue and Petitioner should be released forthwith.

## VII. CLAIMS FOR RELIEF

**COUNT I – Unlawful Detention (28 U.S.C. § 2241)**

1. Petitioner incorporates all preceding paragraphs.

2. Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

**COUNT II – Declaratory Relief**

1. A declaration is warranted that Petitioner's continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment.

**VIII. PRAYER FOR RELIEF**

**WHEREFORE, Petitioner respectfully requests that this Court:**

1. **Grant this Petition** for Writ of Habeas Corpus;

2. **Order** Respondents to **immediately release** Petitioner **from ICE custody**; or

3. **Declare** that Petitioner's continued detention **violates the Constitution**;

4. **Prevent any future unconstitutional detention;**

5. Enjoin Respondents from continuing to detain Petitioner absent a constitutionally sufficient basis for custody supported by individualized factual findings;

6. **Grant any other relief** the Court deems just and proper.

**Respectfully submitted,**

/s/ Rodolfo Castillo
**Rodolfo Castillo**
**Attorney for Petitioner**
**Texas Bar No. 24000489**
**Rudy Castillo Law Firm**
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com

## IX. SIGNATURE & VERIFICATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

**Executed on 06/30/2026**

/s/ Rodolfo Castillo
Rodolfo A. Castillo
**Attorney for Petitioner**

## EXHIBITS

1. **Exhibit A** – ICE Online Detainee Locator System printout reflecting Petitioner's detention at the South Texas ICE Processing Center in Pearsall, Texas.
2. **Exhibit B** – EOIR Automated Case Information printout reflecting that no removal proceedings are currently pending before the Immigration Court for Petitioner.
3. **Exhibit C** – Copy of Petitioner's Honduran driver's license establishing his identity and date of birth.
4. **Exhibit D** – Attorney Declaration.

# EXHIBIT A

Official Website of the Department of Homeland Security

U.S. Immigration and Customs Enforcement

Report

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# Facility Page

## Detention Information For:

**JAVIER ERNESTO RAMIREZ CARCAMO**
**Country of Birth:** Honduras
**A-Number:** [redacted]

## Current Detention Facility:

SOUTH TEXAS ICE PROCESSING CENTER
566 VETERANS DRIVE
NA
PEARSALL, TX 78061
**Visitor Information:** (830) 334-2939

MORE INFORMATION >




## ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - South Texas, TX Detention Facility
**Phone Number:** (210) 231-4505

BACK TO SEARCH >

# Related Information

## Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

## External Links

Bureau of Prisons Inmate Locator

DHS.gov USA.gov OIG Open FOIA Gov Metrics No FEAR Act Site Map Site Policies & Plug-Ins

# EXHIBIT B

An official website of the United States government
Here's how you know

**EOIR** | Automated Case Information

**Court Closures Today** June 30, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

# Automated Case Information

Welcome to the Automated Case Information System (ACIS). ACIS provides basic information about the status of certain cases before an immigration court or the Board of Immigration Appeals. Not all cases, or all information about a case is displayed. ACIS includes details regarding the primary case only. If there has been more than one case for the A-Number, ACIS displays the most recent case. Please contact your local court if you need bond hearing information.

English

## Enter your A-Number

**A-Number** *Required *What's an A-Number?*

[redacted]

**Nationality** *Required *What is Nationality?*

HONDURAS (HO)

***No case found for this A-Number.***

**SUBMIT**

*ⓘ Case information from this automated resource is provided for convenience only. Documents the immigration court or Board of Immigration Appeals issue to you or your representative are the only official determinations related to your case.*

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Department of Justice | Executive Office for Immigration Review
*5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041*

**EOIR** | Automated Case Information

# EXHIBIT D

**ATTORNEY DECLARATION IN SUPPORT OF**

**PETITION FOR WRIT OF HABEAS CORPUS**

I, Rodolfo A. Castillo, declare as follows:

1. I am an attorney licensed to practice law in the State of Texas and represent Petitioner, **Javier Ernesto Ramirez Carcamo (A# [redacted]),** in the above-captioned matter.
2. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the South Texas ICE Processing Center in Pearsall, Texas.
3. Petitioner was taken into ICE custody on or about **June 28, 2026**, and remains detained at the South Texas ICE Processing Center.
4. The document attached as **Exhibit A** is a true and correct copy of the ICE Online Detainee Locator System record reflecting Petitioner's detention at the South Texas ICE Processing Center in Pearsall, Texas.
5. The document attached as **Exhibit B** is a true and correct copy of the EOIR Automated Case Information printout reflecting that no removal proceedings are currently pending before the Immigration Court for Petitioner.
6. The document attached as **Exhibit C** is a true and correct copy of Petitioner's Honduran driver's license establishing his identity and date of birth.
7. Based upon my review of the records and communications in this matter, Petitioner has no known criminal history.

8. Based upon my review of the records and communications in this matter, Petitioner presents no danger to the community, and does not pose a flight risk.
9. Petitioner has significant family support available in the United States, including his brother and sister, who stand ready to assist him upon his release and ensure his compliance with all future immigration proceedings.
10. Continued detention imposes a substantial hardship upon Petitioner and his family while no removal proceedings have yet been initiated before the Immigration Court.
11. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30 day of June, 2026, in San Antonio, Texas.

/s/ Rodolfo A. Castillo

Rodolfo A. Castillo

Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on this June 30, 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

**Warden, South Texas Detention Facility**
566 Veterans Dr.
Pearsall, TX 78061

and

**David Venturella**
ICE Acting Director
500 12th Street, SW
Washington, D.C. 20536

Respectfully submitted,

/s/ Rodolfo Castillo
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