JUDGE KATHLEEN CARDONE

FILED

JUL 27 2026

CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY DEPUTY CLERK

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas

ROBERTO CASALVILLA

Petitioner

v.

CLERK OF COURTS
ICE DIRECTOR-JUAN LOPEZ,
FIELD OFFICE DIRECTOR,U.S IMMIGRATION

Respondent

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

Case No.

(Supplied by Clerk of Court)

EP26CV2004

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

Personal Information

1. (a) Your full name: ROBERTO CASALVILLA

   (b) Other names you have used: N/A

2. Place of confinement:

   (a) Name of institution: EL PASO PROCESSING CENTER

   (b) Address: 8915 MONTANA AVE EL PASO TX 79925

   (c) Your identification number: A[redacted]

3. Are you currently being held on orders by:

   ☑ Federal authorities ☐ State authorities ☐ Other - explain:

   U.S. Immigration and Customs Enforcement

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)

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

(b) Docket number, case number, or opinion number: A# [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Continued Final Order Detention by ICE without a foreseable repatriation in the reosonable future

(d) Date of the decision or action: 10/05/1994

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: Neither the immigration court nor the B.I.A.can raise constitutional issues,and to appeal my detention when they say they have no jurisdiction is useless and petitioner is not obligated if there is no sense to do so.

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: no, other appeals available.

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: no,other appeals available.

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

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: 04/23/2026

(b) Date of the removal or reinstatement order: 10/05/1994

(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: My continued detention is unconstitutional under the 5th Amendment,because I have now spend 180days in custody and my detention is unnecessary and violates the 5th and 8th Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
Petitioner's continued detention by respondent is unlawful and contravenes 8USC 1231(a)(6) the six month presumptively reasonable period for continued removal period or effort has expired because he has been ordered removed since 2003,for this reason petitioner's removal to Cuba is not reasonably foreseeable because there is no immigration agreement between Cuba and the United States.

(b) Did you present Ground One in all appeals that were available to you?
☐ Yes ☑ No

GROUND TWO: Substantive Due Process Violation:petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
The 5th Amendment requires that deprivation of petitioner's liberty be narrowly tailored to serve a compelling goverment interest however that interest,does not justify the indefinite detention of petitioner who is not significantly likely to be removed in the reasonable foreseeable future,because there is no immigration Agreement with Cuba.

(b) Did you present Ground Two in all appeals that were available to you?
☐ Yes ☑ No

GROUND THREE: Procedural Due Process Violation:the goverment had deprived the petitioner of his 5th Amendment right.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
The goverment had deprived petitioner of meaningful opportunity to demonstrate that he should not be detained. The petitioner has been 13 years under supervision of ICE without failure contributing to society,self employed created his own business,home owner and head of household.Failure of respondent to provide neutral decision and to review the continued custody of petitioner violates petitioner's right to procedural due process.There is no administrative mechanism in place for petitioner to demand a decision.

(b) Did you present Ground Three in all appeals that were available to you?
☐ Yes ☑ No

GROUND FOUR: No significant likelihood of removal in the foreseeable future

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

ICE has not successfully obtained the necessary travel documents or landing permit from a designated country of removal.There is no evidence that the receiving country is willing to accept the petitioner.The petitioner's country of origin is Cuba,which has historically refused to aid in repatriation efforts,which demonstrates that no agreement channel exist to guaranteed a necessary permit document and Mexico as a third country is very unlikely because there in no document from Mexico that it will accept petitioner nor that ICE will provide travel documents(work visa,travel passport,nor any other legal documents from Mexico to petitioner.

(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: Neither the immigration court nor the BIA can consider constitutional issues and appealing my detention when they say they have no jurisdiction is pointless. I have 2(two) daughters who are USA citizens, both were born in the USA (1991 and 1992 DOB)

Request for Relief

15. State exactly what you want the court to do: 1)assume jurisdiction over this manner.2)Grant petitioner's a Writ of Habeas Corpus ordering respondent to release petitioner immediatly.3)Issue an emergency preliminary order restraining respondent from attempting to move petitioner from the state of Texas and this jurisdiction during the pendecy of this preceding and petition.4)Declare that respondent failed to follow their own procedure in violating my order of ICE supervision.5)Grant all futher relief this court deems just and proper.

Declaration Under Penalty Of Perjury

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

July 22, 2026

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: 07/22/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Daughters Letter

Date: April 22, 2026

Honorable Immigration Judge,

My name is Carymir Casalvilla, and I am the daughter of Roberto Casalvilla. I respectfully submit this letter in strong support of my father and ask that you consider his release.

I understand that my father may have made mistakes in the past; however, those events occurred over 20 years ago. Since then, he has completely turned his life around. For more than two decades, he has lived as a law-abiding, hardworking, and responsible man. He works, supports his family, and follows the rules. He has consistently complied with all immigration requirements and has reported as instructed.

My father is not the same person he may have once been. He is a devoted family man whose life today reflects growth, responsibility, and commitment to doing the right thing. His character over the past 20 years speaks far louder than mistakes from the distant past.

My father is a married man with a stable life and strong family ties. He is dedicated to his family, including me as his daughter and his own mother. His wife also has medical needs and depends on him for support and care, making his role in our family even more essential. He plays a central role in our family, both as a provider and as emotional support.

I am a person living with a disability, and my father plays a critical role in my daily life. He assists me with transportation, medical appointments, and everyday responsibilities. I depend on him for stability, care, and support that no one else is able to provide.

Given his long-standing compliance, his strong family ties, and his role as a primary source of support for our family, I respectfully believe that my father does not pose a danger to the community or a flight risk. His continued detention would place our family in a very vulnerable position.

I respectfully ask that you take into account the man he has proven himself to be for over 20 years, not only his past, and consider granting him release while his case is pending.

Thank you for your time and consideration.

Respectfully submitted,
Carymir Casalvilla

Roberto Casalvilla
A #022805124

7/22/2026

My Name is Roberto Casalvilla A# [redacted]
I come to this country at the age of 10 yrs old, May 5-
1980 to be exact., With Mother, father and sister. Legally
with a political Asylum. In 1985 we received our Permanent
Recidense Card. At a young age I started using Drugs which
changed my life by getting arrested and ended in prision
But before this I had a young wife who gave me two Dau-
ghters They are 35 & 34 yr old today. After serving
my prision sentense and trying my best at that time
But Doors Kept on closing for being a Convict I felt in
to Drugs, But after much pain finally I ended up in a
faith Base program in 2013, Thanks to My Mothers prayers
and a pastor a Man of God who made it his mission
to help me by taking me to this ONE YEAR faith program
Called Home of the Nazarene., It changed my life to
the point That I have never look back and wont Dare..
I met my wife in 2014 & got married by Church in 2016
My oldes Daughter has a Disability Called Celebral palsy
and takes a lot of care not only By me But All the family
My young Daughter gave me two Grandsons, [redacted]
My life They are 14 yrs & 8 yrs. Mother is in good health
But father is very weak & sick with prostate Cancer
I have a Numerous Big family Built in 46 years in this
County....

After the faithBase program I started working for a company called Florida Contractors G&E doing the Hig Rises Buildings. Withing a Year I Became a supervisor and foreman for many years, in 2022 I started my own Remodeling LLC called & still Active. RC1 Services a year after I as a Hobby in my Backyard Build a food trailer & open a Bussines called Homerun Chicken 2023. worked it a year & Sold it 2024, I pay taxes every year, I take care of my family which they all are proud of the person I am Today, I know my past Record is a stain But I never have violated my supervision & have been walking in a straig Line Thanks to God. my family need me, Please Consider my Realese

Sincerely.