FILED LODGED
RECEIVED COPY
AUG 05 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Danys H Bohorquez Uzcategui Petitioner, v. *Eric Rokosky, Warden Eloy Detention Center* *Todd Blanche, Attorney General of the United States* Respondent.	Case number: CV26-05444-PHX-JJT

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN IMMIGRATION CUSTODY

(28 U.S.C. § 2241)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Danys H Bohorquez Uzcategui Petitioner, v. *Eric Rokosky, Warden Eloy Detention Center* *Todd Blanche, Attorney General of the United States* Respondent.	Case number:

CONSENT TO ENTRY OF FINAL JUDGMENT BY A MAGISTRATE JUDGE

Consenting to entry of final judgment by a magistrate judge. This Court typically assigns habeas cases to a district judge, who in turn refers the case to a magistrate judge for preparation of a report and recommendation (R&R). Once the R&R is filed, the parties may object to the magistrate judge's factual or legal conclusions, and a district judge will review the R&R and the parties' objections before entering final judgment in the case.

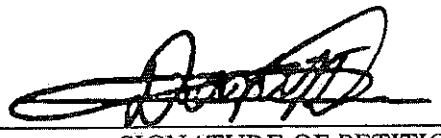
However, under 28 U.S.C. § 636(c), the parties may consent to having a magistrate judge preside over their case and enter final judgment in the matter. The Court encourages all parties to consider consenting to allow a magistrate judge to enter final judgment in the case. Consent to a magistrate judge promotes judicial efficiency, allows the case to proceed before a single judge, and avoids the delays associated with preparing and reviewing a report and recommendation.

If you agree to consent to a magistrate judge hearing your case and entering final judgment, please indicate in the designated space on this form. If you consent, your case may be decided by either a district judge or a magistrate judge. You will not face any adverse consequences from agreeing or not agreeing to consent to a magistrate judge.

I consent to entry of final judgment by a magistrate judge.

YES ☒ NO ☐

08/01/2026
DATE



SIGNATURE OF PETITIONER

PERSONAL INFORMATION

1. Your full name: Danys H Bohorquez Uzcategui

2. Name used in immigration court (if different from above): N/A

3. A-number: [redacted]

4. Place of detention: Eloy Detention Center. 1705 E Hanna Rd, Eloy AZ 85131

5. What country or countries are you a citizen of? Venezuela

6. What country or countries does the Government allege you are a citizen of?

Venezuela

CURRENT DETENTION AND IMMIGRATION PROCEEDINGS

Current Detention

7. Date you were taken into present immigration custody: 08/23/2025

8. Describe how and where you were taken into immigration custody:
On August 22, 2025, Petitioner was involved in a domestic dispute with his partner at their residence, and the Mesa Police Department responded to the scene. Petitioner was arrested by the Mesa Police Department. The following day, on August 23, 2025, after being released from local custody, Petitioner was transferred into the custody of U.S. Immigration and Customs Enforcement

Removal Proceedings

9. Do you have an order of removal?

YES ☒ NO ☐

If yes, please answer Questions 10-17. If no, please skip to Question 18.

10. On what date was the order of removal entered? January 15, 2026

11. To which country or countries were you ordered removed?

12. Is the Government trying to remove you to any country other than those listed in the order of removal ?

YES ☐ NO ☒

a. If yes, to what country or countries is the Government trying to remove you?

13. Who issued your order of removal?

a. Immigration Judge: (x)

b. Immigration Officer (this is also called expedited removal)

c. Reinstated by an Immigration Officer?

d. Other? If so, explain:

14. Has an immigration judge granted you relief from removal? (Relief from removal includes withholding of removal under 8 U.S.C. § 1231(b)(3), Immigration and Nationality Act (INA) § 241(b)(3), and protection under the Convention Against Torture.)

YES ☐ NO ☒

a. If yes, on what date?

b. If yes, what relief did you get?

c. If yes, did the Government appeal that grant of relief to the Board of Immigration Appeals (BIA)?

YES ☐ NO ☐

d. If yes, has the BIA ruled on the Government's appeal?

YES ☐ NO ☐

e. If yes, what is the date of the BIA's ruling?

15. If an immigration judge issued your order of removal, did you appeal to the BIA?

YES ☒ NO ☐

a. If yes, has the BIA ruled on your appeal?

YES ☐ NO ☒

b. If yes, what is the date of the BIA's ruling?

16. Did you or the Government file a petition for review?

YES ☐ NO ☒

a. If so, to which circuit court of appeals?

b. Did the court of appeals stay your removal?

YES ☐ NO ☒

c. Is the petition for review still pending?

YES ☐ NO ☐

d. If not, please state whether the court of appeals granted or denied the petition for review and list the date the decision was issued.

17. Do you have any other pending matter in which you are challenging the Government's removal charges or seeking relief from removal?

YES ☒ NO ☐

a. If yes, where is the matter pending?

I have a pending appeal before the BIA challenging my removal order, and I also have a pending Form I-130 filed by my U.S. citizen spouse.

Bond Proceedings

18. Have you had a bond hearing before an immigration judge?

YES ☒ NO ☐

a. If yes, on what date?
09/16/2025

b. What did the immigration judge decide?

On 09/16/2025, Petitioner appeared before an Immigration Judge for an individualized custody redetermination hearing. The Immigration Judge denied bond after concluding that Petitioner presented both a danger to the community and a significant flight ri based on pending criminal charges. However, those criminal charges have since been dismissed, and Petitioner has no criminal convictions.

19. If the immigration judge denied bond/release, did you appeal to the BIA?

YES ☐ NO ☒

a. If yes, list the date on which you filed the appeal.

b. Has the BIA ruled on the appeal?

YES ☐ NO ☐

c. If yes, what was the outcome and what was the date of the decision?

Previous Immigration Detention

20. Before you were detained this time, have you ever been detained and released from immigration custody?

YES ☒ NO ☐

a. If yes, please describe all the periods you have been in immigration detention.
Yes. I was previously processed and briefly detained by U.S. Customs and Border Protection (CBP) when I entered the United States through the CBP One appointment process. I was subsequently released into the United States.

21. When you were released before, were you ever subject to any conditions of release?

YES ☒ NO ☐

22. Were you released on:

a. an order of supervision (OSUP)?

YES ☐ NO ☐

b. an order of release on recognizance?

YES ☐ NO ☐

c. parole?

YES ☒ NO ☐

d. for some other reason?

YES ☐ NO ☐

e. Was your prior release order—of whatever kind—revoked?

YES ☐ NO ☐

f. If yes, did you receive notice of the revocation?

YES ☐ NO ☐

GROUNDS FOR RELIEF

State every ground (reason) that supports your claim that you are being held or restrained unlawfully. State the facts supporting each ground. You may attach additional pages if necessary to provide legal arguments and supporting authority. You may also attach any documents relevant to your claims.

23. **GROUND ONE:** Petitioner's Prolonged Civil Immigration Detention Violates the Due Process Clause of the Fifth Amendment.

Supporting facts:

The Due Process Clause of the Fifth Amendment prohibits the Government from depriving any person c liberty without due process of law. Although Congress has authorized the civil detention of certain noncitizens during removal proceedings, that authority is not unlimited.

Immigration detention must remain reasonably related to its legitimate regulatory purposes and may not become prolonged, excessive, or punitive. Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Petitioner has remained continuously detained by Immigration and Customs Enforcement since August 23, 2025. As o the filing of this Petition, he has spent approximately one year in civil immigration detention while his immigration proceedings remain pending.

During this prolonged period of detention, Petitioner has remained incarcerated despite having no criminal convictions, a pending asylum case, a pending appeal before the Board of Immigration Appeals a pending family-based immigration petition filed by his United States citizen wife, a valid Employment Authorization Document, stable family support, and available employment upon release. Civil immigration detention is intended to serve only limited regulatory purposes, including ensuring a noncitizen's appearance at future immigration proceedings and facilitating removal if a final order is ultimately entered. It is not intended to punish individuals or subject them to prolonged incarceration while their cases remain pending.

24. **GROUND TWO:** Petitioner's Continued Detention Is Arbitrary and Violates the Due Process Clause of the Fifth Amendment

Supporting facts:

The Due Process Clause of the Fifth Amendment prohibits the Government from arbitrarily depriving any person of his physical liberty. Civil immigration detention must remain reasonably related to a legitimate governmental objective.

Petitioner presents no danger to the community. He has a United States citizen wife, a stable residence, available employment, a pending asylum application, a pending appeal before the Board of Immigration Appeals, and a pending Form I-130 filed on his behalf. These factors demonstrate that less restrictive alternatives are available to ensure his appearance in future immigration proceedings.

25. **GROUND THREE:** Petitioner's Continued Detention No Longer Serves the Legitimate Regulatory Purposes of Civil Immigration Detention.

Supporting facts:

Civil immigration detention is constitutional only so long as it serves its limited regulatory purposes. The Government's authority to detain a noncitizen during removal proceedings exists to ensure the individual's appearance at future immigration proceedings and, if necessary, to effectuate a final order c removal.

It is not intended to punish or impose prolonged incarceration.Petitioner has now remained in ICE custody for approximately one year. During that time, he has continued to pursue all available forms of immigration relief, including a pending asylum application, a pending appeal before the Board of Immigration Appeals, and a pending Form I-130 filed by his United States citizen wife.

Petitioner has substantial ties to the United States. He has a United States citizen spouse, a stable residence, available employment, and a valid Employment Authorization Document through March 2029.

26. **GROUND FOUR:** Petitioner's Continued Detention Violates His Fundamental Liberty Interest Protected by the Fifth Amendment.

Supporting facts:

The Fifth Amendment protects every person's fundamental liberty interest in freedom from physical restraint. The Supreme Court has repeatedly recognized that freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. Accordingly, any civil detention must be carefully limited and justified by a legitimate governmental purpose.Petitioner has now been deprived o his physical liberty for approximately one year.

During this time, he has remained detained despite having no criminal convictions, a United States citizen wife, a pending Form I-130 petition, a pending asylum application, a pending appeal before the Board of Immigration Appeals, and a valid Employment Authorization Document. Petitioner's continue detention has imposed severe hardships on both him and his family.

His wife suffers from a physical disability requiring ongoing medical therapy. Since Petitioner's detention, she has been forced to work to support the household, preventing her from attending the treatments necessary to manage her condition.

As the primary financial provider, Petitioner's continued detention has caused substantial economic and emotional hardship. The Government's continued deprivation of Petitioner's liberty is no longer justifie by the limited purposes of civil immigration detention. Less restrictive alternatives exist that would adequately ensure Petitioner's appearance at future proceedings while preserving his constitutional right to liberty.

REQUEST FOR RELIEF

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

WHEREFORE, Petitioner respectfully requests that this Court:

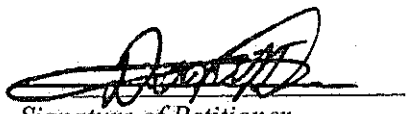
A. Grant the Petition for Writ of Habeas Corpus;
B. Issue an Order to Show Cause directing Respondents to demonstrate the legal and factual basis for Petitioner's continued detention;
C. Order Petitioner's immediate release from immigration custody;
D. Enjoin Respondents from transferring Petitioner outside this Court's jurisdiction while this matter remains pending;
E. Retain jurisdiction over this matter to ensure compliance with the Court's orders and to address any issues that may arise concerning Petitioner's custody status.

Respectfully Submitted

DECLARATION UNDER PENALTY OF PERJURY

28. On what day did you place this petition in the detention facility's mail system?

29. I declare under penalty of perjury that the foregoing is true and correct.



Signature of Petitioner

Signature of attorney, if any

08/01/2026
Date

Danys H Bohorquez Uzcategui
Eloy Detention Center
1705 E Hanna Rd
Eloy, AZ 85131
Petitioner, Pro Se

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Danys H Bohorquez Uzcategui
Petitioner,
Petitioner, Pro Se
v.
Eric Rokosky, et al.,
Respondents.

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

STATEMENT OF FACTS

Petitioner **Danys Humberto Bohorquez Uzcategui** is a native and citizen of Venezuela. He lawfully entered the United States on **January 31, 2023**, through the **CBP One** process and was inspected and released by U.S. Customs and Border Protection.

After his arrival, Petitioner established his life in Arizona with his family. He has complied with the immigration process and has continuously sought lawful immigration relief.

Petitioner was previously granted **Temporary Protected Status (TPS)**. Although he did not renew his TPS after it expired in 2024, he continues to pursue lawful immigration relief. He currently has an asylum application pending before the Immigration Court after an Immigration Judge instructed him to file for asylum while his family-based immigration case remained pending. In addition, Petitioner's United States citizen wife has filed a **Form I-130,**

Petition for Alien Relative, on his behalf, which remains pending before U.S. Citizenship and Immigration Services. Petitioner also has a pending appeal before the Board of Immigration Appeals that was filed on **February 18, 2026**. His immigration proceedings remain pending.

Petitioner possesses a valid Employment Authorization Document that remains valid through **March 2029**.

Before his detention, Petitioner worked as a Christmas light decorator and was the primary financial provider for his household. He has employment opportunities available if released from custody and is prepared to return to work immediately.

Petitioner is married to a **United States citizen**, who resides at [redacted] and is willing to sponsor him and provide housing and financial support throughout the pendency of these proceedings.

Petitioner's wife suffers from a physical disability that significantly affects her ability to walk. She requires regular physical therapy treatments that reduce severe muscle spasms in her foot and allow her to maintain her mobility. Since Petitioner's detention, she has been forced to work in order to support the household financially. As a result, she has been unable to attend the therapy sessions that are essential to managing her condition, causing her physical health to deteriorate.

On **August 22, 2025**, officers with the Mesa Police Department responded to Petitioner's residence following a domestic dispute. Petitioner was arrested by local law enforcement. The following day, on **August 23, 2025**, he was transferred into the custody of U.S. Immigration and Customs Enforcement ("ICE") and has remained continuously detained at the **Eloy Detention Center** ever since.

On **September 16, 2025**, Petitioner appeared before an Immigration Judge for a custody redetermination hearing. The Immigration Judge denied bond because criminal charges related to the domestic incident were then pending.

However, those criminal charges were **dismissed in their entirety on June 4, 2026**. Petitioner therefore has **no criminal convictions**.

Although Petitioner's former attorney advised him that the bond denial would be appealed, no appeal was ever filed.

Prior to the August 2025 incident, Petitioner had never been arrested or charged with any criminal offense. He has no criminal history and does not pose a danger to the community.

Petitioner's continued detention has caused severe financial and emotional hardship to his family. As the primary provider for the household, his absence has left his wife to shoulder the family's financial responsibilities alone despite her disability. She has sacrificed medically necessary treatment simply to keep up with the family's expenses.

Petitioner has remained continuously detained despite having a United States citizen spouse, strong family ties, stable housing, available employment, a pending I-130 petition, a pending asylum case, a pending appeal before the Board of Immigration Appeals, and no criminal convictions. Under these circumstances, his continued detention has become excessive, unnecessary, and inconsistent with the constitutional protections guaranteed by the Due Process Clause of the Fifth Amendment.

LEGAL FRAMEWORK

The writ of habeas corpus has long served as the primary means by which individuals may challenge the legality of their physical detention. Under 28 U.S.C. § 2241, federal district courts have jurisdiction to review whether an individual's continued immigration detention complies with the Constitution and laws of the United States.

Although Congress has authorized the detention of certain noncitizens during removal proceedings, that authority is not without constitutional limits. The Due Process Clause of the Fifth Amendment protects all persons within the United States from arbitrary deprivations of liberty. Accordingly, civil immigration detention must remain reasonably related to its legitimate regulatory purposes and may not become excessive, arbitrary, or punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

Unlike criminal detention, immigration detention is civil in nature and exists only to ensure a noncitizen's appearance at future immigration proceedings and, where appropriate, to facilitate the execution of a final order of removal. It may not be used as punishment or maintained indefinitely without adequate constitutional justification. *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

The Ninth Circuit has likewise recognized that prolonged immigration detention is subject to meaningful constitutional review and that federal courts retain jurisdiction under 28 U.S.C. § 2241 to determine whether continued detention violates the Due Process Clause. See *Leonardo v. Crawford*, 646 F.3d 1157 (9th Cir. 2011); *Singh v. Napolitano*, 649 F.3d 899 (9th Cir. 2011).

Moreover, habeas review is not limited to determining whether detention is authorized by statute. Federal courts have an independent duty to ensure that executive detention complies with the Constitution. When continued detention no longer bears a reasonable relationship to the Government's legitimate regulatory interests, habeas corpus provides the appropriate remedy.

Because Petitioner challenges the constitutionality of his continued detention—not the merits of his removal proceedings or the discretionary denial of immigration relief—this Court has both the authority and the responsibility to determine whether Respondents' continued deprivation of Petitioner's liberty violates the Fifth Amendment. If the detention is found to be unconstitutional, the Court may order Petitioner's immediate release through the issuance of a writ of habeas corpus.

CONCLUSION

Petitioner has now remained in civil immigration detention for approximately one year. During that time, he has diligently pursued all available forms of immigration relief while maintaining strong family and community ties within the United States. Petitioner has no criminal convictions, the criminal charges that formed the basis for the denial of bond have

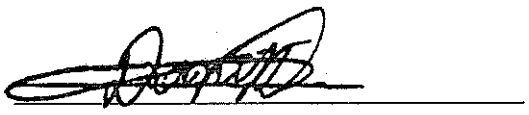
been dismissed, and he continues to have the support of his United States citizen wife, stable housing, and immediate employment opportunities upon release.

Under these circumstances, Petitioner's continued detention no longer serves the legitimate regulatory purposes of civil immigration detention. Instead, it has become an excessive, arbitrary, and unconstitutional deprivation of liberty in violation of the Due Process Clause of the Fifth Amendment.

Petitioner does not seek another bond hearing. He has already received an individualized custody determination, and a second bond hearing would not remedy the constitutional violation resulting from his prolonged detention. The issue before this Court is not whether another Immigration Judge should reconsider Petitioner's custody, but whether the Constitution permits Respondents to continue depriving Petitioner of his physical liberty after approximately one year of civil detention.

Because Petitioner's continued detention violates the Fifth Amendment, the appropriate remedy is the issuance of a writ of habeas corpus ordering his immediate release from ICE custody.

Respectfully submitted,



Danys Humberto Bohorquez Uzcategui

Petitioner, Pro Se

A# [redacted]

CERTIFICATE OF SERVICE

I, Danys H Bohorquez Uzcategui, hereby certify that on August 1, 2026, I placed a true and correct copy of the foregoing Petition for Writ of Habeas Corpus by depositing it in the United States Mail, first-class postage prepaid, addressed to the following:

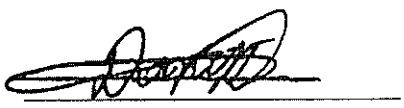
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

United States Attorney
District of Arizona
Two Renaissance Square
40 North Central Avenue, Suite 1800
Phoenix, AZ 85004

Eric Rokosky
Warden, Eloy Detention Center
1705 East Hanna Road
Eloy, Arizona 85131

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

Respectfully submitted,



Danys H Bohorquez Uzcategui

Petitioner, Pro Se

Eloy Detention Center