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WESTERN DISTRICT OF TEXAS
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JUDGE LEON SCHYDLOWER

EP 26CV2150

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PETITION FOR A WRIT

FILED
August 19, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Elizabeth Y. Martinez
DEPUTY

OF HABEAS CORPUS

UNDER 28 U.S.C

Jose Luis Amaya- Amaya
A# [redacted]

God Bless America.

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God Bless America

(Rev. 01/16) Petition for a Writ Of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS DIVISION
EL PASO.

Jose Luis Amaya- Amaya.
A# [redacted]
COUNTRY: El Salvador.

PETITIONER:

MARY DE AND A-YBARRA, Field Office Director of Enforcement and Removal Operations El Paso Field Office, Immigration and Customs Enforcement;

WARDEN OF ERO EL PASO PROCESSING

TODD M. LYONS, In His Official Capacity as Acting Director, Immigration and Customs Enforcement, U.S Department of Homeland Security;

MARK WAYNE MULLIN, His Official Capacity as Secretary, U.S Department of Homeland Security:

TODD BLANCHE, In His Official as Acting Attorney General of the United States,

Respondents.

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

A

INTRODUCTION.

Introduction

-I petitioner Jose Luis Amaya Amaya, was ***born In El Salvador*** *I left my country 12 years ago, because my life was in danger due the large gang activity. I had no choice but to run away for the safety of my family and I. I went thru a couple countries such as Guatemala and Mexico. In Mexico I was* ***held hostage*** *for few days by the cartel which forced me to pay 2,000 dollars and I was let go. I continued my journey to the U.S. in search of a better future and safety.*

On May 3rd 2014 I turned myself in at the bored of Idalgo TX. I was held for 5 months and released with a bond and ***credible fear****. When I was released I moved to Orlando Florida, where I stared a family.*
When I arrived at Orlando I moved in with my brother who was taking care of me while I adjusted to the U.S. He is a resident of the U.S. As the years went by I met my beautiful wife in 2018. That same year we had our first child, the following year we had our second child. My wife and children are ***U.S. citizens.***

On January 12 2026, I was leaving my mother in laws house when I got pull over. The officer told me the reason of the stop was due to having my incense plate light not working. ***This was a lie,*** *he used it as an excuse to pull me over. He asked me for my license, I gave it to him and told him it was expired. He informed me that with the new laws he had to arrest me. He booked me into the county jail in Orlando Florida, I was there for 15 days. Every 3 days I had appointments with* ***ICE.*** *On every appointment I was held in a bus for 3 hours. When they would take me back to jail I had to wait 24hrs to be sent back to the unit. I went thru this for 15 days. Finally ICE picked me up and took me to Alcatraz. The condition at that detention center were horrible, I got sick for 3 days and received* ***no medical attention****. I witnessed a lot of abuse from the officers and I became very sacred.*

After 5 days on the 30th of January, I got transferred to another detention center called ***BTC*** *in Pompano beach Florida. Here I was held for 5 months. My kids would cry every time I would talk to them on the phone and this lead me to a* ***deep depression*** *since they are not used to being away from me. After 5 months I was later transfer to* ***8915 Montana Ave EL Paso, TX****. This is were I am currently at. I arrived here on June 26. On July 11 I received some documented that said I was being released. But I was taken to a foster home were I was waiting for my family to purchase my flight ticket so that I could go back home. The following day I recited a call from* ***ICE*** *saying that I had to be present on Monday at 8am at the immigration Offices. On Monday July 13 I showed up to the Immigration offices, they told me they had released me ahead of time and I had another court hearing and they* ***detained me once again****.*

Your Honor I've been detained for 6 months and I've only gotten one court hearing. This is not okay, I have my ***I-130 approved****. My wife had filed it in 2017. due to my detention my wife and kids had to leave the apartment we had lived in for 6 years. Since I am the bread winner of the house my wife and kids depend on me. My kids are currently living with there grandma and my wife is living at a hotel.*
In this detention center there is no hygiene the food is expired. The officers treat us like criminals, and they are ***racist*** *and often discriminate us for being from another country. I have worked hard my whole life to take care of my family. I Am not a flight risk since I have my* ***I-130 approved*** *I have been going thru this immigration process the correct way. I am not a danger to society because I have a* ***clean record.*** *I am a man of good character and morals.*

I hope you consider my case, keep in mind I have a son of 7 years old recently had surgery. He has upcoming appointments and is going thru all lot of pain and suffering. My family and son need me more than ever in these difficult moments. Thank you for taking your time to read my petition, I hope to hear from you soon god bless you.

God Bless America

B

JURISDICTION.

JURISDICTION

-Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); Jennings v. Rodriguez, 583 U.S. 281, 292-95 (2018); Maldonado v. Macias, 150 F. Supp. 3D 788, 794 (W.D. Tex. 2015), INS v. St. Cyr; 533 U.S. 289, 364-65 (2001) ("The writ of habeas corpus has always been available to review the legality of executive detention.").

*-Importantly for jurisdictional questions, Petitioner is not asking this court to review an order of removal, nor, indeed, for any relief having to do with this current proceedings in immigration court. Petitioner seeks only habeas relief from his current, illegal detention in the way he was arrested, while those immigration proceedings are ongoing, and for this Court to determine as a matter of law that he is entitled to be released or granted a bond hearing before a neutral arbiter. See also, v. Ripa, No. Ep-25-CV-337-KC at 1-2, 2025 U.S. dist. LEXIS 188232, at *14-15 (W.D. Tex. Sep. 21, 2025)(stating in part that 8 U.S.C. § 1252(a)(5), §1252(g), and §1226(e) do not deprive a Habeas Court of jurisdiction when a Petitioner is challenging his detention under his right to procedural due process). "[T]he [REAL ID] Act does not, however, preclude habeas review of challenges to detention that are independent of challenges to removal orders." Gutierrez-Soto v. Sessions, 317 F. Supp. 3d 917, 925 (W.D. Tex. 2018).*

The Respondents' continued detention of Petitoner constitutes such a "severe restraint on his individual liberty," that he is "in custody in violation of the ... laws ... of the United States." See Hensley v. Municipal Court, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241; see also Henderson v. Reno, 157 F.3d 106, 122 (2d Cir. 1999), cert. Denied sub nom. Reno v. Navas, 119 S. Ct. 1141 (1999).

III. EXHAUSTION OF REMEDIES

-Due process 5th amendment) you have the right to due process which includes not being transferred away from your attorneys or evidence in a manner that hinders your defense. 4th and 5th amendments to the constitution which guarantees due process and prohibit punishment of unconvinced person forcing the government to provide medical care specially in emergencies and guarantees urgent care regardless of status.
(ICE) responsibility of the government through immigration and customs enforcement ICE is directly responsible for the health of detainees including medical, dental and mental health care.
(GOV) must conduct initial medical examination and address health complaints according to it's national standards.
-As recognized by the Fifth Circuit, while exhaustion is the general rule, "exceptions to this general rule" exist. Garner v. U.S. Dep't of Lab., 221 F.3d 822, 825(5th Cir. 2000). "A failure to exhaust administrative remedies may be excused when the claimant advances a constitutional challenge unsuitable for determination in an administrative proceeding, or when the unexhausted remedy is plainly inadequate."
*"When a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." Lopez de Jesus v. Imm.& Naturalization Serv., 312 F.3d 155, 162 n. 47(5th Cir. 2002). Federal courts have "the discretion to excuse the exhaustion requirement" Garner, 221 F.3d at 825. Here, the "constitutional challenges are not the types of questions" requiring exhaustion, and requiring Petitioner "to exhaust administrative remedies relating to same would be an exercise in futility." Exhaustion, furthermore, may also be excused when delay would result in hardship. See Shalala v. III. Council on Long Term Care, Inc., 529 U.S. 1, 13, 120 S. Ct. 1084, 146 L. Ed. 2D 1 (2000) [*6].*
*-Exhaustion is not required where the administrative remedy is inadequate due to agency bias. Numerous courts have recognized the bias inherent in the ICE custody review process. See Phan v. Reno, 56 F. Supp. 2d 1149, 1157 (W.D. Wash.1999) ("We have...concerns about the quality of the review afforded by INS to the Petitioners. Indeed, our review of the record confirms that INS does not meaningfully and impartially review the Petitioners' custody status."); Rivera v. Demore, No. C 99-3042 THE, 1999 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias); Ekekhor v. Aljets, 979 F. Supp. 640, 644 (N.D. Ill. 1997); St. John v. McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) ("Due to political and community pressure, INS, an executive agency, has every incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they*

may continue to pose a danger to the community.") Petitioner should not be required to languish in detention awaiting a decision by asylum.

-The Supreme Court has referred to the "Great Writ" as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in cases of illegal restraint or confinement" and "received into out own law in the colonial period." Fay v. Noia, 372 U.S. 391, 400, 83 S. Ct. 822, 9 L. Ed. 2D 837 (1963), overruled in part on other grounds, Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2D 594 (1977), and abrogated in part on other grounds by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2D 640 (1991). The importance of this Great Writ was not lost on the Justices of the Civil Rights era who recognized that the writ's.

*-Function has been to provide a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release. Thus there is nothing novel in the fact that today habeas corpus in the federal [*7] courts provides a mode for the redress of denials of due process of law, vindication of due process is precisely its historic office. "Only in the rarest of circumstances has congress seen fit to suspend the writ." Hamdi v. Rumsfeld, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2D 578 (2004). "absent suspension, the Writ of Habeas Corpus remains available to every individual detained within the United States." (citing U.S. const., Art. I, § 9. Cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the Public safety may require it")). Indeed, absent suspension, it is available to "challenge the legality of their detention" by "noncitizens detained by our Government in territory over which another country maintians de Jure Sovereignty," such as Guantanamo Bay. Boumediene v. Bush, 553 U.S. 723, 770, 128 S. Ct. 2229, 171 L. Ed. 2D 41 (2008). The Great Writ remains "a critical check on the Executive, ensuring that it does not detain individuals except in accordance with law." Hamdi, 542 U.S. at 525 (citing Imm. & Naturalization Serv. v. St. Cyr; 533 U.S. 289, 301, 121 S. Ct. 2271, 150 L. Ed. 2D 347 (2001), superseded by statute on other grounds as stated in Nasrallah v. Barr; 590 U.S. 573, 580, 140 S. Ct. 1683, 207 L. Ed 111 (2020)).*

-The fundamental protection of habeas corpus applies to immigration-related detention. See Zadvydas v. Davis, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001). The Supreme Court in Zadvydas noted: It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all "persons" within the United States, The key to the (b)(2) class is the indivisible nature of the injuctive or declaratory remedy warranted-the notion that the (defendant's) conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them." Dukes, 564 U.S at 360. the MSJ Order has already found Respondents' interpretation of the INA to be contrary to the statutory text and statutory scheme. And mutually exclusive of petitioners' interpretation. Because the proper interpretation of the INA preserves a noncitizen's right to an individualized bond hearing after arrest, the MSJ Order illustrates the indivisible nature of the relief. The court finds similar cases from this judicial district instructive.

*-Class geographic location, a piecemeal situation that would lead to arbitrary results." Inland Empire-Inmigrant Youth Collective v. Nielsen, No. EDCV172048PSGSHKX, 2018 WL 1061408 at *12 (C.D. Cal. Feb. 26,2018). with this in mind, the court finds a nation wide Bond Eligible Class is appropriate.*
-Petitioner's continued prolonged detention under 8 U.S.C. § 1225(b)(2)(A) for more than seven months, without a custody hearing before a neutral arbiter violates his right to due process under the Fifth Amendment to the United States Constitution. "It is well established that the Fifth Amendment entitles aliens to due process of law." See Demore 538 U.S. at 523 (quoting Reno v. Flores, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms physical restraint – lies at the heart of the liberty" that Due Process Clause protects. Zadvydas 533 U.S. at 678, 690 (2001); see also id. at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.").

-Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for its conduct infringing on protected interests "outweighs the individual's constitutionally protected interest in avoiding physical restraint." Id. at 690. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention – to mitigate the risks of danger to the community and to prevent flight. Id.; Demore, 538 U.S. at 528.

Other than as punishment for a crime, due process permits the government to take away liberty only "in certain special and narrow nonpunitive circumstances ... where a special justification ... outweighs the individual's constitutionally protected interest in avoiding physical restraint." Zadvydas, 533 U.S. at 690. Such special justification exists only where a restraint on liberty bears a "reasonable relation" to permissible purposes. Jackson v. Indiana, 406 U.S. 715, 738 (1972); see also Foucha v. Louisiana, 504 U.S. 71, 79 (1992); Zadvydas, 533 U.S. at 690. In the immigration context, those purposes are "ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community." Zadvydas, 533 U.S. at 690.
-Those substantive limitations on detention are closely intertwined with procedural due process protections. Foucha, 504 U.S. 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purposes of ensuring their appearance or protecting the community. Id. at 79; Zadvydas, 533 U.S. 692; Casas-Castrillon v. Dep't of Homeland Sec., 535 F.3d 942, 949 (9th Cir. 2008). Where laws and regulations fail to provide such procedures, the Habeas court must assess whether the noncitizen's immigration detention is reasonably related to the purposes of ensuring his appearance in immigration court or protecting the community. Zadvydas, 533 U.S. at 699.

-In Zadvydas, the U.S. Supreme Court found that six months is a presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. "Once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." Id. at 701. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Id. at 386. Therefore, detention under § 1225(b)(2)(A) is subject to a reasonable time limitation. Maldonado, 150 F. Supp. 3d at 805.
The Due Process Clause of the Fifth Amendment requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. Although ICE has an interest in detaining Petitioner to effectuate his removal, it can do so in an unconstitutional manner. Gutierrez-Soto v. Sessions, at 925.
without any opportunity for an individualized review of his detention by an immigration judge." Id. at 811.
Thus, Petitioner's detention violates the Due Process Clause of the U.S. Constitution as applied to his specific facts.

IV. VENUE

\-Pursuant to Braden v. 30 Th judicial circuit court of Kentucky; 410 U.S 484, 493-500 (1973), venue lies in the united states district for the western District court of Texas, the judicial District in which petitioner resides. Office of the clerk 525 Magoffin ave, El Paso TX 79901.

V. LEGAL FRAMEWORK

*-Habeas petitioners must show they are "in custody in violation of the constitution or laws or treaties of the United States." Herrera v. Tate, F. Supp. 3D, No. CVH-25-3364,2025 U.S. Pist. LEXIS 189999, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)). They "bear the burden of proving that [they are] being held contrary to law; and because the habeas proceeding is civil in nature, the petitioner must satisfy this burden of proof by a preponderance of the evidence." (quoting Skaftouros v. United States, 667 F.3d 144, 158(2d Cir. 2011) and citing Bruce v. Estelle, 536 F.2d 1051, 1058 (5th Cir. 1976)). Courts "considering a habeas petition must 'determine the facts and dispose of the matter as law and justice require.'" (quoting 28 U.S.C. § 2243).*

-The Supreme Court has referred to the "Great Writ" as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in cases of illegal restraint or confinement" and "received into out own law in the colonial period." Fay v. Noia, 372 U.S. 391, 400, 83 S. Ct. 822, 9 L. Ed. 2D 837 (1963), overruled in part on other grounds, Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2D 594 (1977), and abrogated in part on other grounds by -Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2D 640 (1991). The importance of this Great Writ was not lost on the Justices of the Civil Rights era who recognized that the writ's

-Function has been to provide a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if

*-The imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release. Thus there is nothing novel in the fact that today habeas corpus in the federal [*7] courts provides a mode for the redress of denials of due process of law, vindication of due process is precisely its historic office. "Only in the rarest of circumstances has congress seen fit to suspend the writ." Hamdi v. Rumsfeld, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2D 578 (2004). "absent suspension, the Writ of Habeas Corpus remains available to every individual detained within the United States." (citing U.S. const., Art. I, § 9. Cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the Public safety may require it")). Indeed, absent suspension, it is available to "challenge the legality of their detention" by "noncitizens detained by our Government in territory over which another country maintians de Jure Sovereignty," such as Guantanamo Bay. Boumediene v. Bush, 553 U.S. 723, 770, 128 S. Ct. 2229, 171 L. Ed. 2D 41 (2008). The Great Writ remains "a critical check on the Executive, ensuring that it does not detain individuals except in accordance with law." Hamdi, 542 U.S. at 525 (citing Imm. & Naturalization Serv. v. St. Cyr; 533 U.S. 289, 301, 121 S. Ct. 2271, 150 L. Ed. 2D 347 (2001), superseded by statute on other grounds as stated in Nasrallah v. Barr; 590 U.S. 573, 580, 140 S. Ct. 1683, 207 L. Ed 111 (2020)).*

-The fundamental protection of habeas corpus applies to immigration-related detention. See Zadvydas v. Davis, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001). The Supreme Court in Zadvydas noted: It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.

VII. Second Cause Of Action

-Petitioner's Detention Violates the Administrative Procedures Act, 5 U.S.C. § 706(2).Petitioner's detention violates the and its regulations, and Asylum Application, he has established that he is eligible to adjust his status to that of a Legal Permanent Resident; meanwhile, the Respondents have utterly failed to provided him with any meaningful opportunity to present argument or evidence in favor of his release, nor did they make any individualized determination that he poses a flight risk or danger. Rather, Petitioner's prolonged detention appears to be impermissible based on general mandates within the agency rather than the individual judgment of ICE officers on the ground.

VIII. Third Cause Of Action

*-Over **6 Mondays** prolonged detention without a re-determination of custody status before a neutral adjudicator in violation Petitioner's constitutional rights which clearly expressed in Zadvydas v. Davis, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001).Petitioner's Detention Violates the Administrative Procedures Act, 5 U.S.C. § 706(2).Petitioner's re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.*
Under the Administrative Procedures Act, "final agency action for which there is no other adequate remedy in a court is subject to judicial review." 5 U.S.C. § 704. The reviewing court "shall ... hold unlawful and set aside agency action, findings, and conclusions found to be – (A)arbitrary, capricious, an abuse of discretion, or otherwise

not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. §§ 706(2)(A), (E). A court reviewing agency action "must assess ... whether the decision ***was based on a consideration of the relevant factors and whether there has been a clear*** *error of judgment"; it must "examine the reasons for agency decisions – or, as the case may be, the absence of such reasons." Judulang v. Holder, 565 U.S. 42, 53 (2011). Petitioner's detention under the facts alleged here is and continues to be arbitrary andII capricious under the APA.*

IX. Fourth Cause Of Action

-Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." Addington v. Texas, 441 U.S. 418, 4253 (1979).

-The Supreme Court has recognized that the Fourth Amendment is violated by prolonged detention solely for the purpose of investigating immigration status. See Arizona v. United States, 132 S. Ct. 2492, 2509 (2012) (stating that "Detaining individuals solely to verify their immigration status would raise constitutional concerns.")

-Under the Immigration and Nationality Act ("INA") § 287(a)(2) only allows immigration officials to make a warrantless arrest if they have "reason to believe" that the person is likely to escape before a warrant could be obtained. See De La Paz v. Coy, 786 F.3d 367, 376 (5th Cir. Tex. 2015) (stating that an "arrest shall be made by ICE
-Agents only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.")
-The De La Paz Court further stated ... "even if an agent has reasonable belief, before making an arrest, there must also be 'a likelihood of the person escaping before a warrant can be obtained for his arrest'", citing to 8 U.S.C. § 1357(a)(2)(5).

Reasonable suspicion for an immigration stop cannot be based "on broad profiles which cast suspicion on entire categories of people without any individualized suspicion of the particular person to be stopped." United States v. Rodriguez Sanchez, 23 F.3d 1488,

1492 (9th Cir. 1994). Rather, reasonable suspicion must be "particularized and objective," United States v. Arvizu, 534 U.S. 266, 273 (2002).

-Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detention stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States.

-Likewise, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a non citizen unlawfully in the United States. ***Race or apparent ethnicity, standing alone, cannot form the basis for reasonable suspicion. United States v. centipedes-Ponce, 422 U.S. 873, 886-87 (1975).***

-Because probable cause is a more demanding standard than reasonable suspicion, race or apparent ethnicity, standing alone, is also necessarily insufficient to form the basis for probable cause.

-Thus, the Fourth Amendment prohibits the Respondents from targeting persons on the sole basis of their brown skin or because they look "Mexican." See Hernandez v. Texas, 347 U.S. 475, 476 (1954) (identifying Mexicans as a suspect class and reversing criminal conviction of defendant of Mexican descent). Such racially motivated detentions and deportations are unconstitutional.

-There is nothing ... "vaguely suspicious about the presence of persons who appear to beof Latin origin in New Mexico where over on-third of the population is Hispanic." United States v. Corona-Sanchez, 648 F.2d 1039, 1042 (5th Cir. 1981); United States v. Rubio-Hernandez, 39 F. Supp. 2D 808, 836 (W.D. Tex. 1999) (stating that "given the percentage of Hispanic people that make up the population of West Texas," Latin American origin alone was not enough to demonstrate an individual was undocumented or concealing unauthorized immigrants); United States v. Zertuche

-Tobias, 952 F. Supp. 803, 821, n. 54 (S.D. Tex. 1996) (declining to rely on Latino ethnicity in a stop).5

-Respondents had no basis to detain Petitioner and inquire about his immigration status other than his race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than his race and ethnicity. No other salient factors existed to suggest that Petitioner might not be a citizen of the United States. Because Respondents only detained Petitioner because of his race, Respondents did not have reasonable suspicion, and the detention violated the Fourth Amendment.

-ICE is bound not only by statute and due process, but also by its national policy adopted pursuant to settlement agreement in Castañon Nava et al. v. Dep't of Homeland Sec., No. 18-cv-3757 (N.D. III.). Under this policy, ICE must consider a delineated list of factors before making an arrest, including (a) the officer's ability to determine the ₅See also, United States v. Chavez-Villareal, 3 F.3d 124, 127 (5th Cir. 1993) ("We accord no weight to Chavez-Villareal's failure to look at the patrol cars and very little his Hispanic appearance; his license plates indicate that he was from a state with a substantial Hispanic population ... the stop herein violated the Fourth Amendment."). individual's identity; (b) knowledge of the individual's prior escapes or evasions of immigration authorities; (c) the individual's attempts to flee to avoid being discovered by immigration; and (d) the individual's ties to the community, such as a family, home, or employment. Settlement Agreement, Castañon Nava et al. v. Dep't of Homeland Sec., No. 18-cv-3757 (N.D. III.), available at: https://immigrantjustice.org/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.PDF (Assessed on 04/27/2026).

-Thus, Petitioner's detention violates the Due Process Clause of the U.S. Constitution as applied to his specific facts.

At the time that Petitioner was seized at Kermit, the ICE agents failed to conduct an individualized assessment of whether Petitioner was a danger to the community.

FIFTH CAUSE

***PRAYER FOR Relief**: For the above foregoing reasons, Petitioner respectfully request that this Court take the following:*

***1.** Assume jurisdiction*

***2.** Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ICE [Field Office in El Paso] during the tendency of these proceedings and while the Petitioner remains in Respondent's custody; and*

***3.** Issue a Writ of Habeas Corpus ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding so that he may be reunited with his spouse;*

***4.** In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 3 business days unless Respondents schedule a hearing before a neutral immigration judge to provide Petitioner a constitutionally adequate process to challenge his detention;*

***5.** Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause, and the APA.*

***6.** Grant further relief as the Court deems just and proper.*
I declare under penalty of perjury that the forgoing is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.
Respectfully submitted on 8-10, *2026.*

/s _____

Jose Luis Amaya- Amaya
El Paso Service Processing Center
8915 Montana Ave.,
El Paso, TX 79925

CERTIFICATE OF SERVICE

I, ***Jose Luis Amaya- Amaya*** *certify that on the date: 8-10, 2026 that I filed the foregoing pleading with the Clerk of the Court by traditional method and I served the following parties by U.S. priority mail with tracking:*

U.S*, Acting ICE Office Director, El Paso11541 Montana Ave., Suite El Paso, TX 79925*

WARDEN OF ERO EL PASO CAMP EAST MONTANA;

TODD M. LYONS, *ERO El Paso Camp East Montana*
6920 Digital Road El Paso, TX 79936

Mark Wayne Mullin*, Secretary of the Department of Homeland Security2707 Martin Luther King Jr. Ave SE, Washington, D.C. 20528-0525****Todd Blanche****, Acting Attorney General of the United StatesUnited States Department of Justice950 Pennsylvania Avenue NW Washington, D.C. 20530I further certify that on Date: 8-10, 2026 I served the United States District Court/ Western District Court of Texas/ EL PASO DIVISION/ Office of the Clerk 525 Magoffin Ave., El Paso, TX 79901 by delivering a copy of the foregoing pleading In person.*

/S _____

Jose Luis Amaya- Amaya

C

- *IDENTIFICATION*
- *REPORT TAXES*
- *REFERENCE LETTERS*
- *COURTS ABD DECISIONS OF THE JUDGE*
- *EVIDENCES.*

March 25, 2026

Regarding: Jose Luis Amaya- Amaya

A[redacted] DOB: [redacted]

To whom it may concern,

My name is Cindy Hernandez, and I have had the privilege of knowing Jose Luis Amaya-Amaya for about 10 years.

Over the years, I have truly gotten to see the kind of person Jose Luis is, he is someone who shows up, often earlier than expected, not just in work, but in life, and for his kids. He is dependable, hardworking, and carries himself with kindness and respect in every situation.

He values his family so much, everything he does is for his family, Jose Luis is a loving and dedicated father who is always present for his children, his children miss him so much, he is the main parental role in their lives, now with this situation, his in laws; my parents are helping with the children. He also has a deep respect and love for his in laws and it shows in how he treats them with patience, care, and genuine warmth.

Jose Luis carries himself with grace and humility, and I have never known him to be disrespectful. He is the kind of person who leads by example and earns the trust and respect of those around him.

It means a lot to me to be able to speak on his behalf. I can confidently say he is a good man with a strong heart and character.

Please do not hesitate to contact me if you should require any further information.

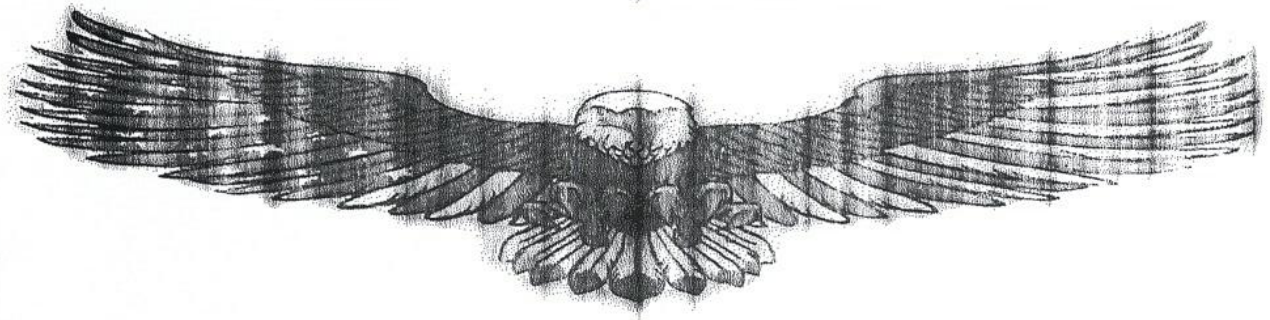
My personal details are as follow.

Full Name: Cindy Z. Hernandez

[redacted]

Sincerely,

Cindy Hernandez



GEO

Certificate of Appreciation

Presented to

Jose Amaya

Thank you for all your extensive efforts, dedicated service and invaluable contributions as part of the Voluntary Work Program at The Broward Transitional Center

Supervisor

April 14 2026

Date

AGUINAGA LAW GROUP
ABOGADOS DE INMIGRACION · IMMIGRATION ATTORNEYS

Melissa Aguinaga, Esq.
melissa@aguinagalaw.com

1420 E Concord St.
Orlando, FL 32803

P.O. Box 4116
Winter Park, FL 32793

Phone: (407) 270-9020
Facsimile (407) 730-7258

June 16, 2026

Jose Luis Amaya Amaya
[redacted]

Asunto: Audiencia Agosto 18, 2026 a la 1:00 pm.

Estimado Sr. Amaya Amaya:

La presente es para confirmar que su audiencia preliminar ("master calendar hearing") ante la Corte de Inmigración de Orlando, FL está señalada para el **18 de Agosto del 2026 a la 1:00 de la tarde**. Adjunto encontrara copia de la notificación de audiencia remitida a nosotros por la Corte de Inmigración de Orlando, FL. **Como indica la notificación, la Corte de Inmigración de Orlando, manifiesta que la audiencia será vía internet, lo cual usted tiene que tener un abogado que lo represente en la audiencia.**

Por último, es nuestro deber advertirle que de usted no comparecer a la audiencia del día 18 de Agosto ante la Corte de Inmigración de Orlando, FL el Juez podrá dictar una orden de deportación en su ausencia, por tal razón usted deberá asistir a dicha audiencia.

De usted tener alguna duda o pregunta, por favor comunicarse con nuestra oficina al (407) 270-9020.

Cordialmente,

Melissa Aguinaga, Esq.

AGUINAGA LAW GROUP
JUN 16 2026
RECEIVED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Orlando IMMIGRATION COURT

LEAD FILE: [redacted]
IN REMOVAL PROCEEDINGS
DATE: Jun 1, 2026
EAD Clock: 2237 days elapsed

TO: Legal Center for Immigration & Naturalization Serv
Aguinaga, Melissa
520 N. Semoran Boulevard
Suite 240
Orlando, FL 32807

RE: [redacted] AMAYA AMAYA, JOSE LUIS

Notice of Internet-Based Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.
URL: https://eoir.webex.com/meet/IJ.Jeffrey.Frederick

Date: Aug 18, 2026
Time: 1:00 P.M. ET
Court Address: 500 N. Orange Avenue Ste.1100
CRT #07, Orlando, FL 32801

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Removal may affect your ability to return to the United States.

Change of Address: The law requires you to notify the immediately of any change of address, telephone number, or email address you have provided, and your immigration proceedings can be conducted in your absence. Unless you submit Form EOIR-33 to the immigration court and provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at https://respondentaccess.eoir.justice.gov/en/ or by mail to the address of the immigration court listed above.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
3535 LAWTON ROAD, SUITE 200
ORLANDO, FL 32803

In the Matter of: AMAYA AMAYA, JOSE LUIS

Case No.: [redacted]

IN REMOVAL PROCEEDINGS

Legal Center for Immigration & Naturalization Serv
Aguinaga, Melissa
520 N. Semoran Boulevard
Suite 240
Orlando, FL 32807

OFFICE OF THE CHIEF COUNSEL, DHS

ORDER OF THE IMMIGRATION JUDGE

It is HEREBY ORDERED that the case be administratively closed for the following reason:

( ) Upon joint request by both parties.

(X) Other: To file an Application for I-601A Waiver

This case remains under the jurisdiction and docket control of the immigration court. If either party in this case desires further action on this matter, at any time hereafter, a written motion to recalendar the case (including a certificate of service on the opposing party) must be filed with the Office of the Immigration Court having administrative control over the Record of Proceeding in this case.

Victoria L. Gharkey
Immigration Judge
Date: 9/9/21

Appeal: NO APPEAL (A/I/E)
Appeal Due By:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [M] Alien's ATT/REP [P] DHS
DATE: 9/10/21 BY: COURT STAFF DD
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

Form EOIR 39 - 8T (Admin Close)

EOIR - 2 of 2

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 01/21/1991

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted]

File No: [redacted]

In the Matter of:

Respondent: JOSE LUIS AMAYA AMAYA currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of EL SALVADOR and a citizen of EL SALVADOR;
3. You entered the United States at or near Hidalgo, Texas, on or about May 3, 2014;
4. You were not then admitted or paroled after inspection by an Immigration Officer;
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

3900 N POWERLINE RD, POMPANO BEACH, FLORIDA 33073, BROWARD TRANSITIONAL CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on July 7, 2026 *(Date)* at 8:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

J 8894 MCLAUGHLIN - Deportation Officer
(Signature and Title of Issuing Officer)

Date: June 4, 2026

Miami, Florida
(City and State)

I, FRANCISCA CARIDAD PENALES, AM A PENSIONER WITH MY HUSBAND, ROBERTO PENALES, AND FOR THAT REASON, WE DO NOT PAY TAXES.

HOWEVER, WE CAN HANDLE JOSE AMAYA AMAYA AT ANY TIME, WE ARE TAKING CARE OF HER TWO CHILDREN NOW, AND WE HAVE NO PROBLEM TAKING CARE OF JOSE AMAYA AMAYA AS WELL.

THANK YOU FOR LOOKING AT THIS MESSAGE.

Mayo 24, 2026

Yo, Francisca Caridad Penalver, Soy Pensionada junto con mi espaso, Roberto Penalver y por esa razon nosotras no tenemos ingresos.

Pero estamos en condiciones de hacernos cargo de Ese Amigo en el momento que Salga..

En estos momentos estamos al cargo de Sus dos hijos y no tenemos ningun inconveniente de hacernos cargo de ese tiempo tambien

Agradeceremos la atencion prestada a esta carta.

Atentamente

THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION

DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number [redacted]		Case Type 1130 - PETITION FOR ALIEN RELATIVE
Received Date 07/13/2017	Priority Date 07/13/2017	Petitioner PENALVER, ELIZABETH
Notice Date 06/26/2019	Page 1 of 1	Beneficiary [redacted] AMAYA AMAYA, JOSE LUIS

ELIZABETH PENALVER
[redacted]

Notice Type: Approval Notice
Section: Husband or wife of U.S. Citizen, 201(b) INA

The above petition has been approved. The petition indicates that the beneficiary is in the United States and wishes to adjust status to that of a lawful permanent resident. A visa is not yet available for the beneficiary. Once a visa becomes available, the beneficiary may be eligible to adjust status under section 245(i) of the Immigration and Nationality Act. The priority date is the date the petition was physically received by USCIS and is shown above.

When the beneficiary becomes eligible to adjust status based on the priority date of this petition, he or she may submit a copy of this notice along with Form I-485, Application for Permanent Resident. He or she can obtain Form I-485 from the USCIS website at www.uscis.gov, by contacting the USCIS National Customer Service Center (NCSC) at 1-800-375-5283, or by visiting the local USCIS field office. Filing address information can be found on the USCIS website at www.uscis.gov. Additional information about eligibility for adjustment of status (including priority dates) can be obtained from the USCIS NCSC or by accessing the USCIS web site at www.uscis.gov.

If the beneficiary decides to apply for an immigrant visa outside the United States based on this petition once the priority date is current and the visa is available, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, to request that we send the petition to the U.S. Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

The NVC will contact the beneficiary of this petition with further information about immigrant visa processing steps.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for any benefit under the immigration laws. Such benefits, for example, change of status or adjustment of status

Please see the additional information on the back. You will be notified separately about any other cases you filed.

National Benefits Center
U. S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 648004
Lee's Summit MO 64064

USCIS Contact Center: www.uscis.gov/contactcenter

RE: Character Reference Letter for Jose Luis Amaya-Amaya

February 27, 2026

To Whom It May Concern,

I am writing this letter in strong support of Jose Luis Amaya-Amaya and to speak to his character, integrity, and dedication as a father and provider.

I have had the privilege of knowing Jose Luis for several years, and during that time I have witnessed firsthand the kind of man he is. He is a devoted father who consistently places his children's well-being, education, and emotional development above all else. His children are his greatest priority, and every decision he makes reflects his deep love and commitment to his family.

Jose Luis is also an incredibly hardworking individual. When he first arrived in this country, he faced many challenges language barriers, financial struggles, and the difficulties that come with starting over in a new place. Despite these hardships, he never gave up. Instead, he chose to work tirelessly to build a stable and secure life for his family. Through determination, discipline, and perseverance, he has overcome obstacles that would have discouraged many others.

He is dependable, responsible, and respectful. Employers and community members alike know him as someone who shows up, works hard, and fulfills his responsibilities without complaint. He takes pride in providing for his family honestly and honorably.

Beyond his work ethic, Jose Luis is a man of strong moral values. He believes in family, faith, and doing what is right. He is the type of person others can rely on in times of need. His actions consistently demonstrate integrity, humility, and compassion.

It is without hesitation that I recommend Jose Luis Amaya-Amaya as a man of outstanding character. He is a loving father, a dedicated provider, and a resilient individual who has worked hard to create a better future for his family. Any consideration given to him should reflect the positive impact he has on those around him.

If further information is needed, I would be happy to provide it.

[redacted]

Information Letter

Monday ,May 18 2026

My name is Rocio Dajui Martinez, born [redacted] *in Orlando, Florida. I am a current resident of Orlando. I met Jose Luis Amaya in early 2020 when he was struggling to keep his home afloat. It was a difficult time for everyone, and he was actively searching for work alongside my fiancé. We would pick him up before sunrise and take him back after sunset. Days were long during that period, and we all tried our very best to make the most out of the limited work available given the circumstances. Eventually, things became even more difficult and we had to combine incomes just to survive. He was a family man who needed the extra support. We lived, struggled, and pushed through those hard times together.*

As time passed, Jose and his wife Elizabeth brought two beautiful children into the world, [redacted] *They have always been outstanding parents. I cannot fully put into words how good of a father Jose was, but I can speak to what I personally witnessed. When we lived together, Jose came home every single day from Monday to Saturday after work. A construction job is never easy—it is physically and mentally exhausting—but even then, his first priority was never himself. He did not immediately eat, bathe, or rest. His only focus was being a father. He played with his children as if he were one of them. When the weather was nice, he took them outside for walks. When needed, he helped with homework to the best of his ability, made sure they were fed and cared for, and always asked about their day. He did all of this without complaint.*

On Sundays, his only day off, he dedicated his time entirely to his children- taking them swimming, fishing, or to different playgrounds. I could go on and on about his actions because I truly admired the effort and love he put into his role as a father.

Jose's absence has taken a heavy toll on his family. He was already struggling with the passing of his own father, and I know this situation has been one of the most difficult periods of his life. Elizabeth has been left with the challenge of raising and caring for two young children without their father present. It is heartbreaking to see her working day and night, doing her absolute best to keep everything together while also carrying both emotional and physical stress.

In closing, I can only speak from what I have personally seen and experienced. Based on that, I continue to stand by my view of his character as a father and as a person. I am available should any further information or clarification be needed, and I appreciate the time taken to read and consider my statement,

Best regards,

[redacted]

HAPPY Father's DAY



SUPERSTARWORKSHEETS

[redacted]

TE AMO

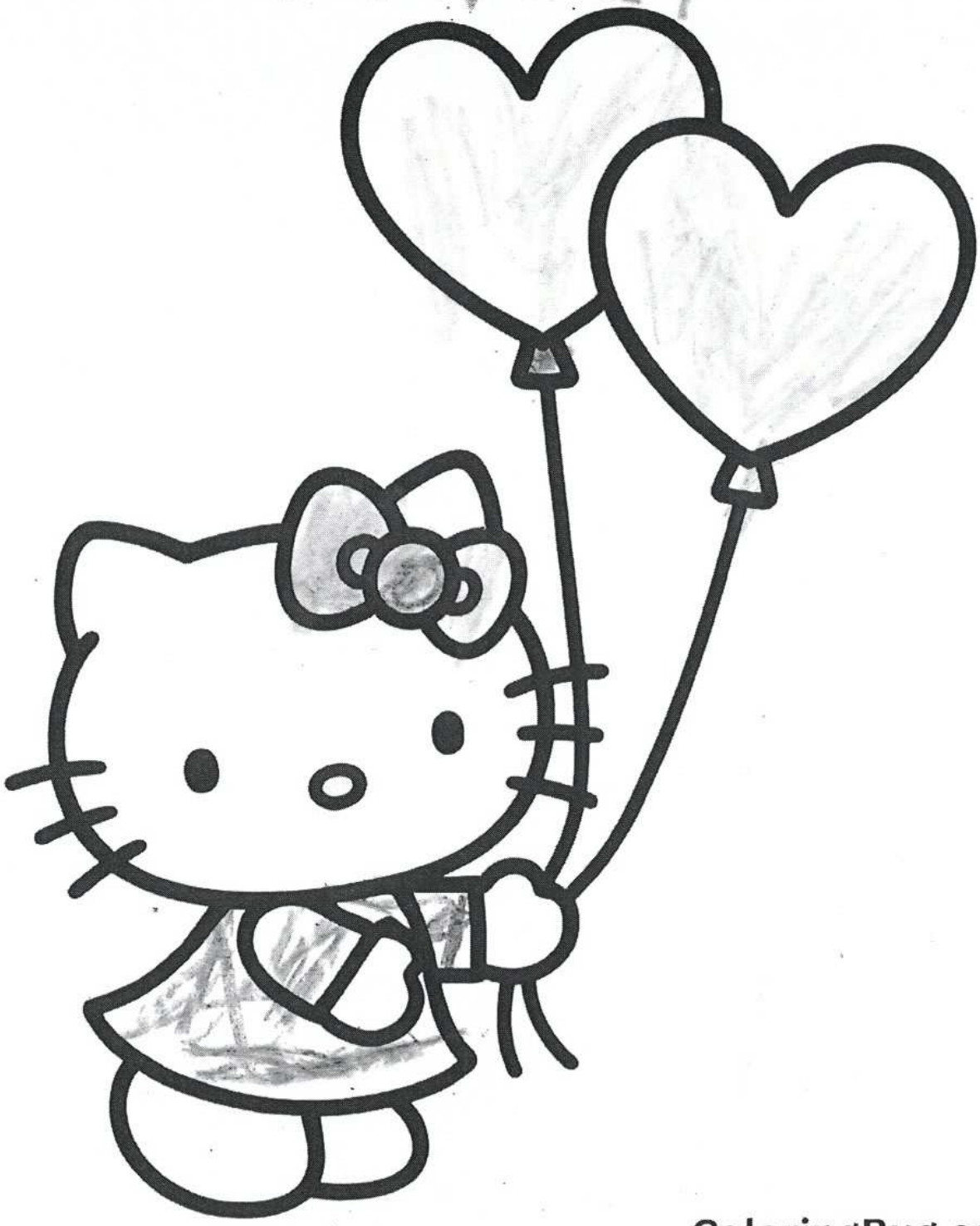


PAPÁ

Firstprintable.com



I Love You Dad



ColoringBug.com