UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JUDGE LEON SCHYDLOWER

FILED
AUG 18 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

CARBAYO-POSADAS, JARIN JONDANY

Petitioner,

v.

Warden, El Paso Camp East Montana

Caleb Vitello
Director de
U.S. Immigration and Customs Enforcement

EP26CV2154

Alejandro Mayorkas
Secretario de
U.S. Department of Homeland Security

U.S. Immigration and Customs Enforcement (ICE),a component of Departament of Homeland Security;

Respondents.

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

1. Information About the Petitioner
- Full Name: **CARBAYO-POSADAS, JARIN JONDANY**
- A-Number: [redacted]
- Nationality: HONDURAS
- Detention Facility: El Paso Camp East Montana
- Date of ICE Detention: 10/11/2026

2. Legal Grounds

Petitioner is detained pursuant to immigration authority; however, his continued detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

ICE has failed to provide Petitioner with an individualized bond hearing at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner poses either a danger to the community or a flight risk.

Petitioner has no criminal history, has strong community ties, and has complied with all prior immigration requirements. His continued detention without a meaningful opportunity to challenge the necessity of confinement is arbitrary and unreasonable.

Federal courts have authority under 28 U.S.C. § 2241 to review the legality of civil immigration detention and to order release where detention violates constitutional due process protections.

3. Claim

ICE has not met its constitutional burden to justify Petitioner's continued detention.

Petitioner is not a danger to the community and does not pose a flight risk. He has no criminal record, has established residence in the United States, and has demonstrated a history of compliance with immigration authorities. The Government has failed to show any changed circumstances, violation of conditions, or lawful justification warranting continued confinement. Detention under these circumstances constitutes an arbitrary deprivation of liberty in violation of the Fifth Amendment.

4. Relief Requested

Petitioner respectfully requests that this Honorable Court:

a. Grant the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241;

b. Order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within a reasonable time, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a flight risk;

c. In the alternative, order Petitioner's release under appropriate conditions of supervision pending resolution of his immigration proceedings;

d. Grant any other relief the Court deems just and proper.

Respectfully submitted,

/s/ CARBAYO-POSADAS, JARIN JONDANY
Petitioner, pro se
A# [redacted]
El Paso Camp East Montana
Date: 08/15/2026