JUDGE KATHLEEN CARDONE

UNITED STATES COURT
FOR THE WESTERN DISTRICT OF TEXAS

FILED
AUG 19 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

Manoume Seck, *Pro Se*

A# [redacted]

EP 26 CV 2170

Petitioner,

v.

Todd Blanche, ATTORNEY GENERAL,

Mark Wayne Mullin, SECRETARYOF THE DEPARTMENT OF HOMELAND SECURITY, Maria Deandra Ybarra,

U.S. ICE FIELD OFFICE DIRECTOR,

Respondents

Civil Action No.

PETITIO FOR THE WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241, BY A PERSON SUBJECT TO INDEFINITE IMMIGRATION DETENTION.

BACKGROUND

1. Petitioner, Manoume Seck, hereby petition this Court for a writ of habeas corpus to remedy Petitioner´s unlawful detention by Respondents, and to enjoin Petitioner´s continue unlawful detention by the Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

2. Petitioner is in physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioneris detained at the El paso Processing Center in El Paso, Texas. Petitioner is under the direct control of Respondentsand their agents.

JURISDICTION

3. The Contitution guarantees that the writ of habeas corpus is "avalable to every individual detained within the United States." *Hamdi v. Rumsfield*, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004). (citing U.S. CONST. Art. 1, §9, cl.2) This includes immigration related detention. *Zadydas v. Davis*. 533 U.S. 678. 687. 121 S. Ct. 2491. 150 L. Ed, 2d 653 (2001(. The petitioner seeking habeas relief must demonstrate they are in custody in violation of the Constitution or federal law. 28 U.S.C. §2241 (c)(3); *Walker v. Johnston*, 312 U.S. 275, 286, 61 S. Ct. 574, 85 L. Ed. 830 (1941).

EXHAUSTION OF REMEDIES

4. Petitionerhas exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

5. The Petitioner was denied a bond without proper consideration and was not given a reaso for why the bond was denied. The Petitioner does not have a violent past.

PARTIES

6. Petitioner is a naive of Senegal who came to the united States in 2023. He has lived in the U.S. for almost 3 years.

7. Respondent Todd Blanche is the Attorney General of the United Statesand is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Naturalization Act (INA). As such, Todd Blanche has ultimate custodial authority over Petitioner.

8. Respondent Mark Wayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the administration of Ice and the implementation and enforcement of the INA. As such, Mark Wayne Mullin is the legal custodian of Petitioner.

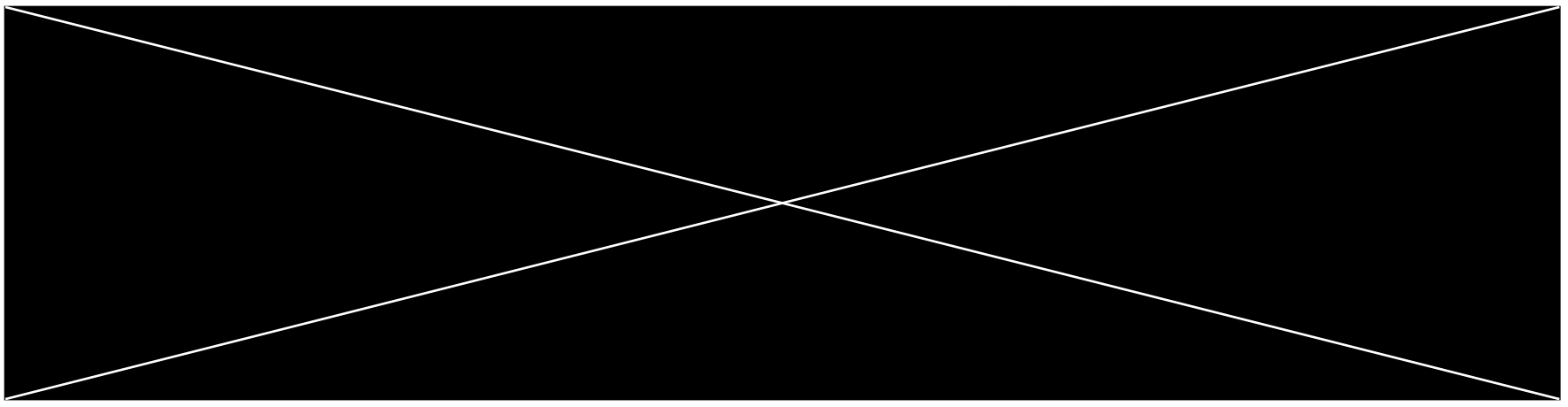
9. Respondent Maria Deandra Ybarra is the ICE Field Office Director of the EOIR Field Office of ICE and is Petitioner's immediate custodian. *See Vasquez v. reno*, 233 F3d 688, 690 (1st cir. 2000), cert. Denied, 122 S. Ct. 43 (2001).

HISTORY AND AFFIDAVIT

10. I, Manoume Seck. Petitioner was born on [redacted] in Senegal.

11. I was born in Boulel, a small village of Senegal. My father was disabled for as long as I can remember and he was not able to support me. [redacted]

[redacted]



16. For many years I have carried scars, bone fractures, body pain and emotional distress because of my experience back in my native country. The idea of returning to Senegal causes me to relive years of horror and misthreatment as a child, when I was unprotected and powerlesss. That has left me unprepared in many areas as an adult.

17. I fear I will be harm, torture or posibly killed by this organization if I return to Senegal. For all this reasons I had to flee my country.

18. In the year 2023, I came into the United States throught Lukeville Arizona ilegally. I got detained there by U.S. Customs agents for 2 days and after released with a notice to appear form. After getting released I headed to New Jersey where I have lawful born United States citezen family members.

19. I stayed living with my family in New Jersey, kept reporting to ICE and attending to all my court hearing every time.

20. On July 3rd, 2025 in New York as I was at the Immigration Courthouse for my I589 Form for Asylym, exiting the court room 2 men stopped me wearing DHS initials on their clothing and immediately put me on handcuffs with no explanation.

21. I was taken in their custody to a facility in New Jersey for about 2 months then transferred to El Paso Processing Center in El Paso, Texas.

22. I have been detained 13 months and have requested a bond hearing and I have not had an answer.

23. I have lived in the United States for almost 3 year now and I have no criminal history.

24. I pray that I may be allowed the opportunity to continue my immigration proceeding while I am out of detention. Thank you.

COUNT ONE PROCEDURAL DUE PROCESS VIOLATION LEGAL FRAMEWORK:

25. Recently, in similar habeas petitions, the Respondents have argued that the recent panel opinion of the 5th circuit in the *Buenrostro-Mendez v. Bondi* case held that the statue does not entiled people in the Petitioner´s position to a bond hearing when they are detained pending removal.

26 However, the Petitioner is not arguing on the basis of statutory interpretation. The Petitioner is challenging the violation of his Constitutional Due Process Violation.

27. In *Marceau v. Noem*, No. 3:26-cv-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) the Court states, "*Buenrostro-Mendez* has no bearing on this Court´s determination of whether [a habeas petitioner] is being detained in violation of her constitutional right to procedural due process."

28. The Petitioner is not challenging his immigration removal proceeding but he is challenging his procedural due process because he has not been given a bond hearing during which the government bore the burden of proof.

29. the Petitioner´s detention violates the Fifth Admendment´s Due Process Clause. The Fifth Amendment´s Due Process Clause forbids the government to "deprive any person… of… liberty… without due process of law."

30. To determine whether there is a procedural Due Process violation the Supreme Court has applied the "Matthew" test. "to determine whether a civil detention violates a detainee´s due process rights. court apply the three-part test set forth in *Matthew v. Eldridge*, 4243 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)." *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 U.S. Dist. LEXIS 174 415, 2025 WL 2598378, at *2 (W.D. Tex. Sept. 8, 2025).

31. The three-part test consist of (3) factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requiredments would entail."

THE FIRST FACTOR:

32. The Petitioner has been living in the United States since 2023. Therefore he has acquired a liberty interest. "Freedom from imprisonment – from government custody, detention or other forms of physical restraint – lies at the heart of the liberty [Due Process] Clause protects. *Zadvydas*, 533 U.S. at 690. In the case of *Dominguez v. Noem*, 2026 U.S.. Dist. LEXIS 3031, the Court has stated, "like many courts acroos the country dealing with similar circumstances, the Court finds Petitioner posses a strong liberty interest in his freedom from detention because he has established a life here – albeit without authorization."

33. The Petitioner came to the U.S. in 2023 and has lived in New Jersey for 3 years. He does not have any criminal history.

SECOND FACTOR:

34. The Petitioner is faced with a substantial risk of erroneous deprivation of his interest in being free from arbitrary confinement pending resolution of his removal proceeding. The risk lies in the continued deprivation of liberty because the government is not affording the Petitioner his procedural due process in the form of a bond hearing. When the Petitioner requested a bond the immigration judge denied the bond without considering any of the factors that point to him noy being a danger nor a flight risk. The Petitionerdoes not have a violent history and was denied a bond without reason. He is been deprived of liberty even though he has Fifth Amendment protection.

35. The value of additional safeguardsin a form of a bond hearing is high given that it would allow an immigration judge to conduct a hearing to determine whether continued detention is necessary and/or allow the federal court to rulr in favor of immediate release.

THE THIRD FACTOR:

36. The Petitioner does not have a violent history. The Petitioner has Lawful born U.S citizen family. His life has establishedin New Jersey for 3 years. The governments interest is generally protected by affording a bond hearing and/or supervision requirements.

37. Any fiscal or administrative burdens on the government´s part would not be significant in contrast to the fiscal and administrative necessities entailed in detaining an individual. In the history of ICE and their procedures they have always conducted bond hearing and have allowed cases similar to the Petitioner´s to be release on bonds and/or supervision requirements.

CONCLUSION:

38. the Petitioner has been detained unlawfully because he has been denied a proper bond hearing. He has not had an opportunity ti shoe that he is not a danger to the community nor a flight risk. The immigration court has not given him a hearing, during which the government bore the burden of proof to show that the Petitioner is a danger to the community or a flight risk, and to determine whether he is suitable to be releasedon a bond and/or placed on supervisionwhile his immigration case progresses. He does not havr a violent history and does not pose a threat.

RELIEF SOUGHT:

Petitionerprays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Grant petitioner a writ of habeas corpus directing the Respondents to immediate release petitioner from custody under reasonable conditions of supervision;

3) Order Respondents to refrain from transferring the petition out of jurisdiction of the ICE facility El Paso SPC, director during the pendency of this proceeding and while the petitioner remains in Respondents custody;

4) Order Respondents to grant bond hearing for petitioner to fight his case out of ICE custody due to long time of being detained.

5) Grant any other and futher relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct. Respectfully submitted this / /.

Manoume Seck, *Pro se*

A# [redacted]

El Paso SPC

8915 Montana Avenue

El Paso, Texas 79925

CERTIFICATE OF SERVICE

I, Manoume Seck, certify that a true copy of the above document (Petition for a Writ of Habeas Corpus) was served on / / , upon the following:

Western District Court of Texas

Albert Armendariz Sr, United States Courthouse

525 Magoffin Avenue

Room 105

El Paso, Texas 79901

by placing a copy of the above in the mail system at the facility where I am detained.

Manoume Seck, *Pro Se*

A# [redacted]