JUDGE KATHLEEN CARDONE

FILED
AUG 20 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

PABLO CARPIO-GUAMAN,

Petitioner,

v. Civil Action No. EP26CV2178

WARDEN, CAMP EAST MONTANA;

FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, EL PASO;

SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY; and

ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241, MOTION FOR TEMPORARY RESTRAINING ORDER, AND MOTION TO STAY REMOVAL

Petitioner Pablo Carpio-Guaman, proceeding pro se, respectfully petitions for a writ of habeas corpus under 28 U.S.C. § 2241 and requests temporary and emergency relief.

I. PARTIES

1. Petitioner is a citizen of Ecuador. His Alien Registration Number is A[redacted]

2. Petitioner is currently detained by Immigration and Customs Enforcement at **Camp East Montana**, 6920 Digital Road, El Paso, Texas 79936.

3. The Warden of Camp East Montana is Petitioner's immediate physical custodian and is the proper respondent to this core challenge to present physical detention. See Rumsfeld v. Padilla, 542 U.S. 426, 434–47 (2004).

4. The remaining Respondents are named because they exercise authority over Petitioner's immigration detention and removal.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241(a), (c)(3), because Petitioner is physically detained within this District and alleges that his custody violates the Constitution and laws of the United States.

6. Habeas jurisdiction remains available to challenge unlawful immigration detention. Zadvydas v. Davis, 533 U.S. 678, 687–89 (2001).

7. Venue is proper in this District because Petitioner is confined at Camp East Montana, within the territorial jurisdiction of this Court. For a challenge to present physical confinement, the petition ordinarily must be brought against the immediate custodian in the district of confinement. Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004).

8. Petitioner does not ask this Court to review the merits of his removal order. He asks the Court to determine whether his present detention is lawful and to prevent removal while this Court considers the legality of his custody.

III. FACTUAL ALLEGATIONS

9. Petitioner entered the United States without inspection or admission.

10. On or about **June 28, 2026**, Petitioner was leaving his home to do laundry when ICE officers apprehended him.

11. At the time of his apprehension, Petitioner was not shown an active arrest warrant, a removal order, or any other document authorizing his arrest or detention.

12. To date, Respondents have not presented Petitioner with documents sufficient to establish the legal basis for his arrest and continued detention.

13. Petitioner is currently confined at Camp East Montana.

14. The official ICE detainee locator identifies Petitioner as detained at Camp East Montana under A-Number [redacted]

15. An immigration judge entered a removal order in Petitioner's case dated **July 23, 2026.**

16. Petitioner has submitted an appeal to the Board of Immigration Appeals. The EOIR case information reflects that a BIA appeal was pending or due to be filed.

17. Petitioner seeks immediate release from custody. He does not request a bond hearing as the requested form of relief; he contends that his detention is unlawful and that he should be released.

18. Petitioner has not been provided a meaningful explanation of the statutory authority, warrant, order, or individualized findings supporting his continued detention.

IV. CLAIM ONE

Unlawful Arrest and Detention

19. Petitioner incorporates the preceding paragraphs.

20. The Fifth Amendment prohibits deprivation of liberty without due process of law.

21. Under 28 U.S.C. § 2241(c)(3), habeas relief is available when a person is held in custody in violation of the Constitution or laws of the United States.

22. Petitioner's detention began when ICE apprehended him outside his home without showing him an active warrant, removal order, or other document authorizing the arrest.

23. Respondents bear responsibility for establishing the legal basis for Petitioner's present confinement. Continued detention without disclosure of the charging documents, arrest authority, custody determination, and removal order violates due process.

24. The Court should order Respondents to produce the complete record supporting Petitioner's arrest and detention, including:

a. Any arrest warrant or warrant of removal;

b. The Notice to Appear;

c. The operative removal order;

d. Any custody determination or detention warrant;

e. Any reinstatement determination;

f. Any notice of rights or charging document served on Petitioner; and

g. Any records supporting continued detention.

25. If Respondents cannot establish lawful authority for Petitioner's present custody, the Court should order his immediate release.

V. CLAIM TWO

Continued Detention Without Adequate Legal Authority

26. Petitioner incorporates the preceding paragraphs.

27. A final removal order does not automatically eliminate the availability of habeas review concerning the legality of continued detention. Zadvydas v. Davis, 533 U.S. 678, 687–89 (2001).

28. Petitioner's appeal to the BIA is pending or has been timely submitted. Respondents should not remove Petitioner before the administrative appeal and judicial-review rights associated with that appeal have been meaningfully preserved.

29. Petitioner's detention must be supported by valid statutory authority and constitutionally adequate procedures. Respondents have not provided Petitioner with the documents necessary to establish either.

30. Petitioner therefore requests an order requiring Respondents to justify his continued detention and, absent proof of lawful authority, directing his immediate release.

VI. MOTION FOR TEMPORARY RESTRAINING ORDER

31. Petitioner incorporates the preceding paragraphs.

32. Petitioner faces irreparable harm if removed before the Court determines whether his detention and removal are legally authorized. Removal may separate him from the Court's jurisdiction, impair access to counsel and evidence, and interfere with his pending BIA appeal.

33. Petitioner has shown a substantial likelihood of success on his claim that Respondents must produce the legal basis for his arrest and continued detention.

34. The balance of equities favors preserving the status quo. Respondents suffer minimal hardship from temporarily refraining from removal while the Court determines whether Petitioner is lawfully detained.

35. The public interest favors compliance with constitutional due process and lawful immigration procedures.

36. Under Fed. R. Civ. P. 65, Petitioner requests an immediate temporary restraining order:

a. Prohibiting Respondents from removing Petitioner from the United States;

b. Prohibiting Respondents from transferring Petitioner outside this District without prior notice to the Court;

c. Requiring Respondents to maintain Petitioner at Camp East Montana or another location within this District; and

d. Requiring Respondents to disclose immediately the legal documents supporting his detention and removal.

VII. MOTION TO STAY REMOVAL

37. Petitioner also requests a stay of removal pending resolution of this petition and his pending BIA appeal.

38. The traditional stay factors include:

> "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies."
> Nken v. Holder, 556 U.S. 418, 434 (2009).

39. Petitioner satisfies these factors because:

a. The record presently does not establish the legal basis for his arrest or detention;

b. Removal before review would cause irreparable procedural and practical harm;

c. A temporary stay will not materially harm Respondents; and

d. The public interest favors lawful detention and removal procedures.

40. Petitioner requests that the Court stay execution of any removal order pending adjudication of this petition, subject to the limits of 8 U.S.C. § 1252.

VIII. REQUEST FOR ORDER TO SHOW CAUSE

41. Petitioner requests that the Court issue an order to show cause directing Respondents to answer the petition and explain:

a. The legal basis for Petitioner's arrest on or about June 28, 2026;

b. Whether an arrest warrant existed at the time of apprehension;

c. Whether a removal order existed at the time of apprehension;

d. The current status of Petitioner's BIA appeal;

e. The statutory authority for Petitioner's continued detention; and

f. Why Petitioner should not be released.

IX. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

A. Assume jurisdiction over this petition;

B. Issue an immediate temporary restraining order prohibiting Respondents from removing Petitioner from the United States or transferring him outside this District pending further order;

C. Stay execution of any removal order, to the extent authorized by law, pending resolution of this petition and Petitioner's pending BIA appeal;

D. Order Respondents to produce the complete record supporting Petitioner's arrest, detention, and removal;

E. Issue an order to show cause requiring Respondents to justify Petitioner's continued detention;

F. Grant the writ of habeas corpus;

G. Order Petitioner's immediate release from custody without requiring a bond hearing;

H. Alternatively, if the Court declines immediate release, order Respondents to provide constitutionally adequate custody review and any hearing required by law;

I. Prohibit Respondents from removing Petitioner before he receives lawful notice and an opportunity for judicial review; and

J. Grant any other relief the Court considers just and proper.

X. DECLARATION

I, Pablo Carpio-Guaman, declare under penalty of perjury under the laws of the United States that the facts stated in this petition are true and correct to the best of my knowledge and belief.

Executed on August 17, 2026.

/s/ Pablo Carpio-Guaman

Pablo Carpio-Guaman

A[redacted]

Camp East Montana

6920 Digital Road

El Paso, Texas 79936

CERTIFICATE OF SERVICE

I certify that on August 17, 2026, I served a true and correct copy of this Petition for Writ of Habeas Corpus, Motion for Temporary Restraining Order, and Motion to Stay Removal on the following:

Clerk of the Western District of Texas (El Paso Division)

525 Magoffin Avenue, Suite 105

El Paso, TX 79901

Service was made by FedEx

Pablo Carpio-Guaman

An official website of the United States government Here's how you know

EOIR Automated Case Information

Court Closures Today August 15, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Home > **CARPIO-GUAMAN, PABLO** [redacted]

Automated Case Information

Name: CARPIO-GUAMAN, PABLO | A-Number: [redacted] | Docket Date: 7/1/2026

Next Hearing Information

Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

There are no future hearings for this case.

July 23, 2026

COURT ADDRESS
26 McGREGOR RANGE ROAD
CHAPARRAL, NM 88081

BIA Case Information

An appeal is due by August 24, 2026.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
26 MCGREGOR RANGE RD – DOOR 1
OTERO, NM 88081

PHONE NUMBER
(575) 824-8900

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Facility Page

Detention Information For:

PABLO CARPIO-GUAMAN
Country of Birth: Ecuador
A-Number: [redacted]

Current Detention Facility:

ERO EL PASO CAMP EAST MONTANA
6920 Digital Road
NA
El Paso, TX 79936
Visitor Information: (915) 208-0980

MORE INFORMATION >

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - Otero County Processing Center
Phone Number: (575) 824-0440

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