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WESTERN DISTRICT OF TEXAS
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JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT

for the

Western District Court of Texas
Albert Armendariz, Sr
United States Courthouse
525 Magoffin Avenue Room 105
El Paso, tx 79901

Gabriel Meza Domegs
Petitioner

v.

the Worden
the Director of ice
the trea field office Director of ice
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. _____
(Supplied by Clerk of Court)

EP26CV2203

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

Personal Information

1. (a) Your full name: Gabriel Meza Domegs
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: Camp East Montana
   (b) Address: 6920 Dilgital Road El paso, tx 79901
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you: N/A
   (b) Docket number of criminal case: N/A
   (c) Date of sentencing: N/A
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☐ Pretrial detention
☑ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other *(explain)*: N/A

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Western District court of texas Albert Armendariz Sr United courthouse 525 Magoffin ave # 105 El paso, tx 79901.

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: I am challeging the unlawfulness of my prolonged detention over (180) days and violation of the 5th ammendment under the constitution of the due process. (Nov 19, 2008 Removal order

(d) Date of the decision or action: November 19, 2008

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: No appeal available

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: no appeals available

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: no appeals available

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:
(1) Name of court: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:
(1) Name of court: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: December 30, 2025
(b) Date of the removal or reinstatement order: November 19, 2008
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☐ No

If "Yes," provide:

(1) Date of filing: N/A

(2) Case number: N/A

(3) Result: N/A

(4) Date of result: N/A

(5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing: N/A

(3) Case number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application: N/A

(b) Name of the authority, agency, or court: N/A

(c) Date of filing: N/A

(d) Docket number, case number, or opinion number: N/A

(e) Result: N/A

(f) Date of result: N/A

(g) Issues raised: N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: November 19, 2008 since november 19th 2008 I Was order deportation from the United States (final order of removal) no action has been taking to remove me to cuba or third country (Lopez v. Wonder) case Laws.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Ice and the government failed to remove me or deport me to cuba they have 90 days and they failed, on top of that they had 11 years to try to remove me and or deport me but they couldn't because they failed to deport me to send me to cuba or a third country so because of that unforseable deportation or issuing travel document

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes ☐ No

GROUND TWO: 12/30/25 Ice detained me and since then they can't and wouldn't deport me or removal me from the United States its been more than 180 days) violated of my due process under fifth Cite been of the United States Zadvydas v. Davis) No. 99-7791 Case Laws

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Its been over 180 days) and immigration customs Enforcement (Ice) had ample time to deport me or try to remove me but they didn't put any Efforts in doing so and from Cuba country don't Want me back. thank you for cooperating with me.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes ☒ No

GROUND THREE: Ice agents lied to me and said the jail released me and they couldn't they didn't have time to come and get me When I Was in jail for a removal me and never detained me in 2008 Ice) agents are claiming they didn't have enaught time to come and get me ice will talk no action

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Ice agents including immigration court failed to remove me in november 19, 2008 When I had the order for my Removal they had 11 years to remove me or deport me so I believe there is no forseable future in removing Alien facts, failed ii and my detention and unreasonable.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No

GROUND FOUR: my lawyer for my criminaly case has never advisid me before I pleaded guilty to my felonys in(1996) - 2018 that I will face immigration consequences & didnt have any knowledge of anything padilla v. Kentucky no: 08-651

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: the Board of immigration (appeals) Cannot decide Constitutional issues. (no appeals yet)

Request for Relief

15. State exactly what you want the court to do: I am asking the federal Court to grant my Writ of Habeas Corpus and grant my immediate release from detention location Camp East Montana 6920 Digital Road El Paso tx 79901 and I want the court overturn my detiing and reverse my case of removal from the U.S and give me back my freedom.

You favored Salgado now you must favor me in this petition I will not pose a threat to public Safety nor will I be a flight Risk

thank you for Cooperating With me.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

_____

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 08/20/26



_____

Signature of Petitioner

_____

Signature of Attorney or other authorized person, if any

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT JUDGE KATHLEEN CARDONE
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Petitioner,

v.

Case No.: EP26CV2203

WARDEN, GLADES COUNTY
DETENTION CENTER, et al.

Respondents.
_____/

MEMORANDUM OF LAW

COMES NOW Petitioner Hera Domos, Gabriel a Pro Se comes before the court in good faith and amends 2 (5th) ground to his petition for writ of habeas corpus in support of this petition.

Petitioner Raises the Zadvydas v Davis claim while is a statutory challenge under § 1231(a), whether his detention, at this point "bears a reasonable relation to the purpose for which he is committed" is a question of due process under the Fifth Amendment.

Similarly, due process is the proper vehicle to challenge respondent's failure to follow their own regulations in violation of the Accardi Doctrine. See Ayala Chapa v Bondi 132 F 4th 796 799 & N3 (5th) Cir 2025.

Petitioner argues; once a non-citizen is ordered removed from the United States the INA requires that removal generally occur within ninety days. 8 U.S.C. § 1231 (a)(1)(A).

The removal period maybe extended in at least three circumstances, relevant here, a non-citizen maybe detained beyond the removal period if he is "(1) inadmissible, (2) removable as a result of a violation of statutes requirements, entry conditions or the criminal or for national security or foregoing policy reasons; or (3) a risk to the community or unlikely to comply with the removal order. If any of these grounds apply, the statute imposes no limit on the time a person may be detained. Because "[a] statue permitting indefinite detention... would raise a serious constitutional problem" the Supreme Court has "read an implicit limitation" into the statute and has held that non-citizen may only be detained for "a period reasonably necessary" to effectuate their removal. Zadvydas, 533 U.S. 689.

Petitioner argues that Cuba is a country that historically refuses repatriation of its emigres from the United States and a third country not of petitioners origin is illegal and unconstitutional, petitioner removal is not likely to happen in the foreseeable future and "if removal is not practically attainable detention no longer serves its statutory purpose of assuring the aliens presence at the moment of removal.

Petitioner detention is clearly without a valid reason it's a violation of Due Process and the Fifth Amendment of the United States Constitution as well as a violation of Equal Protection Rights.

Petitioner is challenging the legality of his detention under a framework devised by the Supreme Court for District courts to apply. See Zadvydas 533 U.S. at 682 (stating the courts limitation on post-removal detention "is subject to federal-court review"). A decision in petitioner favor would not impair ICE's ability to execute the removal order. The INA does not strip the court of Jurisdiction over this action.

Petitioner points to the merits of his Due Process claim "once a non-citizen's order of removal becomes administratively final, the government shall remove the person within 90 days." Sing v U.S. Attorney Gen 945 F3J 1310, 1313 (11th Cir 2019) (quoting 8 U.S.C § 1231(a)(1)(A)).

The Government must detain the non-citizen during the 90 day removal period, which begins when the removal under becomes administratively final, but not cannot detain indefinitely.

In Zadvydas v Davis the Supreme Court held "if removal is not reasonably foreseeable, the court should hold continue detention unreasonable and no longer authorized by statute" 533 U.S. 679, 700-01 (2001). If removal is not practically attainable, detention no longer serves its statutory purpose of "assuring the aliens presence at the moment of removal" Id at 699. The court found it unlikely Congress "believed that all reasonably foreseeable removals could be accomplished in 90 days" Id at 701. So for the sake of uniform administration in the federal courts, "it established a presumptively reasonable period of detention" of six months the 90 day removal period plus an additional 90 days. Id courts use a burden shifting framework to dodge the constitutionality of additional post-removal detention.

The government may argue that petitioner petition is premature because his current detention has exceeded 180 days. They assume a six month presumptively reasonable period of detention starts each time a non-citizen is detained. That assumption is inconsistent with Zadvydas. It would effectively allow DHS to detain non-citizens indefinitely and avoid judicial scrutiny by releasing and re-detaining them every 180 days. As the Eleventh Circuit recognized, "the Supreme Courts stated rationale for establishing a presumptively reasonable six-month period for detention pending removal supports our conclusion that is period commences at the beginning of the removal period". Akinwale v Ashcroft, 287 F3d 1050, 1052 n.3 (11th Cir 2002).

Because the six-month period for presumptively reasonable detention has expired, Zadvydas's burden shifting frameworks applies petitioner has carried his initial burden by showing a good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. The government was unable to remove him since April 4th, 2016 and the Cuban Government still will not accept him for repatriation.

On 19/11/2008, ICE attempted removal to Mexico but were unsuccessful as [redacted] refused Petitioner entry and ICE had not even obtained any travel documents. Petitioner argues that the burden thus shifts to the government. ICE has alleged third country for removal as a possibility but the attempt to carry out these removals have been an informal effort to compel voluntary departure, not an above board removal attempt that complied with statutory and constitutional requirements. See Andriasian v Immigr. and Naturalization Serv. 180 F.3d 1033,1041 (9th Cir 1999)("failing to notify individuals who are subject to deportation that they have right to apply for asylum in the United States and for withholding of deportation to the country to which they will be deported violates both INS regulations and constitutional rights to Due Process") See also D.V.D. v U.S. Dept of Homeland Security, ---F.Supp.3d ---, 2026 WL 521557 (D. Mass Feb 25, 2026) (setting aside DHS's current third country removal policy because it violates non-citizen's right to seek fear based relief under the convention against torture). ICE makes no attempt to show it has a plan in place to lawfully remove petitioner. ICE has failed to obtained or even allege a country of removal, travel document, or provide any timeline for foreseeable removability.

Petitioner detention it's clearly without a valid reason with no change in circumstances thus making it unlawful and unconstitutional.

Respectfully submitted this / /2026;

08/20/26

Olga Domeco Gabriel

[redacted]

Glades County Detention Center
1297 E SR 78
Moore Haven, FL 33471
Pro Se Petitioner