JUDGE LEON SCHYDLOWER

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

FILED
August 27, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Elizabeth Y. Martinez
DEPUTY

(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.

Hector Rene Lopez Martinez
A# [redacted]
COUNTRY: *Guatemala.*

EP26CV2208

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, Hector Rene' Lopez Martinez, born in Guatemala I had to leave my country because I faced numerous threats from gangs and was discriminated against because of my race. It was for this reason that I was forced to leave my country of birth and undertake a very difficult journey to the United States, since it is in America where Salvadoran gangs cannot find me.

-To reach the U.S, I had to pass through Mexico. In Mexico, I was very afraid because of the serious dangers there, especially for people like me who aren't natives and are just passing through on my way to the U.S, which was my ultimate goal. I was extorted by a cartel and had to pay a lot money to be allowed to cross into the U.S. in short, my journey was incredibly difficult and complicate, but I continued on my to freedom.

-On April 25/2021, I was able to enter U.S through McAllen, Texas border crossing and continued my journey to another U.S State. I applied for my documents, such as a Social Security card, work permit, and political asylum.

On April 30/2025, I was released on bond from the immigration detention center in the stated of Pennsylvania. I am being held at the detention center at 8915 Montana Ave, El paso TX, as of July 4/2026.

-Conditions at this detention center are not good. There is not enough food, and the guards treat us with discrimination, violence. Because of this, I suffer from anxiety, depression, and insomnia. I had four court appearances and am filing a complaint whit the Board of Immigration and Customs Enforcement (BIA).

-I am requesting permission to await my trial from home. Since I have always appeared before a judge, there is no risk of me fleeing. Furthermore, I have no criminal record that would affect society, so I pose no threat to society. Thank you for reading my statement. I hope you will respond a soon as possible.

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. Ill. 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 30 day, 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 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).

[5] *See 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.").*

-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.

Motion Against Transfer

Detainee: ***Hector Rene Martinez.***
A-Number: [redacted]
Current Detention Center: ***8915 MONTANA AVE EL PASO TX 79925.***
To Whom it may Concern:
I hereby submit a formal request to remain at my current detention center and to avoid any transfer to another facility.

Background

I am currently detained in the custody of Immigration and Customs Enforcement (ICE) while my immigration proceedings are active.

Grounds for the request

My transfer to another jurisdiction or detention center could substantially affect my access to case documentation and my ability to communicate with my family members and potential legal resources. Any relocation could cause unnecessary delays in my immigration proceedings and hinder the proper exercise of my due process rights.

Petition

Based on the foregoing, I respectfully request:
To remain at my current detention center.
To avoid any transfer to another detention center.
That the negative impact impact a transfer would have on the continuity of my immigration proceedings be taken into consideration.

CERTIFICATE OF SERVICE

*I, **HECTOR RENE LOPEZ MARTINEZ**, certify that on the date: 08/21/26, 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,** ER() 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 States United States Department of Justice950 Pennsylvania Avenue NW Washington, D.C. 20530I further certify that on Date: 08/01/26, 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 Hector

HECTOR RENE LOPEZ MARTINEZ.

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 08/01/26, *2026.*

/s Lopez
HECTOR RENE LOPEZ MARTINEZ
El Paso Service Processing Center
8915 Montana Ave., El Paso, TX 79925

Friday, July 7, 2026

Subject: Letter of Recommendation for Hector Rene Martinez

To Whom It May Concern:

It is a pleasure for me to provide this personal and professional recommendation for Hector Rene Martinez. I have had the opportunity to know him for about 3 years, during which I have been able to observe firsthand his ethics, integrity, and dedication.

Hector Rene Martinez stands out for his responsibility and his commitment to excellence. Throughout the time I have known him, he has proven to be a responsible person of high moral character.

Sincerely,

Jonathan Hernandez Becerril
Phone: [redacted]

Georgetown, Delaware

July 17, 2026

To Whom It May Concern:

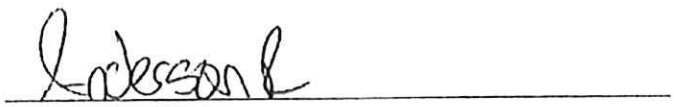
I, **Anderson Ramos Gomez**, a U.S. citizen holding Delaware state identification number [redacted] wish to express my support for and highly recommend **Hector Rene Lopez Martinez**. I have had the privilege of knowing him for three (3) years, during which time we have built a strong friendship based on trust, respect, and honesty. Through this relationship, I have come to know firsthand his character, values, and conduct in both personal and social settings.

He is a responsible, respectful, and hardworking individual who is committed to the well-being of his family and those around him. Throughout the time I have known him, he has maintained impeccable conduct and demonstrated that he is a person of good character and solid principles. I have no doubt that he will continue to act with the same level of responsibility.

For these reasons, I **recommend Hector Rene Lopez Martinez** with full confidence, as I believe he possesses the personal and moral qualities that make him deserve of favorable consideration in his immigration process.

Thank you for your time and attention to this letter; I remain available to provide any further information deemed necessary.

Sincerely,



Anderson Ramos Gomez

[redacted]

Delaware Concrete Foundation and Slabs, LLC

31241 Barnacle BLVD., Millsboro, DE 19966
Office: 302-945-1223
Email: jmiller.delawareconcrete@hotmail.com

07-13-2026

To Whom It May Concern,

I am writing this letter in support of Hector Rene Lopez Martinez, whom I have had the pleasure of knowing through our professional relationship for several years.

Our company has worked closely with JH Foundation Wall, LLC, where Hector has been an essential member of the team. Throughout the time I have known him, he has consistently demonstrated an exceptional work ethic, reliability, and professionalism. He is one of those individuals who can always be counted on to complete difficult tasks with dedication and a positive attitude.

Hector is a hardworking, honest, and dependable person who takes great pride in his work. He is a key player within his team and has earned the respect of both his coworkers and the companies with whom he works. His commitment to producing quality work, willingness to help others, and ability to handle responsibility make him an invaluable asset.

In addition to his strong work ethic, Hector has always conducted himself with integrity and respect. He is the type of person who contributes positively to those around him and consistently demonstrates good moral character.

Based on my personal observations and professional experience working with Hector, I can confidently recommend him as a person of outstanding character. I respectfully ask that you give this letter your thoughtful consideration. I sincerely believe Hector will continue to make positive contributions to his community and workplace.

If you require any further information, feel free to call at [redacted]

Sincerely,

Jerry Miller,

President,
Delaware Concrete Foundation and Slabs, LLC

[Pick the date]

LETTER OF SUPPORT

BY LUISA JUDITH GARCIA RIVERA

Date of Birth: 10/07/1994

Place of Birth: GUATEMALA

Addres: [redacted]

I, LUISA JUDITH GARCIA RIVERA, attest that this is true.

I am a family friend of HECTOR RENE LOPEZ MARTINEZ and I have known his family and him during the last few years. He is one of the most kind, respectful, and honest persons that I know. He is a person with great moral values.

I hereby promise to render him full support. I have had stable employment for at least the last 12 years. I promise to assist Ariel with all of his appointments with ICE and the Court.

Please feel free to contact me at [redacted]

Sincerely,

LUISA JUDITH GARCIA RIVERA

8/02/2026

AFFIDAVIT

By Gerson Manolo Enriquez Gonzalez

ADDRESS: [redacted]

Date of birth: [redacted]

Place of birth: Guatemala

I hereby swear that the following is true this is an affidavit on behalf of

HECTOR RENE LOPEZ MARTINEZ. During the time 12 years that I have known

HECTOR RENE LOPEZ MARTINEZ. He has impressed me with his positive attitude

Towards life and his incredible honesty. He has always shown himself to be a person of high degree of integrity and respect. HECTOR RENE LOPEZ MARTINEZ.

Has shown that he is a trustworthy, trustworthy person who can always be counted. He is very responsible and a hard- working person. I have never seen him in trouble which is why I describe him has an excellent person

Best Wishes.

GERSON MANOLO ENRIQUEZ GONZALEZ

8/02/2026

Character Reference Letter

Subject: Personal Reference for Hector Rene Martinez

To Whom It May Concern:

I am writing this letter to highly recommend Hector Rene Martinez, whom I have known for [number] years. Throughout this time, I have been able to attest to his excellent character, honesty, and solid principles.

Hector Rene Martinez is a reliable, proactive individual with a strong ability to adapt to different environments. Beyond [his/her] skills, what I value most is his positive attitude and willingness to assist others—qualities that make him a great person and collaborator.

I have no doubt that Hector Rene Martinez will exceed expectations in any responsibility he is given.

Please feel free to contact me if you require any further details regarding this reference.

Best regards,

Jose M Hernandez

Jose Hernandez Becerril

[redacted]

Georgetown, Delaware

July 17, 2026

To Whom It May Concern:

Through this letter, I, **Sheyla Reyes Espinoza**, a U.S. citizen, with Delaware state identification number [redacted] would like to express my strongest recommendation in favor of **Hector Rene Lopez Martinez**, whom I have had the pleasure of knowing for the past two years.

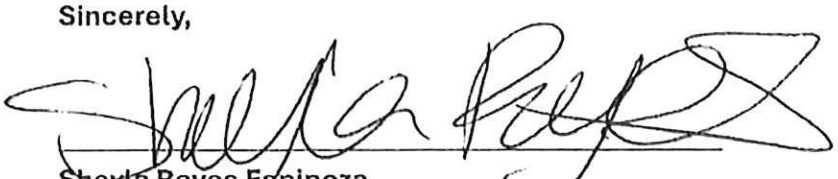
During the time I have known him, he has proven to be a person of integrity, honesty, responsibility, and a strong work ethic. He has consistently demonstrated exemplary conduct, showing respect toward others and a deep commitment to his family, friends, and community.

In addition to his personal qualities, I can attest to his good character, his willingness to help those around him, and his ability to adapt to new environments and take on responsibilities with seriousness and dedication.

I believe that **Hector Rene Lopez Martinez** possesses the values and principles necessary to become a positive member of any community. Therefore, I wholeheartedly support his application before the immigration authorities, with full confidence that he will continue to be a law-abiding individual and make positive contributions to society.

I provide this letter in good faith and with complete sincerity. I remain available to provide any additional information that may be required.

Sincerely,



Sheyla Reyes Espinoza

[redacted]

PETITION FOR A WRIT OF

HABEAS CORPUS UNDER

28 U.S.C.

Hector Rene Lopez Martinez
A[redacted]

GOD BLESS AMERICA

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God Bless America

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

SEXUAL ABUSE OR ASSAULT INVESTIGATION ADMINISTRATIVE FINDINGS NOTIFICATION

ICE takes seriously its responsibility for providing a safe, secure, and humane environment for all detainees and has a zero-tolerance policy for abusive or inappropriate behavior in its facilities to include sexual abuse or assault. In accordance with the Department of Homeland Security's *Standards to Prevent, Detect and Respond to Sexual Abuse in Confinement Facilities* (6 C.F.R. 115), this is a notice of the administrative investigative findings and any responsive actions taken in reference to the sexual abuse or assault allegation noted below.

Detainee Name Lopez Martinez, Hector	A # [redacted]
Incident Classification Sexual Assault	Incident Location Library
Incident Date 07/16/2026	Date Reported to ICE 07/16/2026
SAAPICM # [redacted]	OPR Case # [redacted]
Investigation Status CLOSED	Investigative Findings* Substantiated

Details of Any Responsive Actions Taken (Must be completed by assigned investigator or PREA Coordinator)
This is a notice as to the investigative findings and responsive actions taken in reference to the Sexual Assault reported by you on 7/16/20206 at the U.S Immigration and Customs Enforcement's (ICE) in El Paso Service Processing Center in El Paso Texas. The Investigation is closed. The finding of the investigation is deemed to be Substantiated

Should you have any questions, you may contact facility staff or your deportation officer and request to speak with local ICE Enforcement and Removal Operations (ERO) Prevention and Sexual Abuse Coordinator.

PROOF OF SERVICE[1]

Detainee Signature ?	Date 07/30/2026
Server's Name and Title PCM Velasco	Date 07/30/2026
Detainee's Preferred Language Spanish	Interpreter's ID #

DEFINITIONS OF ADMINISTRATIVE INVESTIGATION FINDINGS*

- Substantiated – an allegation that was investigated and determined to have occurred.
- Unfounded – an allegation that was investigated and determined not to have occurred.
- Unsubstantiated – an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

1 This notification must be placed in the detainee's A-file, and a copy placed in the investigative file and uploaded into SAAPICM.

* If the detainee declines to sign, proceed without signature and note refusal to sign.