JUDGE LEON SCHYDLOWER

FILED

AUG 26 2026

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



# UNITED STATES DISTRICT COURT

for the

Western District of Texas

Miguel Angel Romero Mendez

*Petitioner*

v.

**Warden, ERO El Paso Camp East Montana ; Markwayne Mullin, Sec. DHS; Todd Blanche, U.S. Attorney General; Russell Hott, FOD, Was DC Field Office ICE/ERO**

*Respondent*
*(name of warden or authorized person having custody of petitioner)*

Case No. EP26CV2213
*(Supplied by Clerk of Court)*

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

### Personal Information

1. (a) Your full name: Miguel Angel Romero Mendez

   (b) Other names you have used: _____

2. Place of confinement:

   (a) Name of institution: ERO El Paso Camp East Montana

   (b) Address: 6920 Digital Road
   El Paso, TX 79936

   (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: _____

   (b) Docket number of criminal case: _____

   (c) Date of sentencing: _____

   ☑ 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)*: Violation of Fifth Amendment rights due process rights and exceeding the limits of the Dept. of Homeland Security's ("DHS") statutory authority. I am subject to unlawful and indefinite detention. Also, Respondents violate my Eighth Amendment rights by inflicting cruel and unusual punishment.

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

(a) Name and location of the agency or court: Executive Office of Immigration Review (EOIR)

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:

Denying a bond hearing under 1226(a) and asserting that I am subject to mandatory detention under §1225(b)(2) violate my statutory rights under INA. Current policy adopted by USDHS make requesting a bond with the EOIR a futile exercise. I seek an Order ordering Respondents to hold a custody redetermination hearing or immediate release

(d) Date of the decision or action:

**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:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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

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:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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

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:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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

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:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(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:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/20/2026

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

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

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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:

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

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

**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.

**GROUND ONE:** Detention should be considered under USC Sec. §1226(a) and not §1225(b) because I am not "arriving" or "seeking admission" at a port of entry or a "recent entrant". I last entered the United States in 2010 and was detained by ICE agents on 8/20/26. I was never in immigration court proceeding until my detention.

Denying the chance to have an EORI bond redetermination hearing violates the 5th Amendment of the INA and U.S. Constitution

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

On 2010, I last entered the USA and was detained by ICE Agents during an enforcement operation on 8/20/2026. Under §1225(b)(2) I am subject to unlawful continued detention that violates the constitution and INA. There is no justification for detention. I have a strong community tie to Maryland. Prior to my detention I lived with my partner and two sons. I was a part of the church community and never been convicted of a crime. I had a stable job and was the primary financial provider for my family. I need to have the chance to defend myself in a bond hearing to demonstrate that I am not a danger to the community nor a flight risk.

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

☐ Yes ☑ No

**GROUND TWO:** In 1997, Congress amended the INA through IIRIRA, EOIR and the then Immigration and Naturalizaion Service. It was made clear that individual who had entered without inspection were eligible for consideration for bond and bond hearings before a Immigration Judge under 8 U.S.C.§ 1226.

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

On 2010, I entered the United States fleeing persecution in my country Guatemala. I've never being in immigration proceeding until my detention. My detention is not legally justifiable and is capricious and unreasonable. I respectfully ask the court to consider the merit of my request for immediate release or in the alternative release while awaiting for a bond hearing. I was first apprenhed by ICE on or about 2010 and held without the ability to seek bond. I suffer from depression and I voluntarily returned to Mexico because I fear for my life if I was to be returned to Guatemala. I was not apprehended upon my last entry and maintained a stable life for the past sixteen years

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

☐ Yes ☐ No

**GROUND THREE:** Detention under 8 U.S.C. §1225 violates due process rights under the Fifth Amendment to the U.S. Constitution as it is subject to arbitrary detention.

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

Respondents have not alleged any "special Justification" to support my continued detention. I would otherwise be eligible for a reasonable bond considering my immigration history and criminal record. I am not a danger to the community nor a flight risk. I do not have a criminal record. My due process rights are violated by keeping me in detention for a unnecessary period as it deprives me of fundamental fairness in my removal proceeding.

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

☐ Yes ☐ No

**GROUND FOUR:** The 8th Amendment of the U.S. Constitution prohibits the government from inflicting cruel and unusual punishment on individuals.

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

My continued unlawful detention constitutes cruel and unusual punishment under the 8th Amendment because I am subject to mandatory, indefinite detention based solely on Respondents' erroneous interpretation of 8 U.S.C. § 1225(b)(2). I humbly request my immediate release for humanitarian reasons, regardless of the constitutionality of my detention. My family is suffering the financial burden during my detention as I was the main financial provider for my family.

(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:

**Request for Relief**

15. State exactly what you want the court to do: respectfully request that this court grant me immediate release, or in the alternative, immediate release pending a bond redetermination hearing under 8 U.S.C. § 1226 (a) within seven days

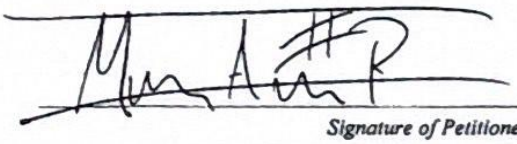
**Declaration Under Penalty Of Perjury**

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: 8-25-2026



*Signature of Petitioner*

_____

*Signature of Attorney or other authorized person, if any*

Official Website of the Department of Homeland Security

Repc

Main Menu

# Search Results: 1

**MIGUEL ROMERO-MENDEZ**

**Country of Birth :** Mexico
**A-Number:** [redacted]
**Status :** In ICE Custody
**State:** TX
**Current Detention Facility**: ERO EL PASO CAMP EAST MONTANA
** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

## Related Information

### Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

**External Links**

Bureau of Prisons Inmate Locator