AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

JUDGE KATHLEEN CARDONE

RECEIVED
AUG 27 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED
September 01, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Elizabeth Y. Martinez
DEPUTY

Manuel Cabrera León
Petitioner

v.

Field Office Director of Immigration and Customs Enforcement
JUAN LOPEZ
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. EP26CV2230
(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: Manuel Cabrera León
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: EL PASO SPC
   (b) Address: 8915 MONTANA EL PASO TX 79925
   (c) Your identification number:
3. Are you currently being held on orders by:
   ✔ Federal authorities ☐ State authorities ☐ Other - explain:
   U.S. Immigration and Customs Enforcement
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:
   ✔ Being held on an immigration charge
   ☐ Other *(explain)*: N/A

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, [illegible])

' 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)*:

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

(a) Name and location of the agency or court: EL PASO PROCESSING CENTER 8915 MONTANA 79925, U.S DEPARTMENT OF HOMELAND SECURITY IMMIGRATION

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Continued Final Order Detention by I.C.E. without a foreseeable repatriation in the reasonable foreseeable future

(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: N/A

(2) Date of filing:

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

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

(b) If you answered "No," explain why you did not appeal: Neither the Immigration Court nor the board of Immigration appeals can raise constitutional issues, and to appeal my detention when they say, they have no jurisdiction and is useless and meaningless, you are not obligated to appeal if it does not make sense.

8. **Second appeal**

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

' ✔

(a) If "Yes," provide:

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

N/A

(2) Date of filing:

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

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

(b) If you answered "No," explain why you did not file a second appeal: NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION DETENTION.

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: NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION DETENTION.

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?

✔No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(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:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

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

N/A

N/A

N/A

N/A

N/A

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: 05-08-2026

(b) Date of the removal or reinstatement order: 10-23-2014

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

✔

If "Yes," provide:

(1) Date of filing:

(2) Case number: N/A

(3) Result: N/A

(4) Date of result:

(5) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

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:

(3) Case number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

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:

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

(e) Result: N/A

(f) Date of result:

(g) Issues raised: N/A

N/A

N/A

N/A

N/A

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: Statutory Violation of 8 U.S.C. section 1231(a)(6). ZADVYDAS

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

The law authorizes post removal period detention only under constitutionally limited circumstances.2)Petitioner's continued detention violates the law because there is no significant likelihood of removal in the reasonably foreseeable future.3)Thus, as petitioner's removal is not likely in the foreseeable future, his continued detention is unlawful and violates the U.S Constitution.4)The presumptively reasonable removal period for petitioner expired including his retroactive accumulative days from his detention back in 2024 and now.

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

' Yes ✓ No

GROUND TWO: Violation of the Fifth Amendment of the U.S. Constitution, Substantive Due Process. ZADVYDAS v. DAVIS

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

The Due Process Clause of the Fifth Amendment prohibits the government from subjecting individuals to civil detention that is arbitrary, indefinite, or not reasonably related to a legitimate non-punitive governmental purpose. 2)The law addresses the Substantive Due Process component of the Fifth Amendment and held that an alien's right to Substantive Due Process could be violated by prolonged detention.3)Accordingly, even apart from any statutory violation, Petitioner's continued detention is unconstitutional.

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

' Yes ✓ No

GROUND THREE: Violation of the Fifth Amendment of the U.S. Constitution Procedural Due Process.

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

The risk of erroneous deprivations of liberty and the probable value of procedural safeguards, favors Petitioner. 2)Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and opportunity to be heard, Respondent's violates those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain.3)For this reasons, Respondent's violated Procedural Due Process under the fifth Amendment to the U.S. Constitution.

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

' Yes ✓ No

GROUND FOUR: No significant likelihood of removal in the reasonable foreseeable future.

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

To the Petitioner's knowledge ICE has not successfully obtained the necessary travel documents or landing permits from a designated country of removal.2)There is no evidence that any receiving country is willing to accept the petitioner.3)The petitioner's mother country CUBA has historically refused to aid in repatriations efforts which demonstrates that no communication channel exist to guarantee of necessary permit documentation.4) For these reasons removal is not practically possible, thus making continued detention indefinite.

(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 immigration court can consider constitutional issues, and appealing my detention when they say they have no jurisdiction is pointless.

Request for Relief

15. State exactly what you want the court to do: Wherefore,Petitioner prays that this Court Grant the following Relief: A)Exercise jurisdiction over this matter,B)Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. section 1231(a),C)Order Petitioner's immediate release from detention,D)Order such other relief as this Court may deem just and proper. E) Release me on supervision or bond.

Declaration Under Penalty Of Perjury

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

8-24-2026
Fecha

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: 8-24-2026
Fecha

Manuel Cabrera Jeon MCJ
Signature of Petitioner Firma

Signature of Attorney or other authorized person, if any

U.S. Citizenship and Immigration Services

MENU

Case Status Online

Case Was Approved

On August 11, 2026, we approved your Form I-601, Application for Waiver of Grounds of Inadmissibility, Receipt Number [redacted]. We sent you an approval notice. Please follow the instructions in the notice. If you do not receive your approval notice by August 26, 2026, please go to www.uscis.gov/e-request. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

AFFIDAVIT OF FAMILY HARDSHIP

I, Yuselys Ramos Zambrano, being duly sworn, declare under penalty of perjury that the following is true and correct:

1. I am the wife of Manuel Cabrera Leon.
2. My husband is the primary provider for our household and financially supports our family.
3. Since his detention in December in LaBelle, Florida, our family has faced extreme financial and emotional hardship.
4. We have a child with a diagnosed condition of autism, which requires constant care, emotional stability, and ongoing financial support.
5. The absence of his father has significantly affected our child's routine, emotional well-being, and stability.
6. My husband has always been a loving, responsible, and dedicated father.
7. He does not represent a danger to the community or any individual. He is a hardworking man of good moral character.
8. He worked long hours in his barbershop to provide for our family.
9. His continued detention is causing severe hardship to our household.

I respectfully request that he be granted release. In the alternative, I request that a reasonable bond be set so he may return home and support his family while his case is pending.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30 day of April, 2026.

Signature: _____

STATE OF FLORIDA
COUNTY OF Lee

Sworn to and subscribed before me this 30 day of April, 2026.

_____
Notary Public

RYAN ESPINOSA
Notary Public - State of Florida
Commission # HH 333650
My Comm. Expires Nov 17, 2026
Bonded through National Notary Assn.

AFFIDAVIT OF CHARACTER (FAMILY FRIEND)

I, Yudmila Vega, being duly sworn, declare under penalty of perjury that the following is true and correct:

1. I am a close friend of the family of Manuel Cabrera Leon.
2. I have personal knowledge of his character and family situation.
3. He is a hardworking, respectful, and responsible man who is deeply dedicated to his family.
4. He is the primary provider for his household, supporting his wife, **Yuselys Ramos Zambrano**, and their child.
5. Their child has a diagnosed condition of autism, which requires stability, care, and financial support.
6. Since his detention, I have witnessed the emotional and financial hardship his family is experiencing.
7. Manuel Cabrera Leon is not a danger to the community or to any individual. He is a man of good moral character.
8. He worked long hours in his barbershop to provide for his family.

I respectfully request that he be granted release. In the alternative, I request that a reasonable bond be set.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30 day of April, 2026.

Yudmila Vega

STATE OF FLORIDA
COUNTY OF Lee

Sworn to and subscribed before me this 30 day of April, 2026.

Notary Public

RYAN ESPINOSA
Notary Public - State of Florida
Commission # HH 333650
My Comm. Expires Nov 17, 2026
Bonded through National Notary Assn.

Date: 7/14/26

SUBJECT: LETTER OF REFERENCH FROM MEMBER OF RELIGIOUS COMMUNITY IN SUPPORT OF MANUEL CABRERA LEÓN

To Whom It May Concern:

My name is Misael Rodriguez, and I have the privilege of knowing **Manuel Cabrera León** as an active and valued member of our religious community.

I have had the opportunity to share with Manuel in activities, meetings, and services for approximately 15 years. During this time, I have witnessed his sincere faith, his commitment to the principles that guide us, and his constant desire to serve others.

Manuel is a respectful, honest, hardworking person with strong values. He is always willing to collaborate and support our community in selfless ways. His positive attitude, integrity, and love for his family are evident in everything he does.

His absence has had a very difficult impact on his family and on our community, because he is someone we all trust and appreciate. His presence is a great blessing, and his example inspires others.

For all the reasons above, I respectfully request that this letter be taken into consideration when evaluating his immigration case. I sincerely believe that Manuel Cabrera León deserves the opportunity to continue his process while remaining with his family and our community.

I declare that the content of this letter is true and is based on my personal knowledge and my relationship with Manuel within our religious community.

Thank you for your time and consideration.

Sincerely,

Full Name: Misael Rodriguez

Signature: [redacted]

Position / Role in the Community: [redacted]

Name of Religious Community: Testigo de Jehova

Address: [redacted]

City, State and ZIP Code: [redacted]

Phone: [redacted]

Email (optional): [redacted]

SUBJECT: LETTER OF REFERENCE
IN SUPPORT OF MANUEL CABRERA LEÓN

To Whom It May Concern:

My name is Edwin Muñoz, and through this letter I wish to express my support for **Manuel Cabrera León.**

I have been Manuel's client for approximately 4 years. During that time, I have had the opportunity to know him not only as an excellent barber, but also as a hardworking, honest, respectful person who is deeply committed to his family and our community.

Over the years I have seen him build his business with hard work, dedication and sacrifice. He has always treated his customers with kindness, respect and professionalism, which has earned him the trust and appreciation of many people.

In my personal experience, Manuel has always demonstrated to be a person of good moral character. He is someone who is willing to help those in need and who works honestly to support his family. I have never known him to engage in violent behavior or to be a danger to the community.

His absence has deeply affected his family, his customers and all those who have had the privilege of knowing him throughout the years.

For all the reasons above, I respectfully request that this letter be taken into consideration when evaluating his immigration case. I sincerely believe that Manuel Cabrera León deserves the opportunity to continue his process while remaining with his family and his community.

I declare that the information in this letter is true and is based on my personal knowledge and experience with Manuel Cabrera León.

Thank you for your time and consideration.

Sincerely,

Full Name: Edwin Muñoz

Signature: Edwin Muñoz

Address: [redacted]

City, State and ZIP Code: [redacted]

Phone: [redacted]

Email (optional):

SUBJECT: LETTER OF REFERENCE FROM CLOSE FRIEND IN SUPPORT OF MANUEL CABRERA LEÓN

To Whom It May Concern:

DATE: 7/14/26.

My name is Ernesto Severo Santos, and I would like to express my support for my close friend, **Manuel Cabrera León.**

I have known Manuel for approximately 5 years. Our friendship has been built on trust, respect, and mutual support. Over the years, I have had the opportunity to know him deeply and to be a witness to his character, his values, and his dedication to his family, his work, and our community.

Manuel is an honest, responsible, hardworking, and loyal person. He is always willing to help others without expecting anything in return. He is a friend you can fully trust, someone who keeps his word and who always acts with integrity.

I have seen firsthand his constant effort to move forward and to build a better future for his family. Despite challenges and difficulties, he has never given up and always maintains a positive and persevering attitude.

His absence has had a very negative impact on his family, his friends, and everyone who knows him, as he is a very appreciated and valued person.

For all the reasons above, I respectfully request that this letter be taken into consideration when evaluating his immigration case. I sincerely believe that Manuel Cabrera León deserves the opportunity to continue his process while remaining with his family and his community.

I declare that the content of this letter is true and is based on my knowledge of Manuel and on the friendship I have with him.

Thank you for your time and consideration.

Sincerely,

Full Name: Ernesto Severo Santos Vega

Signature: [redacted]

Address: [redacted]

City, State and ZIP Code: [redacted]

Phone: [redacted]

Email (optional): [redacted]

City, State
Date: 7/15/2026

SUBJECT: LETTER OF REFERENCE FROM NEIGHBOR IN SUPPORT OF MANUEL CABRERA LEÓN

To Whom It May Concern:

My name is Luis Santa Clara, and I am a neighbor of **Manuel Cabrera León.**

I have had the pleasure of knowing Manuel and his family for approximately 2 years, since we live in the same community or neighborhood.

Manuel is a hardworking, honest, respectful, and family-oriented person. I have always seen him striving to move forward and to provide the best for his loved ones. He is someone you can trust and who is always willing to help others.

As a neighbor, I can say that Manuel is a very respected person in our community. I have never witnessed any inappropriate behavior or anything that would represent a danger to the safety of our neighborhood. On the contrary, he is always concerned about maintaining a peaceful and harmonious environment.

His absence has had a negative impact on his family and on our community, as he is someone very appreciated and well-liked by everyone who knows him.

For all the reasons above, I respectfully request that this letter be taken into consideration when evaluating his immigration case. I sincerely believe that Manuel Cabrera León deserves the opportunity to continue his process while remaining with his family and his community.

I declare that the content of this letter is true and is based on my personal knowledge and experience as his neighbor.

Thank you for your time and consideration.

Sincerely,

Full Name: Luis Santa Clara
Signature: [redacted]
Address: [redacted]
City, State and ZIP Code: [redacted]
Phone: [redacted]
Email (optional): _____