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

Alejandro Barraza Ramirez.

JUDGE KATHLEEN CARDONE

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Petition for a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (pro-se)

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF TEXAS DIVISION
EL PASO

EP26CV2229

Alejandro Barraza Ramirez
COUNTRY: MEXICO
A#: [redacted]
PETITIONER:
MARY DE ANDA-YBARRA, *Field Office Director of Enforcement and Removal Operations El Paso Field Office, Immigration and Customs Enforcement;*
WARDEN OF DE ERO, EL PASO PROCESSION
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;*
ANDANTE 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. § 2241

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A

INTRODUCTION

INTRODUCTION

*I, **Alejandro Barraza Ramirez citizen of Mexico**. I escaped from my country for the following reasons, in my country specifically in my city. I have been extorted several times by the Narcos, this was so often that I was forced to leave the country immediately.*

Thanks God u could reach the border with the United States safely and I entered through the Arizona port and there was where I requested political asylum because I was and I am afraid about my life if I am deported to Mexico.

When I entered to the United States, I applied for all the permits to work in a legal way. I got the work permit, social security number and drivers license which were delivered very quick
I have remained 6 years in America where I built my family and now I got citizen children. The reasons why I still fighting for my staying in this country and keep taking care of them as I promised.
I found myself in a case before the BIA which takes a lot of time. So I feel that remain under detention is not fair because my family depends absolutely in me, it means that I am the head of the house holding.
In August 18 2026 I was in an immigration appointment with ICE, when I presented on the appointment in El Paso Texas I was detained by ICE officers and after delivered to the detention center at 8915 Montana Ave. El Paso

Texas. And is where I am in this moments. I wanna tell you that I am a hard worker and with good moral character.

When I arrived to the detention center I received a lot of mistreat by the hand of the security guards that are in charge of the detainees, the medicine and the medical treatments are really bad, they treat us in a very disgusting way, in the dormitories the hygiene is horrible where we have the propensity to get a disease or a bacteria.

This is why I found myself presenting this sue before the honorable court to review my case in a fair way and let me wait my procedure from my home and in that way to be with my family specially with my sons that are American citizens and they depend absolutely of me, because I do not consider myself as a flight risk because I never stopped assisting to my appointments with ICE either unaccomplished the courts with my immigration judge. I am not a flight risk because I do not have a criminal background of any kind that could harm the society. I mean I am a person with a very good moral behavior.
Thank you so much for reading my declaration and I wait your soon response, God bless you.

God bless America.

B

JURISDICTION

JURISDICTION

-This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101, et seq., and the Administrative Procedures Act ("APA"), 5 U.S.C. § 701, et seq.

-This Court has subject matter jurisdiction over this petition and may grant relied pursuant to 28 U.S.C. §§ 2241, 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause); the All-Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

-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 5.bond hearing before a neutral arbiter. See also, Lopez-Arevelo 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

- 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. III. 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."*

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 Court for the Western District Court of Texas, the judicial district in which Petitioner resides.

V. LEGAL FRAMEWORK

*-Habeas petitioners must show they are "in custody in violaton 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.

VI First Cause of Action

-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

-Petitioner's Detention Violates the Administrative Procedures Act, 5 U.S.C. § 706(2).Petitioner's detention violates the INA and its regulations, pending his 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.

VII. Second Cause Of Action

-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).

VIII. Third Cause Of Action

-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.")

- 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. As such, Petitioner's mandatory detention is unreasonable. Maldonado held that an individualized bond hearing was the appropriate remedy in such a case to provide a safeguard against indefinite detention. Id. at 812. Respondents have exceeded their authority to detain Petitioner, and an individualized bond hearing before a neutral adjudicator is justified on the facts of this case.

-{196 L. Ed. 2d 490}{137 S. Ct. 472} The parties are directed to file supplemental briefs addressing {196 L. Ed. 2d 491} the following questions: 1) Whether the Constitution requires that aliens seeking admission to the United States who are subject to mandatory detention under 8 U.S.C. § 1225(b) must be afforded bond hearings, with the possibility of release into the United States, if detention lasts six months. 2) Whether the Constitution requires that criminal or terrorist aliens who are subject to mandatory detention under Section 1226(c) must be afforded bond hearings, with the possibility of release, if detention lasts six months. 3) Whether the Constitution requires that, in bond hearings for aliens detained for six months under Sections 1225(b), 1226(c), or 1226(a), the alien is entitled to release unless the government demonstrates by clear and convincing evidence that the alien is a flight risk or a danger to the community, whether the length of the alien's detention must be weighed in favor of release, and whether new bond hearings must be afforded automatically every six months. The briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Tuesday, January 17, 2017. Amicus{2016 U.S. LEXIS 2} briefs may be filed with the Clerk and served upon counsel on or before 2 p.m., Friday, January 27, 2017. Reply briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, February 6, 2017. The word limits and cover colors for the briefs should correspond to the provisions of Rule 33.1(g) pertaining to briefs on the merits rather than to the provision pertaining to supplemental briefs.

-{155 L. Ed. 2d 729} Under the Immigration and Nationality Act, 8 U.S.C. § 1226(c) [8 USCS § 1226(c)], "the Attorney General shall take into custody any alien who" is removable from this country because he has been convicted of one of a specified set of crimes, including an "aggravated felony." After respondent, a lawful permanent resident alien, was convicted in state court of first-degree burglary and, later, of "petty theft with priors," the Immigration and Naturalization Service (INS) charged him with being deportable from the United States in light of these convictions, and detained him pending his removal hearing. Without disputing the validity of his convictions or the INS' conclusion that he is deportable{2003 U.S. LEXIS 2} and therefore subject to mandatory detention under § 1226(c), respondent filed a habeas corpus action challenging § 1226(c) on the ground that his detention thereunder violated due process because the INS had made no determination that he posed either a danger to society or a flight risk. The District Court agreed and granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing, after which respondent was released on bond. In affirming, the Ninth Circuit held that § 1226(c) violates substantive due process

as applied to respondent because he is a lawful permanent resident, the most favored category of aliens. The court rejected the Government's two principal justifications for mandatory detention under § 1226(c), discounting the first--ensuring the presence of criminal aliens at their removal proceedings--upon finding that not all aliens detained pursuant to § 1226(c) would ultimately be deported, and discounting the second--protecting the public from dangerous criminal aliens--on the grounds that the aggravated felony classification triggering respondent's detention included crimes (such as respondent's) that the court did not{2003 U.S. LEXIS 3} consider "egregious" or otherwise sufficiently dangerous to the public to {155 L. Ed. 2d 730} necessitate mandatory detention. Relying on Zadvydas v. Davis, 533 U.S. 678, 150 L. Ed. 2d 653, 121 S. Ct. 2491, the court concluded that the INS had not provided a justification for no-bail civil detention sufficient to overcome a permanent resident alien's liberty interest.

- Section 1226(e) --which states that "the Attorney General's discretionary judgment regarding the application of this section shall not be subject to review" and that "[n]o court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien"--does not deprive the federal courts of jurisdiction to grant habeas relief to aliens challenging their detention under § 1226(c). Respondent does not challenge a "discretionary judgment" by the Attorney General or a "decision" that the Attorney General has made regarding his detention or release. Rather, respondent challenges the statutory framework that permits his detention without bail. Where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear. E.g., Webster v. Doe, 486 U.S. 592, 603, 100 L. Ed. 2d 632, 108 S. Ct. 2047.{2003 U.S. LEXIS 4} And, where a provision precluding review is claimed to bar habeas review, the Court requires a particularly clear statement that such is Congress' intent. See INS v. St. Cyr, 533 U.S. 289, 308-309, 298, 327, 150 L. Ed. 2d 347, 121 S. Ct. 2271. Section 1226(e) contains no explicit provision barring habeas review.

-The District Court agreed with respondent that § 1226(c)'s requirement of mandatory detention for certain criminal aliens was unconstitutional. Kim v Schiltgen{2003 U.S. LEXIS 10} , No. C 99-2257 SI {538 U.S. 515} (Aug. 11, 1999), App. to Pet. for Cert. 31a-51a. The District Court therefore granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either a flight risk or a danger to the community. Id., at 50a.

GROUND TWO:

I invoke the Accardi doctrine:

-(a) Supporting facts

an agency has to follow its own rules and regulations. see united states ex rel. Accardi vs Shaughnassy,347 U.S 260(1954).ICE skipped its own procedural steps required by its own rule book before revoking my liberty. see Robbie vs Bondi, 803f.supp 3d 766,767,774(D.MINN.2025) agency deviation from its own regulations may justify relief in a case otherwise properly before the court. jean vs Nelson 727f2D,957,976(11CIRC.1984)

-Under the Accardi doctrine, "an administrative agency is required to adhere to its own internal operating procedures." Church of Scientology of Cal. v. United States, 920 F.2d 1481, 1487 (9th Cir. 1990) (citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268, 74 S. Ct. 499, 98 L. Ed. 681 (1954)). In accordance with this principle, agencies must follow a regulation if they promulgate one

*-To establish an APA claim under the Accardi doctrine, Martinez must show both that (1) the Government violated its own regulations, and (2) Martinez suffer substantial prejudice as a result of that violation. See Al Otro Lado, Inc. v. Mayorkas, 2024 U.S. Dist. LEXIS 179081, 2024 WL 4370577, at *8-9 (S.D. Cal. Sept. 30, 2024).*

GROUND THREE:

this court has jurisdiction under section 28 u.s.c § 2241 the suspension clause U.S const.art I§9,CL.

(a) Supporting facts (Be brief. Do not cite cases or law.
The district court agreed with respondent that §1226(c)'s requirement of mandatory detention for certain criminal alien was unconstitutional. Kim V Schiltgen {2003u.s.515} (Aug.11.1999),app. to pet. for cert.31a-51a.the district court therefore granted respondents petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either risk or a danger to the community. id.,at50a.

GROUND FOUR:

-the government has striped me of my liberty without affording me adequate notice or opportunity to be heard. government violate and continues to violate the"great and blessed U. S. Const. fifth amendment".

(a) Supporting facts (Be brief. Do not cite cases or law.
The fifth amendment prohibits deprivation of an individual's liberty without due process of law. U.S constitution see Harper 520 us 143,147-4801997.see romeo vs ladwig non citizen's have an overwhelming liberty interest that cannot be taken away without due process.

Motion Against Transfer

Detainee: ***Alejandro Barraza Ramirez***
A-Number: [redacted]
Current Detention Center: ***8915 MONTANA AVE EL PASO TX.***
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, including a pending appeal before the Board of Immigration Appeals (BIA).

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.

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).

PRAYER FOR RELIEF: *For the above foregoing reasons, Petitioner respectfully request that this Court take the following:*

1- Assume jurisdiction

2 -Motion To Expedite Review Of Writ of ***Habeas Corpus***

3-Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ***ICE [Field Office in El Paso]*** *during the pendency of these proceedings and while the Petitioner remains in Respondent's custody;*

4- Issue a ***Writ of Habeas Corpus*** *ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding;*

5 -In the alternative, issue a Writ of ***Habeas Corpus*** *and order Petitioner's release within 2 business days unless Respondents schedule a hearing before a neutral immigration judge to provide* ***Alejandro Barraza Ramirez,*** *a constitutionally adequate process to challenge his detention;*

6-Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause, and the APA.

7-Grant such further relief as the Court deems just and proper.

Respectfully submitted on 08/24/ ***2026.***

/s Alejandro B.R.
Alejandro Barraza Ramirez

El Paso Service Processing Center
8915 Montana Ave.,
El Paso, TX 79925

CERTIFICATE OF SERVICE

*-I, **Alejandro Barraza Ramirez**, certify that on the date: 08/24 (___, 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:*

***Mary De-Anda-Ybarra**, Acting ICE Office Director, El Paso11541 Montana Ave., Suite El Paso, TX 79925*

WARDEN OF ERO EL PASO CAMP EAST MONTANA.

***David J. Venturella**, ERO 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: 08/24 ___, 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 Alejandro B.R.

Alejandro Barraza Ramirez.

C

.IDENTIFICATION

.COURTS ABD DECISIONS OF JUDGE.

.EVIDENCE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

Hurtado, Edwin Aziz
Alonso and Alonso, Attorneys at Law
P.O. Box 831391
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DHS/ICE Office of Chief Counsel - ELP
11541 MONTANA AVE, SUITE O
El Paso, TX 79936

Name:
ALVAREZ-RUBIO, BANEZA GUADALUPE [redacted]

Riders:

Date of Notice: 08/15/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 08/14/2025 , in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: LulsegeS

CC

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Hurtado, Edwin Aziz
Alonso and Alonso, Attorneys at Law
P.O. Box 831391
San Antono, TX 78283

DHS/ICE Office of Chief Counsel - ELP
11541 MONTANA AVE, SUITE O
El Paso, TX 79936

Name: ALVAREZ-RUBIO, ...

A [redacted]

Riders: [redacted]

Type of Proceeding: Removal

Date of this notice: 8/15/2025

Type of Appeal: Case Appeal

Filed by:Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 8/14/2025 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board of Immigration Appeals (Board or BIA) issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is located within EOIR's Policy Manual, and is available on EOIR's website at www.usdoj.gov/eoir.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. *See* 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS**: section below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

Userteam:

Mi nombre es Jennifer Prieto Barraza,
vivo en la direccion [redacted]

Soy prima de Alejandro Barraza Ramirez,
el es muy buen padre y esposo, siempre
buscando y trabajando para darles lo mejor,
las cuida y las protege mucho.
La familia y sus amistades lo apreciamos
porque es muy servicial y buena persona.

JennyP
8/20/26

[redacted]

I am writing this letter to support my friend and former coworker Alejandro Knowing Him as a close friend and Coworker he is really responsible and good provider for his family. He works hard to achive his goals. As A family friend for Him I can say He is an exelent father and hous provider. Alejandro is the Kind of person that will give you anything to Keep a good relasionship. As a coworker Alejandro is always pushing himself to become better and always looking for better oportunities.

I hear by ask court respectfully that Alejandro should deserve another oportunity. Thank you for your time and your consideration.

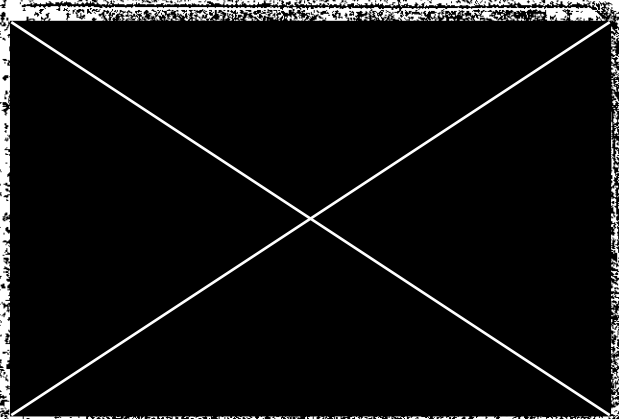
Irvin Sanchez

[redacted]

Mi Nombre es Jesus Prieto Vivo en la Direccion [redacted]

Soy Primo de Alejandro Barraza Ramirez, lo conozco desde que eramos Niños, vivimos juntos por un tiempo y fuimos a la misma escuela siempre a sido un buen hombre, Responsable y trabajador, siempre Mirando Por su familia Cuidando de sus hijas y esposa y Apoyando a sus Padres en lo que necesiten.

8-20-26



Mi nombre es Lydia Barraza De Ortega
y tengo mi domicilio en [redacted]

Soy tia del Sr. Alejandro Barraza Ramirez
y puedo constatar que es un excelente Padre y
esposo, siempre trabajando fuertemente buscando
el bienestar de su familia. Es una persona
educada, tranquila y con un caracter amable
y servicial tanto con su familia como con
todas las demas personas que lo rodean,
con sus companeros de trabajo, amigos, conocidos
y con la poblacion en general.
Es muy querido y apreciado por todos los que
lo conocemos y convivimos con él, se dedica
de tiempo completo a cumplir con su trabajo
y a cuidar de sus hijas y de su esposa

Lydia Barraza
8-20-26

[redacted]

I am writing this letter in support of my friend and coworker, Alejandro. Having known him closely, I can attest that he is a hard working, dependable, and caring individual who takes his responsibilities seriously and works diligently to accomplish his goals.

Alejandro is always there for his friends when they need support, and I have personally witnessed his willingness to help others. He is respectful, loyal, and genuinely cares about the people around him. His character is defined by his strong work ethic, his positive relationships, and his ongoing desire to better himself.

I respectfully ask the Court to take into consideration the person I know Alejandro to be. Thank you for your time and for considering my perspective on Alejandro's character.

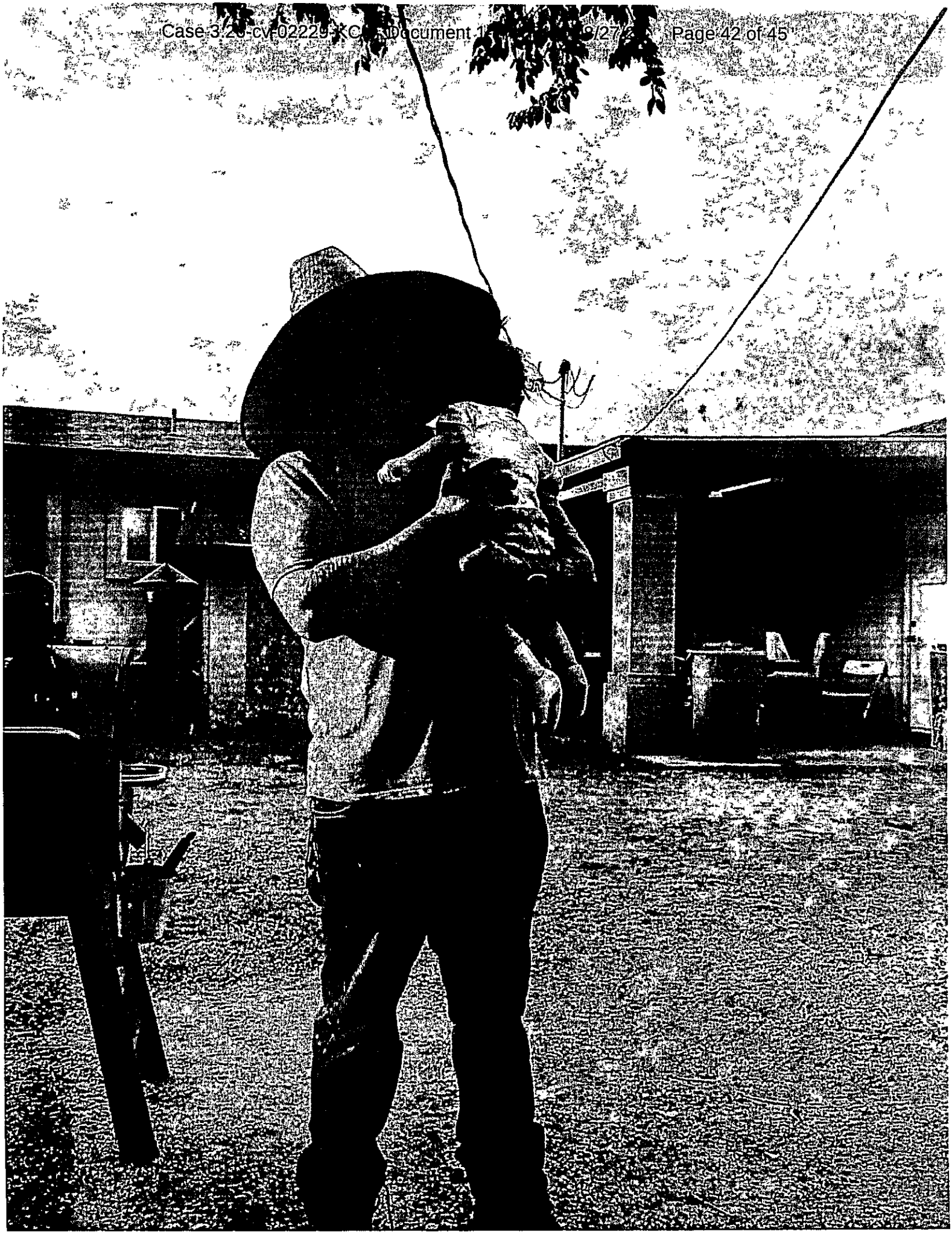
Sincerely,

Alex Valdez

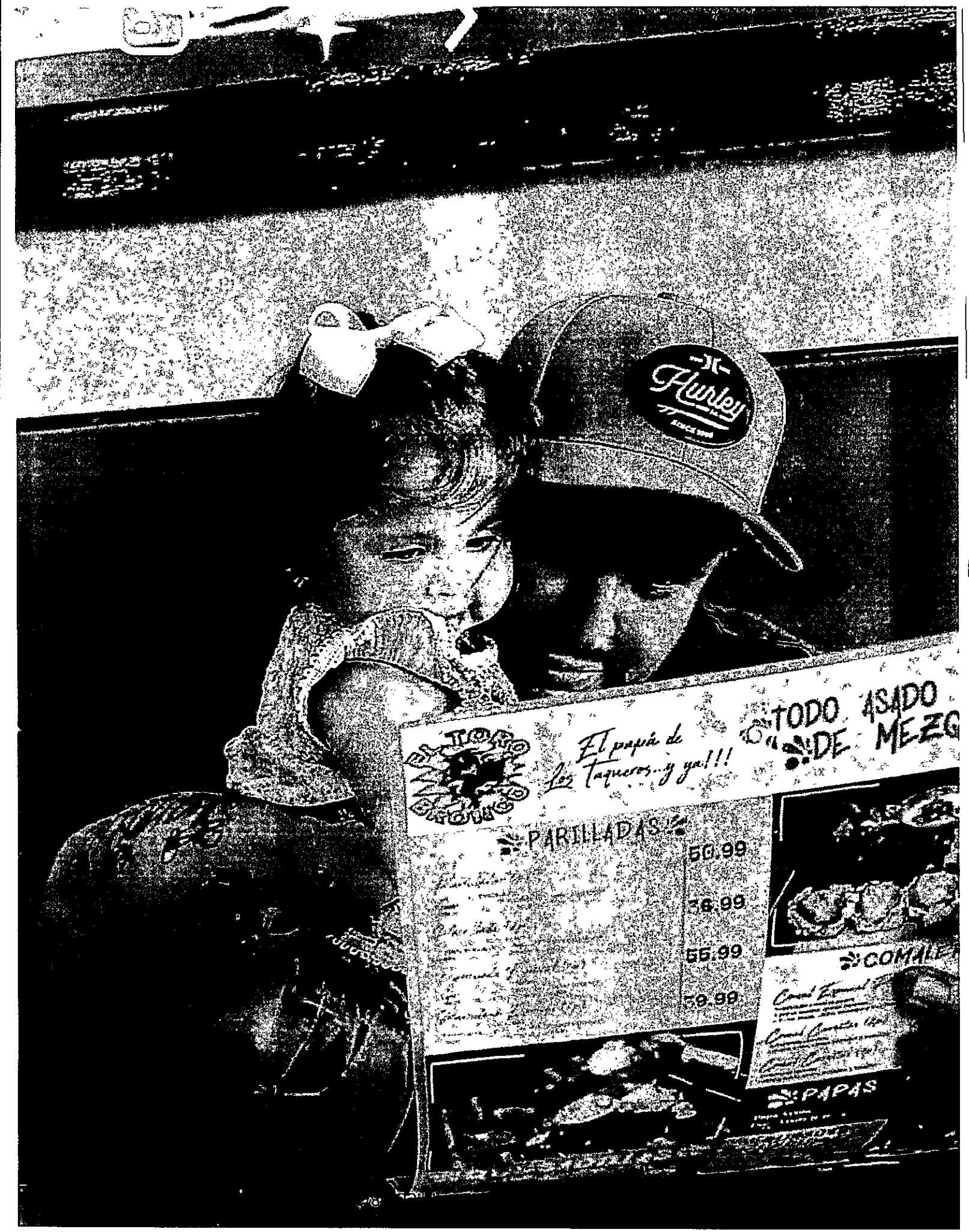
[redacted]

[redacted]








Hurley
TODO ASADO
DE MEZQ
El papá de
Los Taqueros...y ya!!!
PARILLADAS
50.99
56.99
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