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

Instructions

1. **Who Should Use This Form.** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
   - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
   - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
   - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

   All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. Do not use the back of any page.

   No citation of authorities need be furnished. If a brief or additional argument is submitted. It should be submitted in the form of a separate memorandum of law, not to exceed 20 pages in length absent prior leave of Court.*

4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

5. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

6. **Submitting Documents to the Court.** Mail your petition and one copy to the clerk of the United States District Court for the district and division in which you are confined (see below). All copies must be identical to the original. Copies may be legibly hand written. If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.*

Miami Division	Fort Lauderdale Division	West Palm Beach Division
Clerk, U.S. District Court	Clerk, U.S. District Court	Clerk, U.S. District Court
400 N. Miami Ave., #8N09	299 E. Broward Boulevard	701 Clematis Street
Miami, FL 33128	Fort Lauderdale, FL 33301	West Palm Beach, FL 33401

7. **Change of Address.** You must immediately advise the Court of any changes of address by filing a "Notice to the Court of Change of Address." This notice should contain the address change and the effective date and must be signed. FAILURE TO NOTIFY THE COURT OF ANY CHANGE OFA DDRESS COULD RESULT IN THE DISMISSAL OF YOUR PETITION.

8. Petitioner is advised that respondent is not required to respond to the petition unless ordered by the Court and that default is inappropriate in habeas corpus proceedings. Once the Court has ordered a response and counsel for respondent has appeared in the case, any documents you file with the Court must also be sent to counsel. All filings must include a certificate of service stating the date that a copy was served or mailed to counsel.

9. After receiving notice of your case number from the clerk, you must include the case number on all documents you file with the Court. You must keep a copy of every document you send to the Court as you are not entitled to free copies from the clerk even if you are proceeding in forma pauperis.

*#3, and #6-9 were modified or added to reflect FLSD procedures
**#10 Paragraph 10(b) modified

UNITED STATES DISTRICT COURT

for the

~~Western~~ District of ~~Texas~~

BARBARA ANDREA SILVA CAMACHO

Petitioner

v.

Case No. _____

TODD BLANCHE, Acting U.S. Attorney General; DAREN K. MARGOLIN, Director, Executive Office f Immigration Review; et al. (see Attachment)

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

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

Personal Information

1. (a) Your full name: BARBARA ANDREA SILVA CAMACHO

   (b) Other names you have used: NOT APPLICABLE

2. Place of confinement:

   (a) Name of institution: CAMP EAST MONTANA FACILITY

   (b) Address: El Paso, Texas (current ICE detention facility)

   (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)*: _____

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

(a) Name and location of the agency or court: U.S. Immigration and Customs Enforcement, El Paso Field Office, El Paso, Texas

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Ongoing civil immigration detention after pre-conclusion voluntary departure under safeguards; continued detention without a constitutionally adequate individualized custody determination; and transfer to Camp East Montana on August 23, 2026, with notice of possible imminent deportation.

(d) Date of the decision or action: 06/24/2026; transfer 08/23/2026

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: No effective administrative appeal is available for th The Immigration Court denied custody relief for lack of bond jurisdiction/mandatory detention, and ICE did not provide a meaningful individualized custody determination. See accompanying verified petition.

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 or a Section 2254 to petition 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: 02/07/2026

(b) Date of the removal or reinstatement order: 06/24/2026 voluntary departure/alternate removal 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:

12. Other appeals or petitions concerning these issues

Yes. Petitioner previously filed the following habeas actions:

(1) Silva Camacho v. Tate, No. 4:26-cv-01726 (S.D. Tex.), filed March 3, 2026; dismissed with prejudice on April 21, 2026.

(2) Silva Camacho v. Blanche, No. 4:26-cv-06450 (S.D. Tex.), filed August 7, 2026; petition denied and action dismissed with prejudice on August 26, 2026.

(3) A protective emergency petition filed in the Western District after the August 23 transfer, Case No. 3:26-cv-02193, was transferred on August 26, 2026.

The Southern District held that detention under the Immigration Judge's safeguards condition was lawful and that concern about the location of removal exceeded habeas jurisdiction. The present filing candidly discloses those judgments and rests on the subsequent August 28 loss of contact, unknown custody status, and lack of attorney access.

Grounds for Your Challenge in This Petition

State every ground supporting the claim that Petitioner is held in violation of federal law.
See the accompanying verified emergency petition and memorandum for complete facts.

GROUND ONE: Unknown and Undisclosed Custody Status After August 28 Movement

GROUND ONE: Unknown and Undisclosed Custody Status

At approximately 1:00 a.m. on August 28, another detainee told Petitioner's mother that Petitioner had been taken from her detention area. Counsel immediately attempted to locate and communicate with her but could not confirm her whereabouts. Only Respondents can establish whether she remains at Camp East Montana, is in transit, has been placed aboard an aircraft, or has departed the United States.

Presented in all available appeals: No. This ground arose after the August 26 judgment.

GROUND TWO: Incommunicado Custody and Interference with Access to Counsel

The undisclosed movement and inability to communicate prevent counsel from confirming Petitioner's wishes, determining whether she remains in federal custody, assisting lawful departure efforts, and pursuing relief in the proper tribunal. If she remains in United States custody, Respondents should promptly disclose her location and provide confidential access to retained counsel.

Presented in all available appeals: No. This ground arose on August 28, 2026.

GROUND THREE: Frustration of Effective Habeas Review Through Undisclosed Movement

The last official locator placed Petitioner in El Paso. Her sudden early-morning movement and unknown location prevent identification of the immediate custodian and threaten to extinguish an effective custody remedy before the Court can determine the facts and its jurisdiction. Petitioner seeks disclosure and preservation of the custody status, not review of the immigration order or selection of a country of removal.

Presented in all available appeals: No. This ground arose after the prior cases ended.

GROUND FOUR: Continued Civil Detention and Need for Individualized Review

To the extent not barred by the August 26 judgment, Petitioner preserves her claim that continued civil detention without an individualized determination of danger, flight risk, and the adequacy of less restrictive conditions is unlawful. She has no criminal history, complied with ICE reporting, and has substantial family and community ties. This ground is included to preserve the core habeas remedy while fully disclosing the prior adverse judgment.

Presented in all available appeals: Yes, as to the detention theory. The August 28 facts are new.

Why the new grounds were not previously presented:

They depend on events occurring after the Southern District entered judgment on August 26, including the early-morning August 28 movement, the report from another detainee, the loss of contact, counsel's inability to verify Petitioner's location, and ICE's failure to respond to counsel's same-day request regarding Spain and Italy.

REQUEST FOR RELIEF

Immediately require Respondents to file a verified notice identifying Petitioner's present physical location, immediate custodian, assigned deportation officer, intended destination, and whether any departure or removal has been scheduled, commenced, or completed; provide prompt confidential attorney access if she remains in United States custody; preserve custody and travel records; and preserve the status quo long enough for the Court to determine custody, jurisdiction, and the proper habeas remedy without adjudicating the validity or execution of any removal order. If the Court reaches the preserved detention claim, order immediate release under reasonable conditions or, alternatively, a prompt constitutionally adequate individualized custody hearing. Grant any other lawful relief.

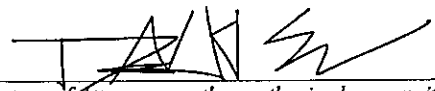
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
Petition filed by Counsel via CM/ECF

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

Date: 08/28/2026

Signature of Petitioner



Signature of Attorney or other authorized person, if any

Submitted and verified by counsel under 28 U.S.C. §§ 1746 and 2242 based on personal knowledge, attached records, and information and belief.