JUDGE KATHLEEN CARDONE

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

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

JOSÉ ARMANDO ESTEBAN JUAN,
Petitioner,

v.

FACILITY ADMINISTRATOR, CAMP EAST MONTANA, et al.,
Respondents.

Civil Action No. _____

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

EP26CV2232

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

Petitioner José Armando Esteban Juan, proceeding pro se, respectfully petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges the legality and process surrounding his present civil immigration detention. He does not ask this Court to review or adjudicate the merits of any removal order or immigration application. He asks the Court to require Respondents to identify the statutory and factual basis for his renewed detention and to provide constitutionally adequate individualized custody review, or other appropriate relief.

I. PARTIES

1. Petitioner José Armando Esteban Juan is a citizen of Guatemala. His A-Number is [redacted]. He is presently confined at a facility identified by ICE as ERO El Paso Camp East Montana in El Paso, Texas.

2. Respondent Facility Administrator, Camp East Montana, is named in the official capacity as the immediate custodian of Petitioner. Petitioner also names, to the extent appropriate, the responsible ICE officials who exercise legal authority over his immigration custody. If the Court determines that a different custodian or official is the proper respondent, Petitioner respectfully requests leave to substitute or amend rather than dismissal on that basis.

II. JURISDICTION AND VENUE

3. This Court has habeas jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody and alleges that his present detention is not being administered consistently with the Constitution and laws of the United States.

4. Venue is proper in the Western District of Texas, El Paso Division, because Petitioner is presently confined in El Paso, Texas, within this District and Division.

5. This petition challenges present physical custody and the procedures and legal authority supporting that custody. It does not seek direct review of a removal order and does not ask the Court to decide whether Petitioner is removable or entitled to immigration relief.

III. FACTUAL BACKGROUND

6. Petitioner entered the United States through the border and presented himself to United States immigration authorities.

7. On February 9, 2024, the Department of Homeland Security released Petitioner on an Order of Release on Recognizance, Form I-220A.

8. After that release, Petitioner remained in the United States while his immigration proceedings were pending.

9. On August 13, 2026, while Petitioner was traveling to work, officers stopped him, required him to get out of the vehicle, handcuffed him, and took him into immigration custody.

10. Petitioner is presently detained at a facility identified by ICE as ERO El Paso Camp East Montana in El Paso, Texas.

11. To the best of Petitioner's knowledge, his immigration case remains pending.

12. At the time this petition was prepared, the preparer did not have reliable information establishing whether ICE provided Petitioner a Form I-286 or another written custody determination after the August 13, 2026 arrest. Petitioner's signed declaration, attached as Exhibit A, is intended to state that fact based on his personal knowledge. The Court should rely on Petitioner's completed and signed declaration rather than any assumption on this point.

13. Petitioner has therefore been returned to physical immigration custody after having previously been released on an I-220A. The materials presently available to Petitioner do not disclose the precise statutory custody provision DHS is invoking, the individualized factual basis for continued detention, or what custody-review procedure is presently available to him.

IV. CLAIM FOR RELIEF

Ground One - Continued detention without disclosure of the governing custody authority and constitutionally adequate individualized process

14. The Fifth Amendment applies to persons physically present in the United States and prohibits the Federal Government from depriving a person of liberty without due process of law. Civil immigration detention must remain authorized by statute and constitutionally administered.

15. Petitioner recognizes that immigration law authorizes detention in defined circumstances and that release under an I-220A does not, by itself, create an absolute immunity from later arrest or detention. Petitioner does not ask the Court to hold otherwise.

16. The issue presented is narrower. Petitioner was released by DHS on February 9, 2024, remained at liberty while proceedings were pending, and was then taken back into custody on August 13, 2026. On the record presently available to him, he cannot determine the specific statutory authority DHS is using for his renewed detention, the individualized reason DHS concluded detention was necessary, or whether he has received or can obtain a meaningful custody determination.

17. Habeas corpus under 28 U.S.C. § 2241 remains a traditional vehicle for testing the legality of present executive detention. Petitioner therefore asks this Court to require Respondents to state the legal and factual basis for his custody and to determine whether the procedures afforded in connection with his renewed detention satisfy the Constitution and applicable law.

18. Petitioner does not rely on a categorical rule that every immigration detainee is automatically entitled to a bond hearing after a fixed number of days. Nor does he contend that the immigration detention statutes themselves necessarily impose the bond procedure he requests. Instead, he raises an as-applied constitutional challenge to the process surrounding his renewed detention and requests relief tailored to his individual custody.

19. If Respondents establish that a specific statutory custody scheme governs Petitioner and that an available custody-review process satisfies constitutional requirements, the Court may evaluate the petition on that developed record. If Respondents cannot establish lawful authority and constitutionally adequate process for continued detention, habeas relief is appropriate.

V. EXHAUSTION / AVAILABILITY OF ADMINISTRATIVE REVIEW

20. Petitioner's present materials do not establish that he has been given a written custody determination identifying an administrative remedy that he can meaningfully pursue. His signed Exhibit A will state whether he received custody papers after his August 13, 2026 detention.

21. To the extent prudential exhaustion is applicable, Petitioner respectfully submits that the Court should not dismiss this petition merely because an administrative process has not been completed where the Government has not identified the governing custody authority or an available and adequate process, and where the injury

asserted is ongoing physical detention. Alternatively, Petitioner requests that the Court order Respondents to identify any presently available custody-review procedure and permit prompt pursuit of that procedure while retaining jurisdiction as appropriate.

VI. LEGAL BASIS

22. 28 U.S.C. § 2241(c)(3) authorizes habeas relief for a person who is in custody in violation of the Constitution or laws or treaties of the United States.

23. The Supreme Court has repeatedly recognized the distinction between Congress's statutory detention authority and constitutional limits on the manner and duration of immigration detention. See Zadvydas v. Davis, 533 U.S. 678 (2001); Demore v. Kim, 538 U.S. 510 (2003); Jennings v. Rodriguez, 583 U.S. 281 (2018); Johnson v. Arteaga-Martinez, 596 U.S. 573 (2022).

24. Jennings and Arteaga-Martinez caution against rewriting immigration detention statutes to create bond-hearing requirements not contained in the statutory text. This petition therefore does not ask the Court to impose a categorical statutory six-month or other fixed-time bond rule. Petitioner asks for as-applied habeas review of the legality and constitutional adequacy of his renewed detention based on the actual custody authority and procedures Respondents identify.

25. Because Petitioner's immigration proceedings are believed to remain pending, and because the present record does not establish which detention provision DHS is invoking, Petitioner respectfully asks the Court not to presume a statutory basis that DHS itself has not yet identified in the materials available to Petitioner.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue the writ or an order to show cause requiring Respondents promptly to identify the statutory authority, custody determination, and individualized factual basis for Petitioner's present detention;

B. Determine whether Petitioner's renewed and continued detention is lawful and whether the procedures afforded to him satisfy the Fifth Amendment and applicable federal law;

C. If constitutionally adequate individualized custody review has not been provided, order prompt individualized review before an appropriate neutral decisionmaker at which the Government must proceed under the burden and standard the Court determines applicable under governing law;

D. If Respondents cannot establish lawful authority for continued detention, order Petitioner released subject to appropriate conditions;

E. Grant such other and further relief as the Court deems just and proper.

VIII. REQUEST FOR PROMPT CONSIDERATION

26. Petitioner is in ongoing physical custody. He respectfully requests prompt consideration consistent with the habeas statutes and the Court's procedures.

IX. PETITIONER'S SIGNATURE AND VERIFICATION

Petitioner: José Armando Esteban Juan

A-Number: [redacted]

Current place of confinement: ERO El Paso Camp East Montana, El Paso, Texas

I, José Armando Esteban Juan, state that I have reviewed this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. I am filing it as my pro se petition, subject to any corrections I make before signing.

I declare under penalty of perjury under the laws of the United States of America that the factual statements in this petition that are based on my personal knowledge are true and correct to the best of my knowledge.

Signature of Petitioner: _____

José Armando Esteban Juan



Date signed: _____

EXHIBIT A

DECLARATION OF JOSÉ ARMANDO ESTEBAN JUAN

1. My name is José Armando Esteban Juan. My A-Number is [redacted].

2. I am a citizen of Guatemala.

3. When I entered the United States through the border, I presented myself to United States immigration authorities.

4. On February 9, 2024, DHS released me on an Order of Release on Recognizance, Form I-220A.

5. After my release, I remained in the United States while my immigration proceedings were pending.

6. On August 13, 2026, I was traveling to work when officers stopped me, made me get out of the vehicle, handcuffed me, and took me into custody.

7. I am presently detained at a facility identified by ICE as ERO El Paso Camp East Montana in El Paso, Texas.

8. My immigration case remains pending to the best of my knowledge.

9. Custody papers received after August 13, 2026:

Please check ONE and add details if needed:

_____ I did NOT receive a Form I-286 or other written custody determination after I was detained.

_____ I DID receive custody papers after I was detained. The document(s) were:

_____

_____

10. I request that the United States District Court review the legality of my continued detention and require constitutionally adequate individualized review of whether my detention is necessary.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

José Armando Esteban Juan - [redacted]

Date signed: _____

Place signed: El Paso, Texas

IMPORTANT: José should personally complete paragraph 9 before signing. No other person should select an answer for him.

AUTHORITIES CITED

28 U.S.C. §§ 2241-2243

Zadvydas v. Davis, 533 U.S. 678 (2001)

Demore v. Kim, 538 U.S. 510 (2003)

Jennings v. Rodriguez, 583 U.S. 281 (2018)

Johnson v. Arteaga-Martinez, 596 U.S. 573 (2022)

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Así es como lo sabe

EOIR Automated Case Information

Court Closures Today August 24, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Inicio > **ESTEBAN JUAN, JOSE ARMANDO ([redacted])**

Información automatizada de casos

Nombre: ESTEBAN JUAN, JOSE ARMANDO |
Número de registro de extranjero: [redacted] |
Fecha de la lista de causas: 10/6/2024

Información acerca de la próxima audiencia

Su próxima **AUDIENCIA PRELIMINAR** es **EN PERSONA** el **20 de enero de 2028** a la(s) **8:30 AM.**

JUEZ
Adams, Anna

DIRECCIÓN DEL TRIBUNAL
500 N. Orange Avenue Ste.1100
Orlando, FL 32801

Información sobre Pedimentos y Fallos Judiciales

Este caso está pendiente.

Información de un caso ante la Junta de Apelaciones de Inmigración

No se recibió una apelación para este caso.

Información acerca del Tribunal

Si necesita más información sobre su caso, o desea presentar documentos adicionales, por favor comuníquese con el tribunal de inmigración.

DIRECCIÓN DEL TRIBUNAL
500 N. ORANGE AVENUE STE.1100
ORLANDO, FL 32801

NUMERO DE TELÉFONO
(407) 244-8900

Calidad de Información

Política de Privacidad

Políticas Legales y Descargos de Responsabilidades

Redes Sociales

Presupuesto & Rendimiento

Oficina del Inspector General

No FEAR Act

Para Empleados

Ley de Libertad de Información en EOIR (FOIA, por sus siglas en inglés)

USA.gov

Comuníquese con EOIR

Página Principal de EOIR

Justice.gov

Immigration Court Online Resource

Comuníquese con la Asistencia Técnica

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EOIR Automated Case Information

Court Closures Today August 24, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Automated Case Information

Name: ESTEBAN JUAN, JOSE ARMANDO | A-Number: [redacted] | Docket Date: 6/10/2024

Next Hearing Information

Your upcoming **MASTER** hearing is **IN PERSON** on **January 20, 2028** at **8:30 AM.**

JUDGE
Adams, Anna

COURT ADDRESS
500 N. Orange Avenue Ste.1100
Orlando, FL 32801

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
500 N. ORANGE AVENUE STE.1100
ORLANDO, FL 32801

PHONE NUMBER
(407) 244-8900

Office of the Inspector General

No FEAR Act

For Employees

EOIR Freedom of Information Act (FOIA)

USA.gov

Contact EOIR

EOIR Home

Justice.gov

Immigration Court Online Resource

Contact Technical Support

This site is protected by hCaptcha:

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EOIR Automated Case Information

U.S. Department of Homeland Security

Order of Release on Recognizance

Name: JOSE, ARMANDO ESTEBAN JUAN

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance, provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (writing) (person) to AS INDICATED ON THE ATTACHED ORDER G-56
(Name and Title of Case Officer)

at _____ on _____ at _____
(Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☒ See attached sheet containing other specified conditions. (Continue on separate sheet if necessary)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

NATHAN R WILDWALD
Date: 2026.02.09 13:07:15 -07'00'
(Signature of DHS Officer)

Acting Patrol Agent In Charge
(Printed Name and Title of Officer)

Alien's Acknowledgement of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

EDWIN OZAETA CONTRERAS
DOB: 2002.07.29 13:30:37 -07'00'
(Signature of Immigration Officer Serving Order)

02/09/2026
(Signature of Alien) (Date)

Cancellation of Order

I hereby cancel this order of release because: ☒ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order) (Date)

Form I-210 (Rev. 08/01/07)N

