JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

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

HECTOR AGUSTIN ORTIZ-VILLADA,
Petitioner,

v.

EP26CV2224

WARDEN/ADMINISTRATOR, ERO EL PASO CAMP EAST MONTANA;
FIELD OFFICE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, EL PASO FIELD OFFICE;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
and **UNITED STATES ATTORNEY GENERAL,**

Respondents.

Civil Action No. _____

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

AND

EMERGENCY MOTION FOR EXPEDITED CONSIDERATION AND RELEASE FROM IMMIGRATION DETENTION

I. INTRODUCTION

Petitioner **Hector Agustin Ortiz-Villada**, A-Number [redacted] is a citizen of Venezuela who is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at:

ERO El Paso Camp East Montana
6920 Digital Road
El Paso, Texas 79936

Petitioner respectfully petitions this Court for a writ of habeas corpus pursuant to **28 U.S.C. § 2241** and requests emergency judicial review of his continued immigration detention.

Petitioner previously filed a federal habeas corpus action concerning his detention, which was dismissed. Since that proceeding, Petitioner has experienced material developments in his custody and immigration proceedings, including his transfer from the Baker North Florida detention facility to ICE custody in El Paso, Texas, the denial of bond on May 26, 2026, and the continued deprivation of his liberty while his immigration proceedings remain pending.

Petitioner does not ask this Court to review or overturn a final order of removal. Instead, Petitioner challenges the legality and constitutionality of his **continued physical detention** and requests that Respondents either release him or provide an individualized opportunity for release under appropriate conditions.

Petitioner respectfully requests release on his own recognizance, conditional release, parole, bond if legally available, or placement in ICE's **Alternatives to Detention ("ATD")** program, including GPS monitoring, electronic monitoring, telephonic reporting, or other reasonable supervision.

ICE itself recognizes ATD as an alternative to physical detention and uses various forms of supervision and monitoring to ensure compliance with immigration proceedings.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to **28 U.S.C. § 2241** because Petitioner is physically detained within this judicial district.
2. Section 2241 permits federal courts to grant habeas relief where a person is in custody in violation of the Constitution or laws of the United States.
3. Petitioner is currently physically confined at ERO El Paso Camp East Montana in El Paso County, Texas.
4. Venue is therefore proper in the Western District of Texas, El Paso Division.
5. Petitioner challenges the legality of his present physical detention, not the merits of any final removal order.

III. PARTIES

6. Petitioner is **Hector Agustin Ortiz-Villada,** A-Number [redacted] a native and citizen of Venezuela.
7. Petitioner is currently detained by ICE at ERO El Paso Camp East Montana.
8. Respondent is the official having immediate custody over Petitioner.
9. The ICE Field Office Director responsible for Petitioner's detention is also named as a Respondent.
10. The Secretary of the U.S. Department of Homeland Security is responsible for the administration and enforcement of federal immigration detention authority.
11. The United States Attorney General is responsible for the federal immigration enforcement system through the Department of Justice and Executive Office for Immigration Review.

IV. FACTUAL BACKGROUND

12. Petitioner is a citizen of Venezuela.
13. Petitioner was previously detained at the Baker North Florida Detention Center in Sanderson, Florida.
14. Petitioner was subsequently transferred by immigration authorities to his present place of detention in El Paso, Texas.
15. Petitioner is currently detained at:

ERO El Paso Camp East Montana
6920 Digital Road
El Paso, Texas 79936.

16. Petitioner's immigration detention arose following a motor vehicle accident that occurred on **March 14, 2026.**
17. Petitioner was charged in connection with a DUI-related criminal matter.
18. Petitioner states that he was found **not guilty** in the DUI case on **May 6, 2026.**
19. Thus, Petitioner is not presently being detained because he was convicted of the DUI offense described above.
20. On **May 26, 2026,** Petitioner requested immigration bond.
21. The request for bond was denied.
22. On **June 17, 2026,** Petitioner appeared for his first immigration court hearing.
23. Petitioner states that he could not afford an attorney to represent him.
24. During the immigration proceedings, the Immigration Judge entered/set a removal order against Petitioner.

25. Petitioner is currently incarcerated in immigration detention while attempting to pursue whatever immigration remedies remain available to him.
26. Petitioner's physical detention has caused substantial hardship, including separation from his community, inability to work, inability to maintain normal family and personal affairs, and difficulty obtaining meaningful legal assistance.
27. Petitioner respectfully submits that continued incarceration should not be automatic where less restrictive alternatives are reasonably available.
28. Petitioner is willing to comply with all reasonable conditions imposed by ICE or this Court.
29. Petitioner is willing to report to ICE as required.
30. Petitioner is willing to appear at all immigration court hearings.
31. Petitioner is willing to maintain a fixed residence.
32. Petitioner is willing to provide ICE with his address and telephone information.
33. Petitioner is willing to submit to GPS or electronic monitoring.
34. Petitioner is willing to participate in ICE's ATD program.
35. Petitioner is willing to comply with telephonic check-ins, electronic check-ins, home visits, or other reasonable supervision.

V. PRIOR HABEAS PROCEEDING

36. Petitioner previously sought federal habeas relief.
37. That habeas proceeding was dismissed.
38. Petitioner does not seek merely to relitigate the exact same claim under identical circumstances.
39. Petitioner's current petition concerns his present physical detention and the continuing constitutional and statutory basis for maintaining that detention.
40. Since the earlier proceeding, Petitioner has experienced additional custody-related developments, including his transfer to Texas and the continued denial of release following the May 26, 2026 bond determination.
41. Petitioner respectfully requests that the Court consider the present circumstances of his detention and his current request for release under appropriate supervision.
42. If the Court determines that the prior dismissal presents a procedural issue, Petitioner respectfully requests an opportunity to amend the petition or provide the Court with the prior habeas order and explain the changed circumstances.

VI. CLAIM ONE

UNLAWFUL AND UNREASONABLE CONTINUED IMMIGRATION DETENTION

43. Petitioner incorporates all preceding paragraphs.
44. The Due Process Clause protects persons within the United States from arbitrary governmental detention.
45. Immigration detention must have a lawful statutory basis and cannot continue indefinitely without meaningful consideration of whether continued physical confinement remains necessary.
46. Petitioner has already sought release through immigration bond procedures.
47. Bond was denied on May 26, 2026.
48. Petitioner now asks this Court to examine whether his continued physical detention is lawful under the circumstances presently existing.
49. Petitioner's detention is particularly significant because the criminal DUI matter resulted in a not-guilty disposition on May 6, 2026.
50. Petitioner therefore asks the Court to consider the absence of a current criminal conviction arising from the incident that resulted in his immigration detention.
51. Petitioner is not asking this Court to decide the merits of his immigration case.
52. He asks only that the Government establish a lawful and constitutionally sufficient basis for continuing to imprison him rather than permitting supervised release.
53. The Supreme Court has recognized that immigration detention and release questions can implicate significant statutory and constitutional concerns. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VII. CLAIM TWO

DUE PROCESS REQUIRES MEANINGFUL CONSIDERATION OF LESS RESTRICTIVE ALTERNATIVES

54. Petitioner incorporates all preceding paragraphs.
55. Petitioner respectfully submits that continued physical detention should be evaluated against less restrictive alternatives.

56. Petitioner is willing to accept extensive supervision.
57. Petitioner specifically requests consideration for:

a. release on recognizance;

b. conditional release;

c. ICE supervision;

d. GPS monitoring;

e. electronic monitoring;

f. telephonic reporting;

g. SmartLINK or comparable electronic reporting;

h. regular ICE check-ins;

i. home visits;

j. any other reasonable condition ICE considers necessary.

58. ICE's own ATD program provides mechanisms for monitoring individuals in the community rather than maintaining them in physical detention.
59. Petitioner respectfully requests that Respondents consider him for ATD or another supervised-release mechanism.
60. Petitioner does not demand that ICE enroll him in a particular ATD program. Rather, he asks the Court to order Respondents to reconsider whether continued physical confinement is necessary and to consider reasonable alternatives to incarceration.

VIII. CLAIM THREE

PETITIONER'S DETENTION SHOULD BE REVIEWED IN LIGHT OF HIS INDIVIDUAL CIRCUMSTANCES

61. Petitioner incorporates all preceding paragraphs.
62. Petitioner's custody should be evaluated based upon individualized circumstances rather than solely upon the fact that removal proceedings exist.
63. Relevant considerations include:

a. Petitioner's criminal case resulted in a not-guilty disposition;

b. Petitioner's willingness to comply with ICE supervision;

c. Petitioner's willingness to appear at immigration hearings;

d. Petitioner's willingness to accept GPS or electronic monitoring;

e. Petitioner's willingness to maintain regular ICE check-ins;

f. Petitioner's ability to reside at an approved address;

g. Petitioner's willingness to comply with all conditions of release;

h. Petitioner's immigration history;

i. Petitioner's family and community ties, to the extent supported by evidence;

j. Petitioner's criminal history, if any, beyond the dismissed/not-guilty DUI matter;

k. Petitioner's flight-risk assessment; and

l. whether physical incarceration is actually necessary to accomplish the Government's immigration-enforcement objectives.

64. Petitioner respectfully submits that supervised release can protect the Government's interests without continued incarceration.

IX. CLAIM FOUR

CONTINUED DETENTION WITHOUT A MEANINGFUL RELEASE OPPORTUNITY RAISES DUE PROCESS CONCERNS

65. Petitioner incorporates all preceding paragraphs.
66. Petitioner is physically confined by the federal government.
67. The deprivation of physical liberty is one of the most serious forms of governmental restraint.
68. Petitioner respectfully requests judicial review of whether continued confinement remains constitutionally permissible under the current circumstances.
69. The Supreme Court has recognized that immigration detention is subject to constitutional limitations. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).
70. Petitioner therefore requests an individualized remedy rather than indefinite incarceration.

X. REQUEST FOR ALTERNATIVES TO DETENTION

71. Petitioner expressly requests release under ICE's Alternatives to Detention program or another appropriate form of supervision.
72. Petitioner understands that ICE determines ATD eligibility and the type of supervision imposed.
73. Petitioner is willing to accept the strictest reasonable conditions ICE believes necessary.
74. Petitioner is willing to wear a GPS ankle monitor.
75. Petitioner is willing to use electronic reporting technology.
76. Petitioner is willing to report by telephone.
77. Petitioner is willing to report personally to ICE.
78. Petitioner is willing to attend all immigration court hearings.
79. Petitioner is willing to notify ICE before changing residence.
80. Petitioner is willing to comply with all written conditions of release.
81. Petitioner therefore respectfully submits that the Government has available alternatives that would allow immigration proceedings to continue without maintaining Petitioner in a detention facility.

XI. REQUEST FOR EXPEDITED REVIEW

82. Petitioner is currently incarcerated.
83. Every additional day of unnecessary detention causes irreparable harm because Petitioner remains deprived of his physical liberty.
84. Petitioner respectfully requests expedited consideration of this petition.
85. Petitioner asks the Court to order Respondents to file a response on an expedited schedule.
86. Petitioner further requests that the Court issue an Order to Show Cause requiring Respondents to explain the legal and factual basis for Petitioner's continued detention.

XII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Accept jurisdiction over this Petition;

B. Issue an Order to Show Cause directed to Respondents;

C. Require Respondents to produce the complete administrative record concerning Petitioner's detention and custody determination;

D. Require Respondents to identify the statutory authority under which Petitioner is presently detained;

E. Require Respondents to explain why Petitioner cannot be released under reasonable conditions;

F. Order an individualized review of Petitioner's continued detention;

G. Order Petitioner's release from physical detention;

H. Alternatively, order Petitioner's release on reasonable conditions;

I. Alternatively, order Respondents to consider Petitioner for ICE Alternatives to Detention;

J. Permit release with GPS monitoring, electronic monitoring, telephonic reporting, regular ICE check-ins, or other reasonable conditions;

K. Alternatively, order an individualized bond/release hearing before a neutral decision-maker if the Court determines such relief is appropriate;

L. Grant expedited consideration;

M. Grant any other relief the Court determines just and proper.

Respectfully submitted,

HECTOR AGUSTIN ORTIZ-VILLADA
A-Number: [redacted]
ERO El Paso Camp East Montana
6920 Digital Road
El Paso, Texas 79936

Date: 8/21/22

Signature: Hector Agustin Ortiz-Villada
Hector Agustin Ortiz-Villada
Petitioner, Pro Se

DECLARATION OF HECTOR AGUSTIN ORTIZ-VILLADA

I, Hector Agustin Ortiz-Villada, declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the Petitioner in this case.
2. My A-Number is [redacted]
3. I am a citizen of Venezuela.
4. I am currently detained at ERO El Paso Camp East Montana in El Paso, Texas.
5. I was previously detained at Baker North Florida Detention Center in Sanderson, Florida.
6. I was transferred to El Paso, Texas while in ICE custody.
7. On March 14, 2026, I was involved in a motor vehicle accident.
8. I was subsequently involved in a DUI-related criminal case.
9. On May 6, 2026, I was found not guilty in that criminal case.
10. On May 26, 2026, my request for immigration bond was denied.
11. On June 17, 2026, I appeared before the Immigration Court.
12. I could not afford an attorney to represent me.
13. I understand that removal proceedings are separate from the criminal case.
14. I previously filed a federal habeas case, which was dismissed.
15. I am filing this petition because I remain physically detained and ask the Court to review the legality of my continued detention under my present circumstances.
16. I am willing to comply with every reasonable condition of release.
17. I am willing to participate in ICE Alternatives to Detention.
18. I am willing to wear a GPS monitor.

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19. I am willing to report to ICE as frequently as required.
20. I am willing to appear at every immigration court hearing.
21. I am willing to live at an approved residence.
22. I understand that violating the conditions of release could result in my return to immigration detention.
23. I respectfully ask the Court to release me from physical detention or order another appropriate form of supervised release.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: 8/21, 2026.

Hector Agustin Ortiz Villada

HECTOR AGUSTIN ORTIZ-VILLADA

A-Number: [redacted]

EP26CV2224

FILED

AUG 27 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
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EMERGENCY MOTION FOR EXPEDITED CONSIDERATION

Petitioner respectfully moves for expedited consideration of his Petition for Writ of Habeas Corpus.

Petitioner is presently incarcerated at ERO El Paso Camp East Montana.

He has already sought immigration bond, which was denied on May 26, 2026.

Petitioner respectfully submits that continued incarceration constitutes an ongoing deprivation of liberty and that judicial review should occur promptly.

Petitioner has demonstrated willingness to comply with strict alternatives to detention, including GPS monitoring, electronic monitoring, telephonic reporting, ICE check-ins, and attendance at all immigration proceedings.

Petitioner therefore respectfully requests that the Court:

1. Expedite consideration of the habeas petition;
2. Order Respondents to respond promptly;
3. Require Respondents to identify the legal basis for Petitioner's current detention;
4. Require Respondents to explain why supervised release is inadequate;
5. Order Petitioner's release if Respondents cannot establish a lawful basis for continued detention; or

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Alternatively, order an individualized release hearing.

Respectfully submitted,

Hector Agustin Ortiz Villada

HECTOR AGUSTIN ORTIZ-VILLADA
A-Number: [redacted]
Petitioner, Pro Se

PROPOSED ORDER

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

HECTOR AGUSTIN ORTIZ-VILLADA,
Petitioner,

v.

WARDEN/ADMINISTRATOR, ERO EL PASO CAMP EAST MONTANA, et al.,
Respondents.

Civil Action No. EP26CV2224

[PROPOSED] ORDER TO SHOW CAUSE

Upon consideration of Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and Emergency Motion for Expedited Consideration, the Court ORDERS:

1. Respondents shall show cause why the Petition should not be granted.
2. Respondents shall identify the statutory authority under which Petitioner is presently detained.
3. Respondents shall provide the Court with the relevant custody and bond records.
4. Respondents shall explain the basis for continuing Petitioner's physical detention.
5. Respondents shall address Petitioner's request for release under reasonable supervision, including ICE Alternatives to Detention.
6. Respondents shall address Petitioner's willingness to accept GPS monitoring, electronic monitoring, telephonic reporting, and regular ICE check-ins.
7. Respondents shall respond within _____ days of service of this Order.

8. Petitioner may file a reply within _____ days thereafter.

IT IS SO ORDERED.

DATED: _____, 2026.

_____

UNITED STATES DISTRICT JUDGE