JUDGE KATHLEEN CARDONE

FILED
AUG 28 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Texas

LUIS ENRIQUE PERCHE-CASTELLANO

Petitioner

v.

Warden, ERO El Paso Camp East Montana

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

EP26CV2238

Case No.

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: LUIS ENRIQUE PERCHE-CASTELLANO
   (b) Other names you have used: N/A
2. Place of confinement:
   (a) Name of institution: ERO El Paso Camp East Montana
   (b) Address: 6920 Digital RoadEl Paso, TX 79936
   (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 (ICE) El Paso, Texas

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Immigration detention by ICE without a warrant.

(d) Date of the decision or action: 08/19/2026

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: N/A

(2) Date of filing:

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

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

(b) If you answered "No," explain why you did not appeal:

No administrative appeal or remedy was available before filing this habeas 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: N/A

(2) Date of filing:

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

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

(b) If you answered "No," explain why you did not file a second appeal:

No first appeal was filed; therefore, there was no second appeal to a higher authority, agency, or court

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: N/A

(2) Date of filing:

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

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

(b) If you answered "No," explain why you did not file a third appeal:

No first or second appeal was filed; therefore, there was no third appeal to a higher authority, agency, or court

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: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A
N/A
N/A
N/A

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A
N/A
N/A
N/A
N/A
N/A
N/A
N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 08/19/2026

(b) Date of the removal or reinstatement 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: N/A

(3) Result: N/A

(4) Date of result:

(5) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A
N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing:

(3) Case number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☑ No

If "Yes," provide:

(a) Kind of petition, motion, or application: N/A

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

N/A

(c) Date of filing:

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

(e) Result: N/A

(f) Date of result:

(g) Issues raised: N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Unlawful immigration detention and lack of notice of the legal basis for detention.

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

On August 19, 2026, Petitioner was taken into immigration custody in Portland, Oregon. At the time of his detention, he had a pending immigration case, a valid employment authorization document, and a scheduled Immigration Court hearing in September 2026. He was forcibly removed from his vehicle by individuals he could not identify as immigration officers No arrest warrant was shown to him, and he was not provided a copy of any warrant or other document explaining the legal basis for his detention.

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

☑ Yes ☐ No

GROUND TWO: Lack of adequate review of immigration detention and failure to release on bond or conditional parole.

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

Petitioner has remained in immigration custody since August 19, 2026. A habeas corpus petition was filed in the federal district corresponding to his place of detention at that time. Subsequently during the early morning hours of the following day, beginning at approximately 1:00 a.m Petitioner was transferred from the Northwest ICE Processing Center to ERO El Paso Camp East Montan where he remains detained. Petitioner has not been released on bond or conditional parole

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

☐ Yes ☑ No

GROUND THREE: N/A

N/A

N/A

N/A

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

N/A

N/A

N/A

N/A

N/A

N/A

N/A

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

☐ Yes ☑ No

GROUND FOUR: N/A

N/A

N/A

N/A

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

N/A

N/A

N/A

N/A

N/A

N/A

N/A

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

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: No additional grounds were asserted.

Request for Relief

15. State exactly what you want the court to do:

Petitioner respectfully requests that the Court order his immediate release from immigration detention through this habeas corpus petition. In the alternative, if the Court determines that continued detention is warranted Petitioner requests the opportunity to obtain release on bond, considering that he does not pose a flight risk and has complied with applicable immigration requirements since his entry into the United States

Declaration Under Penalty Of Perjury

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

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.

Nairo De La Cruz

Date: 08/27/2026

Nairo De La Cruz Tincm, Next Friend of Luis Enrique Perche-Castellano
Signature of Petitioner

N/A
Signature of Attorney or other authorized person, if any

EXHIBIT INDEX

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

EXHIBIT A — PHOTOGRAPHS OF VEHICLE AND SCENE

EXHIBIT B — BIOMETRIC APPOINTMENT NOTICE WITH FILING STAMP

Submitted by: Nairo De La Cruz

Nairo De La Cruz Tinoco, Next Friend of Luis Enrique Perche-Castellano

EXHIBIT A

PHOTOGRAPHS OF VEHICLE AND SCENE

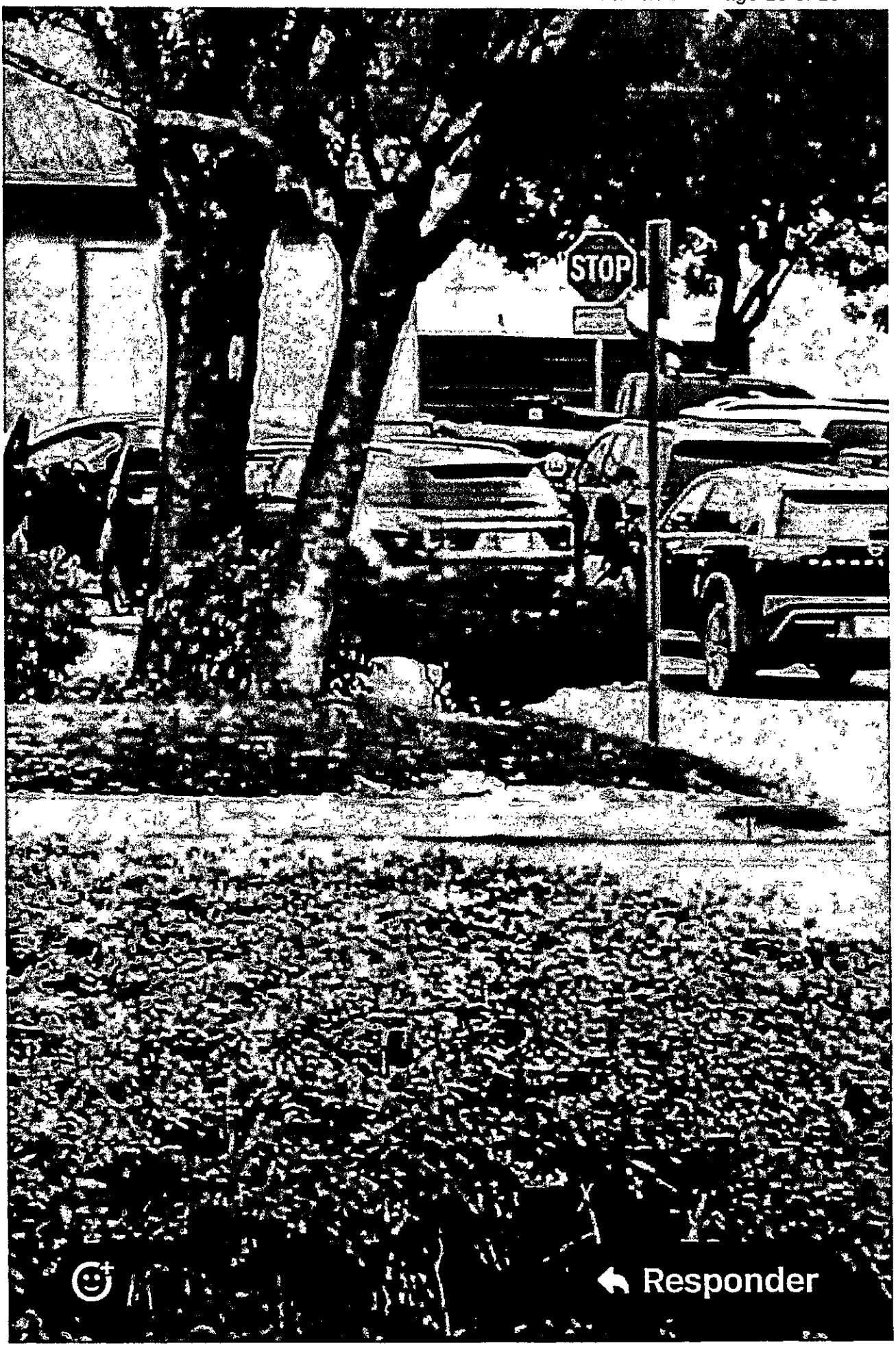
Photograph 1: Shows the vehicle with the driver's-side window shattered and broken glass visible on the ground.

Photograph 2: Shows multiple vehicles and individuals present in the parking lot near the location of the incident.

Photograph 3: Shows the vehicle and surrounding parking area, including the open driver's-side door.

Photograph 4: Shows broken glass inside the vehicle, including glass fragments on the driver's seat and surrounding area.


Responder


STOP
Responder


Responder

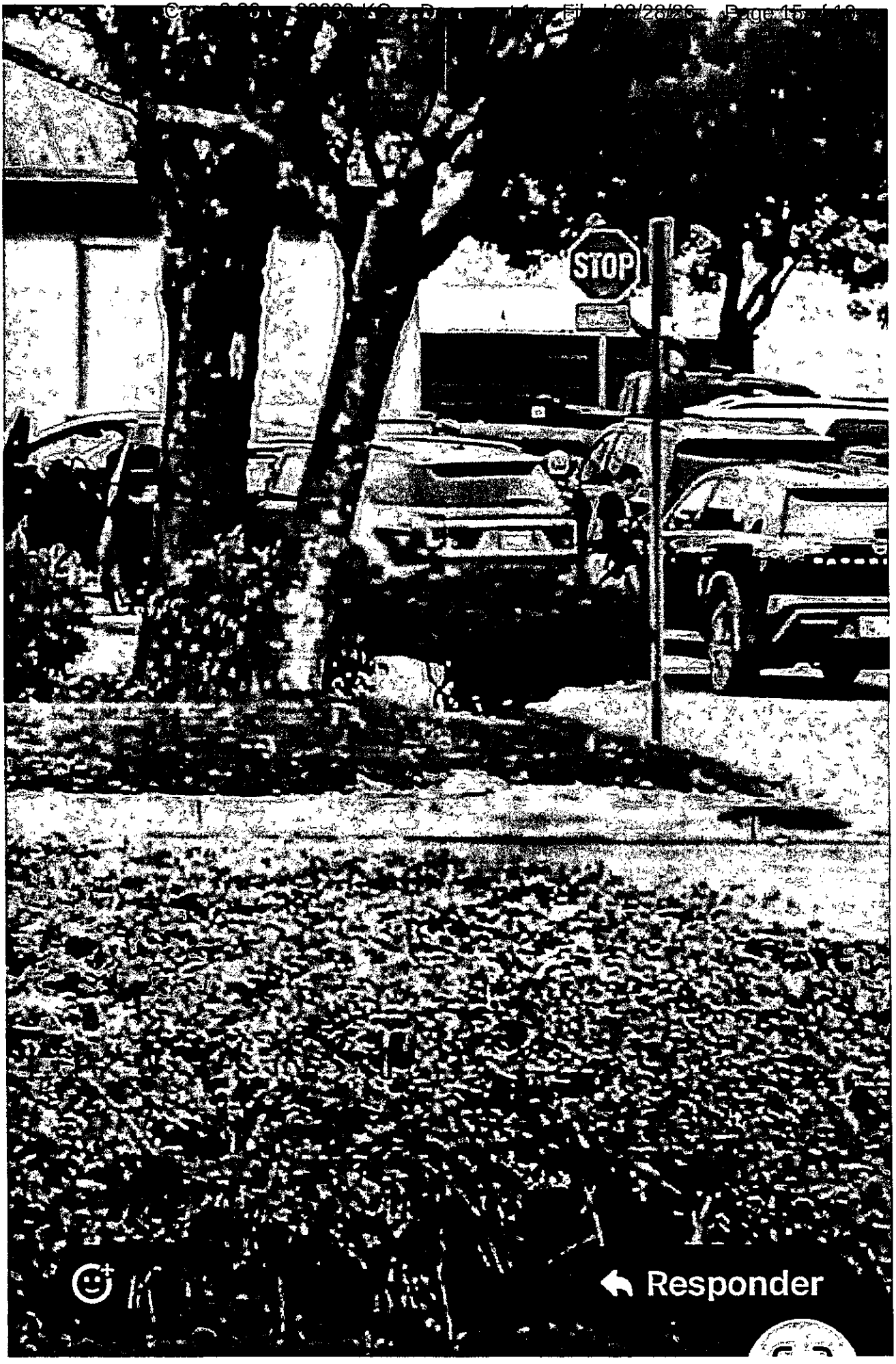

STOP
Responder

EXHIBIT B

BIOMETRIC APPOINTMENT NOTICE WITH FILING STAMP

1.- Biometric appointment notice bearing the filing stamp associated with the immigration filing.