JUDGE LEON SCHYDLOWER



RECEIVED
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

FILED
August 31, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Elizabeth Y. Martinez
DEPUTY

LUIS ALBERTO DE LOS SANTOS VALIER
A# [redacted]

*Petitioner*

v.

Attorney General Todd Blanche, Secretary of DHS Mark Wayne Mullin, Field Office ICE Director Juan Lopes

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

Case No. EP26CV2240
*(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 ALBERTO DE LOS SANTOS VALIER
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: EL PASO PROCESSING CENTER
   (b) Address: 8915 MONTANA AVE, EL PASO TX 79925
   (c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   U.S. Immigration and Customs Enforcement
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: EL PASO PROCESSING CENTER 8915 MONTANA AVE, EL PASO, TX 79925; U.S. DEPARTMENT OF HOMELAND SECURITY

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Continued Final Order Detention by I.C.E. without a foreseeable repatriation in the reasonable future

(d) Date of the decision or action:

**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: Neither the Immigration Court nor the Board of Immigration Appeals can raise Constitutional issues and to appeal Petitioner's detention when they say, they have no jurisdiction and is useless and meaningless, you are not obligated to appeal if it doesn't make sense

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:

NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION DETENTION.

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:

NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION DETENTION.

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 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: 09/18/2025

(b) Date of the removal or reinstatement order: 05/05/2026

(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:

(4) Result:

(5) Date of result:

(6) Issues raised:

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: DECISION OF IMMIGRATION JUDGE

(b) Name of the authority, agency, or court: UNITED STATES DISTRICT COURT WESTERN DIVISION OF TEXAS EL PASO DIVISION

(c) Date of filing: 08/03/2026

(d) Docket number, case number, or opinion number: 3:26-CV-01248-LS

(e) Result:

(f) Date of result: 08/17/2026

(g) Issues raised: CASE APPEAL REGARDING HABEAS CORPUS PETITION BY JUDGE LEON SCHYDLOWER

## 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. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Statutory Violation of 8 U.S.C. section 1231(a)(6). ZADVYDAS

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

The law authorizes post removal period detention only under constitutionally limited circumstances. 2)Petitioner's continued detention violates the law because there is no significant likelihood of removal in the reasonably foreseeable future.3)Thus, as petitioner's removal is not likely in the foreseeable future, his continued detention is unlawful and violates the U.S Constitution.4)The presumptively reasonable removal period for petitioner expired including his retroactive accumulative days from his detention back in 2020 and now.

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

☐ Yes ☑ No

**GROUND TWO:** Violation of the Fifth Amendment of the U.S. Constitution, Substantive Due Process. ZADVYDAS v. DAVIS

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

The Due Process Clause of the Fifth Amendment prohibits the government from subjecting individuals to civil detention that is arbitrary, indefinite, or not reasonably related to a legitimate non-punitive governmental purpose. 2)The law addresses the Substantive Due Process component of the Fifth Amendment and held that an alien's right to Substantive Due Process could be violated by prolonged detention.3) Accordingly, even apart from any statutory violation, Petitioner's continued detention is unconstitutional.

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

☐ Yes ☑ No

**GROUND THREE:** Violation of the Fifth Amendment of the U.S. Constitution Procedural Due Process.

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

The risk of erroneous deprivations of liberty and the probable value of procedural safeguards, favors Petitioner. 2)Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and opportunity to be heard, Respondent's violates those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain.3)For this reasons, Respondent's violated Procedural Due Process under the fifth Amendment to the U.S. Constitution.

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

☐ Yes ☑ No

**GROUND FOUR:** No significant likelihood of removal in the reasonable foreseeable future.

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

To the Petitioner's knowledge ICE has not successfully obtained the necessary travel documents or landing permits from a designated country of removal. There is a danger for Petitioner to come back to Mexico even if the ICE will try to deport the Petitioner there.

For these reasons removal is not practically possible, thus making continued detention indefinite.

(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: The immigration court can consider constitutional issues, and appealing my detention when they say they have no jurisdiction is pointless.

**Request for Relief**

15. State exactly what you want the court to do: Petitioner prays that this Court Grant the following Relief:

1) Exercise jurisdiction over this matter; 2) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. section 1231(a); 3) Order Petitioner's immediate release from detention; 4) Order such other relief as this Court may deem just and proper. 5) Release the Petitioner on Supervision or arrange the bond hearing.

## Declaration Under Penalty Of Perjury

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

08/25/2026

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: 08/25/2026

Luis de los Santos Valier

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

# CERTIFICATE OF SERVICE

I, Luis Alberto De Los Santos Valier Certify that on the date: 08/25, 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:

**Juan Lopez**- ICE DIRECTOR
Field Office Director US.
Immigration And Custom Enforcement
El Paso Division

**Mary De-Anda-Ybarra**, Acting ICE Office Director, El Paso
11541 Montana Ave., Suite E
El Paso, TX 79925

**WARDEN OF ERO EL PASO CAMP EAST**

**MONTANA;**

**DAVID VENTURELLA,** ERO El Paso Camp East Montana

6920 Digital Road El Paso, Tx 79936

**Mark Wayne Mullin**, Secretary of the Department of Homeland Security
2707 Martin Luther King Jr. Ave SE,
Washington, D.C. 20528-0525

**Todd Blanche**, Acting Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

**US ATTORNEY AVE**
**SUITE 0**
**EL PASO, TX 79936**

I further certify that on Date: 08/25, 2026 I served the United States District Court/ Western District Court of Texas/ EL PASO DIVISION/ Office of the Clerk 511 East St. Antonio AVE, El Paso, TX 79901 by delivering a copy of the foregoing pleading In person.

/s/ Luis de los Santos Valier

A# [redacted]