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WESTERN DISTRICT OF TEXAS
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JUDGE KATHLEEN CARDONE

Petition for a Writ Of Habeas Corpus Under 28 U.S.C. § 2241 (pro-se)

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF TEXAS DIVISION
EL PASO

EP26CV2256

COUNTRY: Batista Dominguez Maykel
A#: [redacted]
PETITIONER:
MARY DE ANDA-YBARRA, *Field Office Director of Enforcement and Removal Operations El Paso Field Office, Immigration and Customs Enforcement;*
WARDEN OF DE ERO, EL PASO PROCESSION
TODD M. LYONS, *In His Official Capacity as Acting Director, Immigration and Customs Enforcement, U.S Department of Homeland Security;*
MARK WAYNE MULLIN, *His Official Capacity as Secretary , U.S Department of Homeland Security;*
ANDANTE BLANCHE, *In His Official as Acting Attorney General of the United States,*
Respondents.

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

A

INTRODUCTION

INTRODUCTION

*I, **Batista Dominguez Maykel born in Cuba**, I had to abandon my country for the following reasons: me as a Cuban citizen, suffer the lack of rights or duty as a person, because I live under a dictatorship that is governed by the Castro dictators, my family and I personally faced many threats of death by the hand of this government. Which was the motive to abandon my land, my house and my country.*

*To be able to reach the United States I had to cross through different countries facing dangerous challenges. I had to cross the countries of **Nicaragua, Honduras, Guatemala and Mexico**. I had to pay a lot of money to cross this countries to different criminal organizations as the Mexican Cartels. But either way my objective was to come to the US in a safe and quick way. With the help of God I could enter the Unites States through the border with Piedras Negras arriving to the border in a safe way.*

***On May 28th 2022** I surrendered to the authorities where I have been processed by an immigration officer in one day and placed in liberty the next day with a **parole 212, (D),(5)** This document let me star in the country in a legal way and allow me to request my documents between them the permanent residency under the law of **Cuban adjustment.** I had the social security number my work permit and driver license.*

I have many years in the united states and I have dedicated my time to work and improve my life in company of my wife and my 2 children. I don't have criminal charges I mean, I am a person with good moral character before the society.

When I was coming from my job I made a wrong turn to the left and in that moment a police stopped me. He request my documents and I gave him my license and after he put me a ticket which was understandable because it was clear that I shouldnot make a turn to the left. On the scene another cop appeared and made a call. when he finished he took me to the county and after arriving to that jail after waiting several hours they told me that I had to pay a bail of 500$ for driving intoxicated. When they told me that. I got really angry and I told them how they say that I was drinking whilst I was driving when I do not drink alcoholic beverages. And it is a fact. They never made an alcohol test they did not have the way how to prove it. And how could they know something like that without follow the protocol to determine if someone drank alcohol. Everything was a simple pretext to take me and deliver me to the immigration authorities because in many states and counties are working with the immigration authorities.

After I finished my case on the county. immigration came for me and took me to the processing center and after they sent me to another center placed on the state of Texas 8915 Montana Avenue in El Paso and is where I currently remain. When I arrived to this center they gave me my documents which were not mine, I mean they gave me a document I-220A and made me sign it up, they never explained me well what did this document say and I cant speak English, I signed when a mate called Cerda checked my documents he told me if I never been inspected and admitted in the country and I told him, Yes I did. He told me that it was what the document says when immigration went for me. After that I asked for the documents they gave me when I entered the border and those were not the same due that I was processed and admitted in the country with the ***parole 212(D)(5)*** *I think this was the first mistake of the immigration officers with my person.*

In this detention center does not exist the required conditions to keep people detained because the food and the medicine are of really bad quality, the security guards that supervise us are not enough trained to deal with honest people like me and so many others that are enduring an immigration situation.

So I found myself today presenting this habeas corpus petition before this honorable court and this way you can review my case and take the right decision for me. I can wait the last part of my process since my house and that I do not represent a flight risk due that I have never failed to my immigration appointments I do not represent a danger for the society because I don't posses a criminal background and the arrest I have was extremely unfair

thank you so much for reading my declaration and God bless you

God bless America

B

JURISDICTION

JURISDICTION

-This case arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101, et seq., and the Administrative Procedures Act ("APA"), 5 U.S.C. § 701, et seq.

-This Court has subject matter jurisdiction over this petition and may grant relied pursuant to 28 U.S.C. §§ 2241, 28 U.S.C. § 1331; Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause); the All-Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C § 701; and for injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201.

-Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. Zadvydas v. Davis, 533 U.S. 678, 687 (2001); Jennings v. Rodriguez, 583 U.S. 281, 292-95 (2018); Maldonado v. Macias, 150 F. Supp. 3D 788, 794 (W.D. Tex. 2015), INS v. St. Cyr, 533 U.S. 289, 364-65 (2001) ("The writ of habeas corpus has always been available to review the legality of executive detention.").

*-Importantly for jurisdictional questions, Petitioner is not asking this court to review an order of removal, nor, indeed, for any relief having to do with this current proceedings in immigration court. Petitioner seeks only habeas relief from his current, illegal detention in the way he was arrested, while those immigration proceedings are ongoing, and for this Court to determine as a matter of law that he is entitled to be released or granted a 5.bond hearing before a neutral arbiter. See also, Lopez-Arevelo v. Ripa, No. Ep-25-CV-337-KC at 1-2, 2025 U.S. dist. LEXIS 188232, at *14-15 (W.D. Tex. Sep. 21, 2025) (stating in part that 8 U.S.C. § 1252(a)(5), §1252(g), and §1226(e) do not deprive a.*

-Habeas Court of jurisdiction when a Petitioner is challenging his detention under his right to procedural due process). "[T]he [REAL ID] Act does not, however, preclude habeas review of challenges to detention that are independent of challenges to removal orders." Gutierrez-Soto v. Sessions, 317 F. Supp. 3d 917, 925 (W.D. Tex. 2018).
The Respondents' continued detention of Petitoner constitutes such a "severe restraint on his individual liberty," that he is "in custody in violation of the ... laws ... of the United States." See Hensley v. Municipal Court, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241; see also Henderson v. Reno, 157 F.3d 106, 122 (2d Cir. 1999), cert. Denied sub nom. Reno v. Navas, 119 S. Ct. 1141 (1999).

III. EXHAUSTION OF REMEDIES

- As recognized by the Fifth Circuit, while exhaustion is the general rule, "exceptions to this general rule" exist. Garner v. U.S. Dep't of Lab., 221 F.3d 822, 825(5th Cir. 2000). "A failure to exhaust administrative remedies may be excused when the claimant advances a constitutional challenge unsuitable for determination in an administrative proceeding, or when the unexhausted remedy is plainly inadequate."
*"When a petitioner's due process claim does not assert a procedural error correctable by the BIA, it is not subject to an exhaustion requirement." Lopez de Jesus v. Imm.& Naturalization Serv., 312 F.3d 155, 162 n. 47(5th Cir. 2002). Federal courts have "the discretion to excuse the exhaustion requirement" Garner, 221 F.3d at 825. Here, the "constitutional challenges are not the types of questions" requiring exhaustion, and requiring Petitioner "to exhaust administrative remedies relating to same would be an exercise in futility." Exhaustion, furthermore, may also be excused when delay would result in hardship. See Shalala v. III. Council on Long Term Care, Inc., 529 U.S. 1, 13, 120 S. Ct. 1084, 146 L. Ed. 2D 1 (2000) [*6].*

*-Exhaustion is not required where the administrative remedy is inadequate due to agency bias. Numerous courts have recognized the bias inherent in the ICE custody review process. See Phan v. Reno, 56 F. Supp. 2d 1149, 1157 (W.D. Wash.1999) ("We have...concerns about the quality of the review afforded by INS to the Petitioners. Indeed, our review of the record confirms that INS does not meaningfully and impartially review the Petitioners' custody status."); Rivera v. Demore, No. C 99-3042 THE, 1999 WL 521177, *7 (N.D. Cal. Jul. 13, 1999) (procedural due process requires that alien release determination be made by impartial adjudicator due to agency bias); Ekekhor v. Aljets, 979 F. Supp. 640, 644 (N.D. Ill. 1997); St. John v. McElroy, 917 F. Supp. 243, 251 (S.D.N.Y. 1996) ("Due to political and community pressure, INS, an executive agency, has every incentive to continue to detain aliens with aggravated felony convictions, even though they have served their sentences, on the suspicion that they may continue to pose a danger to the community."*

IV. VENUE

-Pursuant to Braden v. 30 th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District Court of Texas, the judicial district in which Petitioner resides.

V. LEGAL FRAMEWORK

*-Habeas petitioners must show they are "in custody in violaton of the constitution or laws or treaties of the United States." Herrera v. Tate, F. Supp. 3D, No. CVH-25-3364, 2025 U.S. Pist. LEXIS 189999, 2025 WL 2774610, at *4 (S.D. Tex. Sept. 26, 2025) (quoting 28 U.S.C. § 2241(c)(3)). They "bear the burden of proving that [they are] being*

held contrary to law; and because the habeas proceeding is civil in nature, the petitioner must satisfy this burden of proof by a preponderance of the evidence." (quoting Skaftouros v. United States, 667 F.3d 144, 158(2d Cir. 2011) and citing Bruce v. Estelle, 536 F.2d 1051, 1058 (5th Cir. 1976)). Courts "considering a habeas petition must 'determine the facts and dispose of the matter as law and justice require.'" (quoting 28 U.S.C. § 2243).

- The Supreme Court has referred to the "Great Writ" as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in cases of illegal restraint or confinement" and "received into out own law in the colonial period." Fay v. Noia, 372 U.S. 391, 400, 83 S. Ct. 822, 9 L. Ed. 2D 837 (1963), overruled in part on other grounds, Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2D 594 (1977), and abrogated in part on other grounds by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2D 640 (1991). The importance of this Great Writ was not lost on the Justices of the Civil Rights era who recognized that the writ's

*function has been to provide a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release. Thus there is nothing novel in the fact that today habeas corpus in the federal [*7] courts provides a mode for the redress of denials of due process of law, vindication of due process is precisely its historic office.*

-"Only in the rarest of circumstances has congress seen fit to suspend the writ." Hamdi v. Rumsfeld, 542 U.S. 507, 525, 124 S. Ct. 2633, 159 L. Ed. 2D 578 (2004). "absent suspension, the Writ of Habeas Corpus remains available to every individual detained within the United States." (citing U.S. const., Art. I, § 9. Cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the Public safety may require it")). Indeed, absent suspension, it is available to "challenge the legality of their detention" by "noncitizens detained by our Government in territory over which another country maintians de Jure Sovereignty," such as Guantanamo Bay. Boumediene v. Bush, 553 U.S. 723, 770, 128 S. Ct. 2229, 171 L. Ed. 2D 41 (2008). The Great Writ remains "a critical check on the Executive, ensuring that it does not detain individuals except in accordance with law." Hamdi, 542 U.S. at 525 (citing Imm. & Naturalization Serv. v. St. Cyr, 533 U.S. 289, 301, 121 S. Ct. 2271, 150 L. Ed. 2D 347 (2001), superseded by statute on other grounds as stated in Nasrallah v. Barr, 590 U.S. 573, 580, 140 S. Ct. 1683, 207 L. Ed 111 (2020)).

The fundamental protection of habeas corpus applies to immigration-related detention. See Zadvydas v. Davis, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001). The Supreme Court in Zadvydas noted: It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.

VI First Cause of Action

-In Zadvydas, the U.S. Supreme Court found that six months is a presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. "Once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." Id. at 701. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Id. at 386. Therefore, detention under § 1225(b)(2)(A) is subject to a reasonable time limitation. Maldonado, 150 F. Supp. 3d at 805. The Due Process Clause of the Fifth Amendment requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. Although ICE has an interest in detaining Petitioner to effectuate his removal, it can do

-Petitioner's Detention Violates the Administrative Procedures Act, 5 U.S.C. § 706(2).Petitioner's detention violates the INA and its regulations, pending his asylum Application, he has established that he is eligible to adjust his status to that of a Legal Permanent Resident; meanwhile, the Respondents have utterly failed to provided him with any meaningful opportunity to present argument or evidence in favor of his release, nor did they make any individualized determination that he poses a flight risk or danger. Rather, Petitioner's prolonged detention appears to be impermissible based on general mandates within the agency rather than the individual judgment of ICE officers on the ground.

VII. Second Cause Of Action

-Under the Immigration and Nationality Act ("INA") § 287(a)(2) only allows immigration officials to make a warrantless arrest if they have "reason to believe" that the person is likely to escape before a warrant could be obtained. See De La Paz v. Coy, 786 F.3d 367, 376 (5th Cir. Tex. 2015) (stating that an "arrest shall be made by ICE Agents only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.")

- The De La Paz Court further stated ... "even if an agent has reasonable belief, before making an arrest, there must also be 'a likelihood of the person escaping before a warrant can be obtained for his arrest'", citing to 8 U.S.C. § 1357(a)(2)(5). Reasonable suspicion for an immigration stop cannot be based "on broad profiles which cast suspicion on entire categories of people without any individualized suspicion of the particular person to be stopped." United States v. Rodriguez Sanchez, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable suspicion must be "particularized and objective," United States v. Arvizu, 534 U.S. 266, 273 (2002).

VIII. Third Cause Of Action

-The Supreme Court has recognized that the Fourth Amendment is violated by prolonged detention solely for the purpose of investigating immigration status. See Arizona v. United States, 132 S. Ct. 2492, 2509 (2012) (stating that "Detaining individuals solely to verify their immigration status would raise constitutional concerns.")

- In Zadvydas, the U.S. Supreme Court found that six months is a presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. at 702. "Once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." Id. at 701. In Clark v. Martinez, 543 U.S. 371 (2005), the Supreme Court held that its ruling in Zadvydas applies equally to inadmissible aliens. Id. at 386. Therefore, detention under § 1225(b)(2)(A) is subject to a reasonable time limitation. Maldonado, 150 F. Supp. 3d at 805. The Due Process Clause of the Fifth Amendment requires that any deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. Although ICE has an interest in detaining Petitioner to effectuate his removal, it can do so in an unconstitutional manner. Gutierrez-Soto v. Sessions, at 925. As such, Petitioner's mandatory detention is unreasonable. Maldonado held that an individualized bond hearing was the appropriate remedy in such a case to provide a safeguard against indefinite detention. Id. at 812. Respondents have exceeded their authority to detain Petitioner, and an individualized bond hearing before a neutral adjudicator is justified on the facts of this case.

-{196 L. Ed. 2d 490}{137 S. Ct. 472} The parties are directed to file supplemental briefs addressing {196 L. Ed. 2d 491} the following questions: 1) Whether the Constitution requires that aliens seeking admission to the United States who are subject to mandatory detention under 8 U.S.C. § 1225(b) must be afforded bond hearings, with the possibility of release into the United States, if detention lasts six months. 2) Whether the Constitution requires that criminal or terrorist aliens who are subject to mandatory detention under Section 1226(c) must be afforded bond hearings, with the possibility of release, if detention lasts six months. 3) Whether the Constitution requires that, in bond hearings for aliens detained for six months under Sections 1225(b), 1226(c), or 1226(a), the alien is entitled to release unless the government demonstrates by clear and convincing evidence that the alien is a flight risk or a danger to the community, whether the length of the alien's detention must be weighed in favor of release, and whether new bond hearings must be afforded automatically every six months. The briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Tuesday, January 17, 2017. Amicus{2016 U.S. LEXIS 2} briefs may be filed with the Clerk and served upon counsel on or before 2 p.m., Friday, January 27, 2017. Reply briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, February 6, 2017. The word limits and cover colors for the briefs should correspond to the provisions of Rule 33.1(g) pertaining to briefs on the merits rather than to the provision pertaining to supplemental briefs.

-{155 L. Ed. 2d 729} Under the Immigration and Nationality Act, 8 U.S.C. § 1226(c) [8 USCS § 1226(c)], "the Attorney General shall take into custody any alien who" is removable from this country because he has been convicted of one of a specified set of crimes, including an "aggravated felony." After respondent, a lawful permanent resident alien, was convicted in state court of first-degree burglary and, later, of "petty theft with priors," the Immigration and Naturalization Service (INS) charged him with being deportable from the United States in light of these convictions, and detained him pending his removal hearing. Without disputing the validity of his convictions or the INS' conclusion that he is deportable{2003 U.S. LEXIS 2} and therefore subject to mandatory detention under § 1226(c), respondent filed a habeas corpus action challenging § 1226(c) on the ground that his detention thereunder violated due process because the INS had made no determination that he posed either a danger to society or a flight risk. The District Court agreed and granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing, after which respondent was released on bond. In affirming, the Ninth Circuit held that § 1226(c) violates substantive due process

as applied to respondent because he is a lawful permanent resident, the most favored category of aliens. The court rejected the Government's two principal justifications for mandatory detention under § 1226(c), discounting the first--ensuring the presence of criminal aliens at their removal proceedings--upon finding that not all aliens detained pursuant to § 1226(c) would ultimately be deported, and discounting the second--protecting the public from dangerous criminal aliens--on the grounds that the aggravated felony classification triggering respondent's detention included crimes (such as respondent's) that the court did not{2003 U.S. LEXIS 3} consider "egregious" or otherwise sufficiently dangerous to the public to {155 L. Ed. 2d 730} necessitate mandatory detention. Relying on Zadvydas v. Davis, 533 U.S. 678, 150 L. Ed. 2d 653, 121 S. Ct. 2491, the court concluded that the INS had not provided a justification for no-bail civil detention sufficient to overcome a permanent resident alien's liberty interest.

- Section 1226(e) --which states that "the Attorney General's discretionary judgment regarding the application of this section shall not be subject to review" and that "[n]o court may set aside any action or decision by the Attorney General under this section regarding the detention or release of any alien"--does not deprive the federal courts of jurisdiction to grant habeas relief to aliens challenging their detention under § 1226(c). Respondent does not challenge a "discretionary judgment" by the Attorney General or a "decision" that the Attorney General has made regarding his detention or release. Rather, respondent challenges the statutory framework that permits his detention without bail. Where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear. E.g., Webster v. Doe, 486 U.S. 592, 603, 100 L. Ed. 2d 632, 108 S. Ct. 2047.{2003 U.S. LEXIS 4} And, where a provision precluding review is claimed to bar habeas review, the Court requires a particularly clear statement that such is Congress' intent. See INS v. St. Cyr, 533 U.S. 289, 308-309, 298, 327, 150 L. Ed. 2d 347, 121 S. Ct. 2271. Section 1226(e) contains no explicit provision barring habeas review.

-The District Court agreed with respondent that § 1226(c)'s requirement of mandatory detention for certain criminal aliens was unconstitutional. Kim v Schiltgen{2003 U.S. LEXIS 10} , No. C 99-2257 SI {538 U.S. 515} (Aug. 11, 1999), App. to Pet. for Cert. 31a-51a. The District Court therefore granted respondent's petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either a flight risk or a danger to the community. Id., at 50a.

GROUND TWO:

I invoke the Accardi doctrine:

-(a) Supporting facts

an agency has to follow its own rules and regulations. see united states ex rel. Accardi vs Shaughnassy,347 U.S 260(1954).ICE skipped its own procedural steps required by its own rule book before revoking my liberty. see Robbie vs Bondi, 803f.supp 3d 766,767,774(D.MINN.2025) agency deviation from its own regulations may justify relief in a case otherwise properly before the court. jean vs Nelson 727f2D,957,976(11CIRC.1984)

-Under the Accardi doctrine, "an administrative agency is required to adhere to its own internal operating procedures." Church of Scientology of Cal. v. United States, 920 F.2d 1481, 1487 (9th Cir. 1990) (citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268, 74 S. Ct. 499, 98 L. Ed. 681 (1954)). In accordance with this principle, agencies must follow a regulation if they promulgate one

*-To establish an APA claim under the Accardi doctrine, Martinez must show both that (1) the Government violated its own regulations, and (2) Martinez suffer substantial prejudice as a result of that violation. See Al Otro Lado, Inc. v. Mayorkas, 2024 U.S. Dist. LEXIS 179081, 2024 WL 4370577, at *8-9 (S.D. Cal. Sept. 30, 2024).*

GROUND THREE:

this court has jurisdiction under section 28 u.s.c § 2241 the suspension clause U.S const.art I§9,CL.

(a) Supporting facts (Be brief. Do not cite cases or law.
The district court agreed with respondent that §1226(c)'s requirement of mandatory detention for certain criminal alien was unconstitutional. Kim V Schiltgen {2003u.s.515} (Aug.11.1999),app. to pet. for cert.31a-51a.the district court therefore granted respondents petition subject to the INS' prompt undertaking of an individualized bond hearing to determine whether respondent posed either risk or a danger to the community. id.,at50a.

GROUND FOUR:

-the government has striped me of my liberty without affording me adequate notice or opportunity to be heard. government violate and continues to violate the"great and blessed U. S. Const. fifth amendment".

(a) Supporting facts (Be brief. Do not cite cases or law.
The fifth amendment prohibits deprivation of an individual's liberty without due process of law. U.S constitution see Harper 520 us 143,147-4801997.see romeo vs ladwig non citizen's have an overwhelming liberty interest that cannot be taken away without due process.

Motion Against Transfer

Detainee: ***Batista Dominguez Maykel***
A-Number: [redacted]
Current Detention Center: ***8915 MONTANA AVE EL PASO TX.***
To Whom it may Concern:
I hereby submit a formal request to remain at my current detention center and to avoid any transfer to another facility.

Background

I am currently detained in the custody of Immigration and Customs Enforcement (ICE) while my immigration proceedings are active, including a pending appeal before the Board of Immigration Appeals (BIA).

Grounds for the request

My transfer to another jurisdiction or detention center could substantially affect my access to case documentation and my ability to communicate with my family members and potential legal resources. Any relocation could cause unnecessary delays in my immigration proceedings and hinder the proper exercise of my due process rights.

Petition

Based on the foregoing, I respectfully request:
To remain at my current detention center.
To avoid any transfer to another detention center.
That the negative impact impact a transfer would have on the continuity of my immigration proceedings be taken into consideration.

IX. Fourth Cause Of Action

-Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection." Addington v. Texas, 441 U.S. 418, 4253 (1979).

-The Supreme Court has recognized that the Fourth Amendment is violated by prolonged detention solely for the purpose of investigating immigration status. See Arizona v. United States, 132 S. Ct. 2492, 2509 (2012) (stating that "Detaining individuals solely to verify their immigration status would raise constitutional concerns.")

-Under the Immigration and Nationality Act ("INA") § 287(a)(2) only allows immigration officials to make a warrantless arrest if they have "reason to believe" that the person is likely to escape before a warrant could be obtained. See De La Paz v. Coy, 786 F.3d 367, 376 (5th Cir. Tex. 2015) (stating that an "arrest shall be made by ICE -Agents only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.")

-The De La Paz Court further stated ... "even if an agent has reasonable belief, before making an arrest, there must also be 'a likelihood of the person escaping before a warrant can be obtained for his arrest'", citing to 8 U.S.C. § 1357(a)(2)(5).

-Reasonable suspicion for an immigration stop cannot be based "on broad profiles which cast suspicion on entire categories of people without any individualized suspicion of the particular person to be stopped." United States v. Rodriguez Sanchez, 23 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable suspicion must be "particularized and objective," United States v. Arvizu, 534 U.S. 266, 273 (2002).

PRAYER FOR RELIEF: *For the above foregoing reasons, Petitioner respectfully request that this Court take the following:*

1- Assume jurisdiction

2 -Motion To Expedite Review Of Writ of ***Habeas Corpus***

3-Enjoining Respondents from transferring the Petitioner out of the jurisdiction of the ***ICE [Field Office in El Paso]*** *during the pendency of these proceedings and while the Petitioner remains in Respondent's custody;*

4- Issue a ***Writ of Habeas Corpus*** *ordering Petitioner's release from immigration detention pending final resolution of this Habeas proceeding;*

5 -In the alternative, issue a Writ of ***Habeas Corpus*** *and order Petitioner's release within 2 business days unless Respondents schedule a hearing before a neutral immigration judge to provide,* ***Batista Dominguez Maykel,*** *a constitutionally adequate process to challenge his detention;*

6-Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause, and the APA.

7-Grant such further relief as the Court deems just and proper.

Respectfully submitted on 8-26, ***2026.***

/s_____

Batista Dominguez Maykel

El Paso Service Processing Center
8915 Montana Ave.,
El Paso, TX 79925

CERTIFICATE OF SERVICE

*-I, **Batista Dominguez Maykel**, certify that on the date: 8-26., 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:*

***Mary De-Anda-Ybarra**, Acting ICE Office Director, El Paso11541 Montana Ave., Suite El Paso, TX 79925*

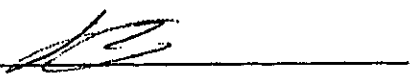
WARDEN OF ERO EL PASO CAMP EAST MONTANA.

***David J. Venturella,** ERO El Paso Camp East Montana*

6920 Digital Road El Paso, TX 79936

***Mark Wayne Mullin,** Secretary of the Department of Homeland Security2707 Martin Luther King Jr. Ave SE, Washington, D.C. 20528-0525.*

***Todd Blanche**, Acting Attorney General of the United States United States Department of Justice950 Pennsylvania Avenue NW Washington, D.C. 20530I further certify that on Date: 8-26, 2026 I served the United States District Court/ Western District Court of Texas/ EL PASO DIVISION/ Office of the Clerk 525 Magoffin Ave., El Paso, TX 79901 by delivering a copy of the foregoing pleading In person.*

/s 

Batista Dominguez Maykel.