

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Clerk of Court

U.S. District Court

Southern District of Texas – Houston Division

515 Rusk Street

Houston, TX 77002

United States Courts
Southern District of Texas
FILED

APR 18 2025

ANDRES FUENTES, son of Jose Antonio Fuentes Carrillo,
On behalf of JOSE ANTONIO FUENTES CARRILLO, born on February 5, 1971, in
Venezuela

A# [REDACTED] Petitioner,

v.

ALEJANDRO MAYORKAS, Secretary of the Department of Homeland Security,
TAE JOHNSON, Acting Director of U.S. Immigration and Customs Enforcement,
MERRICK B. GARLAND, Attorney General of the United States,
DAVID JENNINGS, Field Office Director, ICE Houston Field Office,
JOHN DOE, Warden, El Valle Detention Center,
Respondents.

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

I. INTRODUCTION

1. Petitioner, Andres Fuentes, submits this Petition on behalf of his father, Jose Antonio Fuentes Carrillo (A# [REDACTED]), who is currently detained at El Valle Detention Center, Texas, under the custody of Immigration and Customs Enforcement (ICE). Mr. Fuentes Carrillo has been unlawfully detained since December 17, 2024, despite his severe medical conditions and his pending asylum application (I-589) based on his history as a political refugee and torture survivor from Venezuela.

2. Mr. Fuentes Carrillo's continued detention violates the Fifth Amendment Due Process Clause of the United States Constitution and international human rights treaties prohibiting refoulement, as he is at high risk of torture and execution if deported.

3. Petitioner respectfully requests this Court to order his immediate release due to the life-threatening conditions of his detention and the urgent need for specialized medical treatment.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Fuentes Carrillo is in ICE custody and suffers from prolonged, unlawful detention without due process.

5. Venue is proper in the Southern District of Texas as Mr. Fuentes Carrillo is currently detained at El Valle Detention Center, Texas, under the jurisdiction of this Court.

III. FACTUAL BACKGROUND

6. Mr. Fuentes Carrillo is a 54-year-old Venezuelan national and former Chief of Immigration in Venezuela. Due to his role in uncovering high-level corruption within the government, he was tortured multiple times by the Maduro regime, including sexual assault with sharp objects in the rectal area during detention.

7. He fled Venezuela and, after spending years in hiding, sought asylum in the United States by presenting himself lawfully via CBP One on December 17, 2024, along with his wife, his daughter, his daughter's husband, and their two children. However, while all other family members were admitted into the United States, Mr. Fuentes Carrillo was the only one arbitrarily detained by ICE.

8. Mr. Fuentes Carrillo suffers from severe diabetes, hypertension, kidney failure, a rotator cuff dislocation, and an abnormal mass on his foot. He requires immediate medical attention, which is not being provided at the detention center.

8A. Alarming, during his detention, Mr. Fuentes Carrillo's health has deteriorated severely. Most recently, he suffered a partial facial paralysis, likely indicating a stroke or a serious neurological complication related to his uncontrolled diabetes or hypertension. Despite this clear medical emergency, the detention center has failed to provide the specialized care he urgently requires.

8B. Petitioner, his son, fears deeply for his father's life. Mr. Fuentes Carrillo's physical deterioration has been visible and rapid. The risk of him dying in custody due to medical neglect is not only reasonable—it is imminent. His continued detention under these circumstances amounts to a slow death sentence, in violation of fundamental principles of humanity, compassion, and constitutional justice.

9. ICE's refusal to release Mr. Fuentes Carrillo places him at imminent risk of death and constitutes cruel and unusual punishment in violation of the Fifth and Eighth Amendments.

IV. LEGAL ARGUMENTS

A. Violation of the Due Process Clause (Fifth Amendment)

10. Mr. Fuentes Carrillo's detention without individualized review or justification violates his right to due process under the Fifth Amendment.

B. Violation of the Convention Against Torture (CAT) and International Law

11. The United States is legally bound under the Convention Against Torture (CAT) and the principle of Non-Refoulement to prevent Mr. Fuentes Carrillo's deportation, as he faces imminent danger if returned to Venezuela or any third country.

C. Indefinite Detention is Unlawful Under *Zadvydas v. Davis*, 533 U.S. 678 (2001)

12. The Supreme Court has ruled that indefinite detention of noncitizens without justification is unconstitutional. Given that Mr. Fuentes Carrillo poses no flight risk nor danger to the community, his continued imprisonment is unlawful.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Order the immediate release of José Antonio Fuentes Carrillo from ICE custody due to his life-threatening medical conditions;
2. Grant humanitarian parole or another form of supervised release to allow him proper medical care and preparation for his asylum hearing;
3. Prohibit ICE from deporting him to Venezuela or any third country where his life would be in danger; and
4. Grant any further relief as this Court deems just and appropriate.

Respectfully submitted,

Andres Fuentes, son of Jose Antonio Fuentes Carrillo

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Dated: APRIL 12, 2025

A handwritten signature in black ink, appearing to be 'AF' or similar initials, written over a horizontal line.