

Daniela Paigosa Rivera - [Redacted]  
Name and Prisoner Number/Alien Registration Number  
Eloy Detention Center, Eloy, Arizona  
Place of Confinement  
1705 E Hanna Rd  
Mailing Address  
Eloy, AZ 85131  
City, State, Zip Code

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CLERK U.S. DISTRICT COURT  
DISTRICT OF ARIZONA  
BY [Signature] DEPUTY

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Daniela Paigosa Rivera  
(Full Name of Petitioner)

Petitioner,

v.  
Warden, Eloy Detention Center;  
Corey A. Price, ICE Phoenix Field Office Director  
(Name of Warden, Jailor or authorized person  
having custody of Petitioner)

Respondent.

CASE NOCV-25-03444-PHX-SHA(MTM)  
(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2241  
FOR A WRIT OF HABEAS CORPUS  
BY A PERSON IN FEDERAL CUSTODY

PETITION

1. What are you challenging in this petition?  
 Immigration detention  
 Bureau of Prisons sentence calculation or loss of good-time credits  
 Probation, parole or supervised release  
 Other (explain): \_\_\_\_\_
2. (a) Name and location of the agency or court that made the decision you are challenging: EOIR- Executive Office for Immigration Review (EOIR), Eloy Immigration Court, Eloy, Arizona.  
(b) Case or opinion number: File#A-Number [Redacted]  
(c) Decision made by the agency or court: Withholding of removal granted; asylum denied under the circumvention of lawful pathways rule; CAT denied as moot; alternate removal order entered.  
(d) Date of the decision: July 3, 2025

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING TO FEDERAL AND/OR LOCAL RULES AND PRACTICES AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCES CIVIL 5, 4 1  
(Rule Number/Section)

3. Did you appeal the decision to a higher agency or court? Yes  No

If yes, answer the following:

(a) First appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(b) Second appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(c) Third appeal:

(1) Name of the agency or court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

4. If you did not appeal the decision to a higher agency or court, explain why you did not: I did not file an appeal because the government did not appeal the immigration judge's decision, and therefore the withholding of removal order became final. Furthermore, there is no administrative avenue available to appeal a prolonged detention after such a grant.

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes  No

If yes, answer the following:

(a) Name of the agency or court: \_\_\_\_\_

(b) Date you filed: \_\_\_\_\_

(c) Opinion or case number: \_\_\_\_\_

(d) Result: \_\_\_\_\_

(e) Date of result: \_\_\_\_\_

(f) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

6. For this petition, state every ground on which you 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.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) your available administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: Continued ICE detention after an IJ granted me withholding of removal on 07/03/2025. DHS did not appeal; I cannot be sent to Colombia; no third-country option identified; ICE has offered no specific removal plan; I remain detained in ELOY. My post-withholding of removal detention is unlawful under the precedent *Zadvydas v. Davis*, which states that ICE cannot detain a person beyond a reasonable period (generally 180 days) when removal is not reasonably foreseeable.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

On 07/03/2025 an ELOY Immigration Judge (Nicolaio Orechwa) granted me withholding.  
Asylum was denied; CAT noted as moot. DHS did not file an appeal. Since that decision I have remained detained at ELOY Detention Center. I cannot be removed to Colombia under the IJ's order. I have not been told of any country that will accept me. No travel document request or Hierarchy has been communicated to me. I have not refused removal or concealed my identity. I have a confirmed sponsor and residence plan in New York.

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes  No

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: \_\_\_\_\_

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:

There is no administrative process that orders release when removal is not realistically possible. ICE reviews have not resulted in release.

GROUND TWO: Detention length and pending POOR: in custody since 12/18/2024;  
POOR noted 03/03/2025-11/03/2025; no decision yet; no concrete removal steps.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

I entered ICE custody on 12/18/2024 and remain detained. While the IJ decision was made on 07/03/2025 ICE officers told me my post-order custody review (POOR) began 03/03/2025, and runs to 11/03/2025. Since POOR began, no removal date has been provided to me. No travel has been scheduled. No third-country acceptance has been identified to me. Status updates have only said "under review". I have complied with interviews and remain available to ICE. I have a verified release address and family transport ready. The lack of concrete steps in custody review violates due process guaranteed by the Fifth Amendment.

(b) Did you exhaust all available administrative remedies relating to Ground Two? Yes  No

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: \_\_\_\_\_

(d) If you did not exhaust all available administrative remedies relating to Ground Two, explain why:  
The POOR is discretionary and ongoing; there is no administrative appeal that can order release.

**GROUND THREE:** Detention conditions are harming my health and ability to function.  
I experience untreated health issues, chronic sleep deprivation, and unsafe water periods.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
From late December to April I had continuous menstrual bleeding. I was only offered ibuprofen; I was told other treatment was unavailable.  
I have lost significant weight and developed hairless patches on my scalp.  
I feel daily depression and anxiety with daily crying, loss of appetite, hopelessness and fear of indefinite detention or. Lights remain on overnight, and we are woken around 3:00 a.m. to have breakfast between 3:40 a.m. - 4:00 a.m.  
There have been long stretches without potable water. I developed active diarrhea after drinking the available water during those times.  
I have avoided seeking care at times because I fear ineffective or inappropriate treatment.

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes  No

(c) If yes, did you present the issue to:

- The Board of Immigration Appeals
- The Office of General Counsel
- The Parole Commission
- Other: \_\_\_\_\_

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:  
Medical requests do not address the legality of detention; no admin process can order release.

**GROUND FOUR:** Detention is harming my mental health and safety. Persistent fear and symptoms tied to my sexual orientation. Overall, these conditions reinforce the illegality of prolonged detention by demonstrating that it is punitive, arbitrary, and incompatible with due process.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

I am a lesbian woman with a history of persecution against me on the basis of my sexual orientation.

I experience prolonged depression, anxiety, daily crying, and growing hopelessness.

The period allotted to sleep is between 9:15 p.m. 3:00 a.m., less than 6 hours.

But overnight lights and stressful noise only allow me to sleep an average 3 hours per night, causing protracted sleep deprivation.

Other detainees who experience depression symptoms report being given hydroxyzine regardless of condition.

I feel ineffective and counterproductive care for depression.

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes  No

(c) If yes, did you present the issue to:

The Board of Immigration Appeals

The Office of General Counsel

The Parole Commission

Other: \_\_\_\_\_

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

No administrative path can provide the release I seek or remedy ongoing psychological harm while in detention.

**Please answer these additional questions about this petition:**

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes  No   
(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes  No

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Opinion or case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(b) Explain why the remedy under § 2255 is inadequate or ineffective: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. If this case concerns immigration removal proceedings, answer the following:

(a) Date you were taken into immigration custody: 12/18/2024

(b) Date of removal or reinstatement order: 07/03/2025

(c) Did you file an appeal with the Board of Immigration Appeals? Yes  No

(1) Date you filed: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: ICC noted 08/03/25-11/03/25, no decision yet; no concrete removal steps.

(5) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

(d) Did you file an appeal with the federal court of appeals? Yes  No

(1) Name of the court: \_\_\_\_\_

(2) Date you filed: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.**

9. Petitioner asks that the Court grant the following relief: Order my immediate release from ICE custody under reasonable conditions of supervision; and any other appropriate relief.

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 10-28-2025 (month, day, year).

Daniela Lugo R.  
Signature of Petitioner

\_\_\_\_\_  
Signature of attorney, if any

10-28-2025  
Date