

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

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Case No. A



In the Matter of:

Ehigie Henshaw Isibor

1:25-cv-196-H

Petitioner

v.

Dallas Field Office Director

Field Office Director of Enforcement and

Removal Operations, (Dallas) field Office,

Immigration and customs Enforcement; Kristi NOEM,

Secretary, U. S. Department of Homeland Security;

US. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI,

U. S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;

Marcello Villegas, WARDEN OF BLUEBONNET DETENTION FACILITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

I petitioner Ehigie Henshaw Isibor, is in the physical custody of Respondents at the {BLUEBONNET DETENTION FACILITY}, [petitioner has been detained here for the past 18months] facing unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have decided not to release Me.

Petitioner entered the United States Legally on or March 16th 2016 and has been detained since I finished serving my time February 16th of 2024

Petitioner's detention on this basis violated the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who entered the country legally are now residing in the United States. Instead, such individual is subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. Even if DHS infers that Petitioner is subject to 8 U.S.C. §1226(c), However, when such detention becomes unreasonably prolonged, due process under the Fifth Amendment requires the government to provide a bond hearing. see *Zadvydas v. Davis*, 533 U.S.678 (2001); *Guerrero –Sanchez* warden York County prison, 905 F.3d 208 (3d Cir .2018); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir.2015), vacated on other grounds.

Accordingly, petitioner seeks a writ of habeas corpus requiring that [He] be released unless Respondents provide a bond hearing within 7 days

JURISDICTION

Petitioner is in the physical custody of Respondents. Petitioner is detained at the Bluebonnet Detention Center in Anson Texas.

This court has jurisdiction under 28 U.S.C. § 2241(c) (5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article 1, section 9, clause 2 of the United States Constitution (the Suspension Clause)

This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgement Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

Pursuant to *Braden v. 30th judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 500 (1973), venue lies in the United States District Court for the [DISTRICT], the judicial district in which Petitioner currently detained.

Venue is also properly in this Court pursuant to 28 U.S.C. § 1391 (e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the [DISTRICT].

REQUIREMENTS OF 28 U.S.C. § 2243

The court must grant the petitioner for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed. 'Id.

Habeas Corpus is “perhaps the most important writ known to the constitutional law...affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *fay v Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receive prompt action from him without the four corners of the application.” *yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.2000) (citation omitted).

PARTIES

Petitioner [EHIGIE HENSHAW ISIBOR] is [alleged to be] a citizen of Nigeria who has been in immigration detention since February 22nd of 2024. After arresting petitioner in [Dallas], ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, Pursuant to the Board's decision in *Matter of yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

Respondent [FIELD OFFICE DIRECTOR] is the Director of the [DALLAS] field Office of ICE's Enforcement and Removal Operations division. As such, [FIELD OFFICE DIRECTOR] is petitioner 's immediate custodian and is responsible for Petitioner 's detention and removal. [He/She] is named in [his/her] official capacity.

Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for petitioner 's detention. Ms. Noem has ultimate Custodian and is responsible for Petitioner and is sued in her official capacity.

Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration courts system it operates is a component agency. She is sued in her official capacity.

Respondent Executive office for immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for Custody redeterminations in bond hearings.

Respondent Marcello Villegas [WARDEN] is Employed by [CORPORATION/JAILER/ETC.] as Warden of Bluebonnet Detention Center Anson Texas., where Petitioner is detained [HE/SHE/THEY] has immediate physical custody of Petitioner. [HE/SHE/THEY] is sued in [HIS/SHE/THEIR] official capacity.

LEGAL FRAMEWORK

The INA prescribes three basic forms of detention for the vast majority of noncitizen in removal proceedings.

First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a. Individual in § 1226 (a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.19(d), while noncitizen who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(C)

Second, the INA provides for mandatory detention of noncitizen subject to expedited removal under 8 U.S.C. § 1225 (b)(1) and for other recent arrivals seeking admission referred to under § 1225 (b)(2).

Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding –only proceedings, see 8 U.S.C. § 1231 (a)-(b).

Regardless of which 3, he is entitled to Release as he has been detained for over 18 months' now

FACTS

Petitioner has resided in the United States Since 2016 on march 16th, Petitioner was arrested for Use of false under 18. U.S.C. § 1543 and conspiracy to commit money laundering under 18.U.S.C. § 1956(a)(1)(B)(ii) Petitioner is now detained at the Bluebonnet Detention Center for 18 months.

[DHS] Placed Petitioner in removal proceedings before the EL PASO COURT

Following Petitioner's arrest and transfer to [Bluebonnet Detention facility], ICE issued a custody determination to continue Petitioner 's detention without an opportunity to post bond or be released on other conditions.

HEARING –Petitioner subsequently requested a bond redetermination hearing and was schedule for the 12th of August 2025 and Petition was remove from the docket on the 12th of August 2025 without no tangible explanation as to why petitioner was remove from the docket for the 12th of August Petitioner original date, on the 13th of August petitioner was called upon before an IJ and it was Denied

As a result, Petitioner remains in detention and has been in detention for about 18 months now Without relief from this court, [he/she/they] face the prospect of months, or even years, in immigration custody, separated from family and Community

CLAIMS FOR RELIEF

COUNT 1

Violation of the INA

Petitioner incorporates by reference the allegations of facts set forth in the preceding paragraphs.

Petitioner is detained under 8 U.S.C. § 1226(c), which mandate detention of certain noncitizens with specified criminal convictions.

Even being held under 8 U.S.C. § 1226 (C), which mandate detention of certain noncitizens with specified criminal convictions. However, when such detention becomes unreasonably prolonged, due process under the Fifth Amendment required the government to provide a bond hearing. see *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Guerrero-Sanchez v. Warden York County prison*, 905 F.3d 208 (3d Cir.2018); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015), vacated on other grounds.

The government's interest in detention must be balanced against petitioner's liberty interest, especially where no final order of removal exists, and Petitioner remains in protracted immigration litigation through no fault of his own.

Courts have found that detention exceeding 6 months to 1 year without a bond hearing may violate due process. Petitioner's detention, now over 18 months, exceeds this threshold.

COUNT II

Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the proceeding paragraphs as if fully set forth herein.

The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. 'Freedom from imprisonment –from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that the Clause protects.' *Zadvydas v. Davis*, 533 U.S.678,690 (2001).

Petitioner has a fundamental interest in liberty and being free from official

The government 's detention of Petitioner without a bond redetermination hearing to determine Whether he is a flight risk or danger to others violates [his/her/their] right to due process

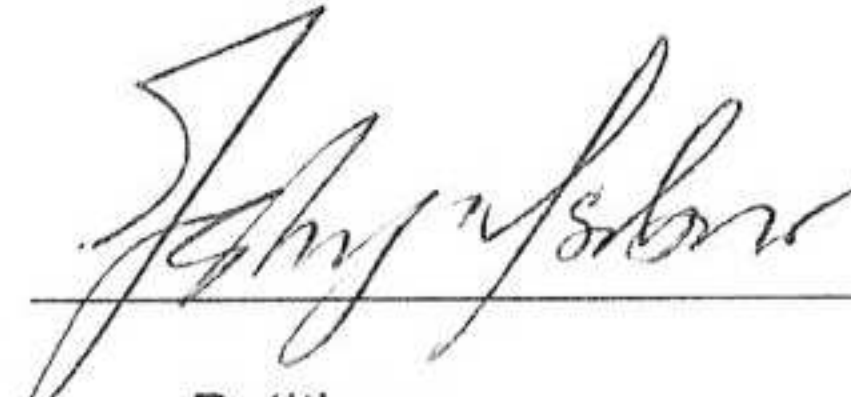
PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the [ABILENE DISTRICT] while this habeas petition is pending;
- c. Issue an Order to Show Cause Ordering Respondents to show cause why this petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents Release Petitioner or in the alternative; Order an immediate bond hearing before an Immigration judge with the burden on the government to justify continued detention by clear and convincing evidence
- e. Declare that Petitioner's detention is unlawful;
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 26th of September, 2025.

SIGNATURE



Petitioner

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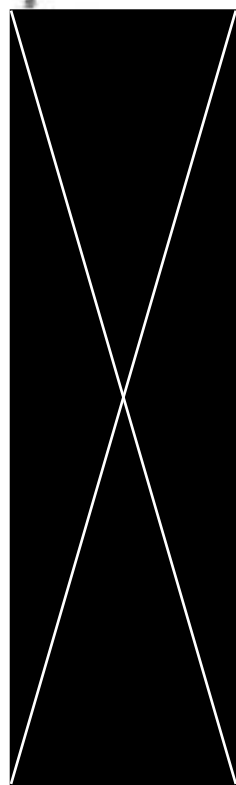


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TO:

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ABILENE, TEXAS
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