

II. BACKGROUND

Petitioner was first detained by Immigration and Customs Enforcement (ICE) in Providence, RI 35 years ago. After Petitioner completed his sentence in county jail, ICE put a detainer on Petitioner and was held in the same facility.

Two weeks after the ICE detainer, Petitioner went before an immigration judge and was given an ultimatum of choosing to sign the deportation order or go back to county jail and await for deportation to Cuba, which at the time was unlikely as it is today.

72 hours after Petitioner signs the order of deportation he is released on an Order of Supervision (OSUP).

Post OSUP revocation

On July 17, 2025 Petitioner reported to the San Antonio ICE Field Office for this annual check-in, as he has done for the last 35 years.

Then and there ICE revoked Petitioner's OSUP during the check-in. The only reason given by an ICE agent is, "you're on the list". Afterwards the Petitioner was transported to the South Texas ICE Processing Center (STIPC) in Pearsall, TX.

ICE did not conduct an interview with the Petitioner since July 17, 2025. *8 CFR §241.13(i)(3)*

Legality of OSUP revocation

Petitioner challenges the legality of the OSUP revocation outlined under *8 CFR §241.4* and *8 CFR §241.13*. Petitioner claims that ICE has violated the Due Process Clause under the Fifth Amendment of the U.S. Constitution.

The following cases have challenged the legality of OSUP revocation. *Grigorian v. Bondi*, 2025 U.S. Dist. Court, Lexis 175489, U.S. District Court for the Southern District of Florida, September 9, 2025; *Sarail A. v. Bondi*, 2025 U.S. District Lexis 171005, September 3, 2025; *Rokhfirooz v. Larose*, 2025 U.S. District Lexis 180605, U.S. District Court for the Southern District of California, September 15, 2025.

The above cases are not exhaustive.

Informal interviews are not valid since reasons were not given. Informal interviews are not a legal argument under ICE regulations and the U.S. Constitution.

ICE has not responded to several requests for copies of warrant and OSUP revocation documents via the STIPC request system, both paper (physical) and the tablet app (electronic).

ICE's failure to provide the Petitioner an informal interview promptly after his detention or to otherwise provide an opportunity to contest reasons for revocation violates both ICE's own regulations

[8 CFR §241.4 and 8 CFR §241.13] and the U.S. Constitution Fifth Amendment's Due Process clause. [Grigorian v. Bondi, 2025].

At 66 years old Petitioner is in jeopardy of losing his retirement pension that he paid into for the last 44 years. The granting of this writ will allow the Petitioner to correct this issue without having to lose his only source of income.

Petitioner has not been seen by an ICE agent since his detention at STIPC.

III. PRAYER FOR RELIEF

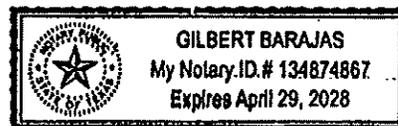
WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter a preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Grant any other and further relief that this Court deems just and proper.

I affirm to the best of my knowledge and belief that the foregoing is true and correct.

ACKNOWLEDGMENT

SUBSCRIBED TO AND SWORN before me this 9th day of October 2025 that [name of petitioner] personally appeared and known to me to be the person whose name subscribed to within instrument and acknowledge to be the same.



Jorge Fresneda

[name of petitioner],

Petitioner

NOTARY