

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
NORTHERN DIVISION

Alpine
U.S. District Clerk's Office
2450 State Hwy. 118
Alpine, Texas 79830

SEBASTIAN DIEZ GOMEZ,

A  Petitioner,

v.

Civil Action No. P-25-cv-00043


Bluebonnet Detention Facility, Warden;
U.S. Immigration and Customs Enforcement,
Respondents.

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

1. Jurisdiction

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is presently in custody within this District at the Bluebonnet Detention Facility, Anson, Texas, and I challenge the legality of that custody.

2. Parties


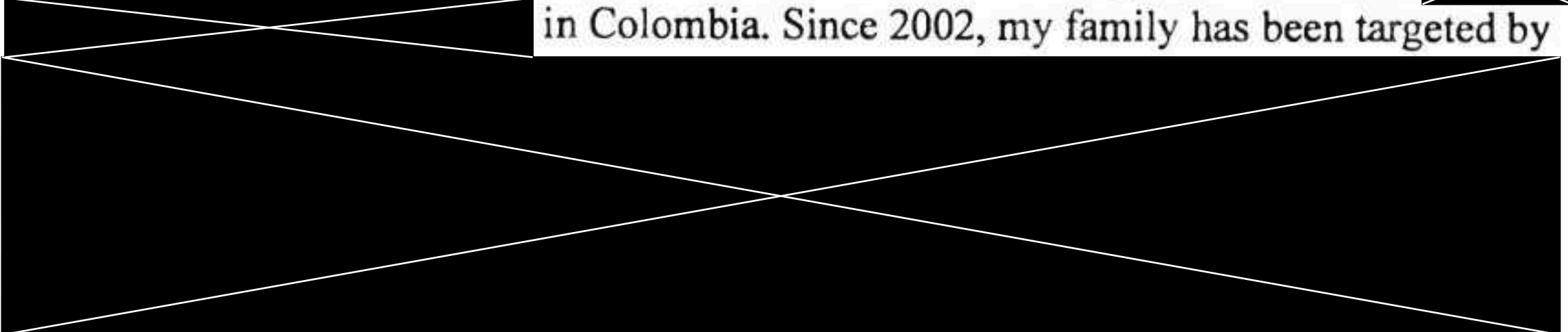
Petitioner: SEBASTIAN DIEZ GOMEZ, A-Number , a 33-year-old native and citizen of Colombia. I am currently detained at the Bluebonnet Detention Facility, 400 Second Street, Anson, TX 79501.

Respondents: The Warden/Director of Bluebonnet Detention Facility, and U.S. Immigration and Customs Enforcement (ICE).

3. Custody Status

I have been detained by ICE since May 27, 2025, when I voluntarily appeared for a scheduled check-in with ICE in Dallas, Texas, in full compliance with my supervision requirements. Despite my voluntary compliance, clean record, and pending asylum claim, I was taken into custody without a bond hearing because an ICE officer confused my identity with some Venezuelan national individual.

4. Statement of Relevant Facts

I entered the United States on or about March 11, 2024, fleeing persecution from  in Colombia. Since 2002, my family has been targeted by 

Fearing for our lives and for the safety of our daughter, we fled Colombia. Upon entering the U.S., we were placed under DHS supervision. Despite complying fully, ICE agents detained me on May 27, 2025, due to factual errors in DHS records.

ICE records falsely state that I was “encountered” at the Dallas field office, when I voluntarily appeared for a scheduled check-in. They also misidentify me as a Venezuelan national, when I am a documented Colombian citizen. This misidentification tainted the process and prejudiced my eligibility for release.

On June 24, 2025, Immigration Judge Dean Tuckman denied my Motion for Bond Redetermination, citing lack of jurisdiction under *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). That case involved an INTERPOL Red Notice for drug trafficking—circumstances entirely inapplicable to me.

5. Grounds for Relief

6. Legal Framework

8 C.F.R. § 1003.19(a): Immigration Judges have jurisdiction to conduct custody redetermination hearings, even absent a Notice to Appear.

8 C.F.R. § 1236.1(d): Authorizes respondents to request bond redetermination after initial DHS custody.

Fifth Amendment: Protects all persons, including noncitizens, from arbitrary detention (*Zadvydas v. Davis*, 533 U.S. 678 (2001)).

The IJ's refusal to exercise jurisdiction contradicts both regulation and precedent.

7. Relief Requested

I respectfully request that this Court:


1. Grant the Writ of Habeas Corpus and order my immediate release from ICE custody; OR, in the alternative,
2. Order Respondents to provide a prompt and fair bond hearing before an Immigration Judge.

8. Conclusion

My detention is unconstitutional, unlawful, and based on erroneous factual and legal grounds. I am a Colombian national fleeing persecution, not a Venezuelan criminal suspect. I am not a danger to the community nor a flight risk. Accordingly, habeas relief is warranted.

Respectfully submitted,

(SEBASTIAN DIEZ GOMEZ)

A-Number: 

Bluebonnet Detention Facility

400 Second Street

Anson, TX 79501

a. Unlawful Detention Without Bond Hearing

The Fifth Amendment guarantees liberty absent lawful justification for detention. I have been held without an individualized bond hearing, in violation of *Demore v. Kim*, 538 U.S. 510 (2003).

b. Misidentification and Government Error

My detention was triggered by ICE's erroneous classification of me as Venezuelan. This mistake undermines the legal foundation of custody and constitutes a violation of due process. DHS's reliance on inaccurate facts deprived me of meaningful notice and opportunity to be heard (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

I respectfully assert that my detention violates the principles established in *Mathews v. Eldridge*, 424 U.S. 319 (1976). That case requires balancing three factors:

1. My private interest at stake – my liberty. I am being deprived of freedom despite having no criminal history and full compliance with ICE supervision.
2. The risk of erroneous deprivation – very high in my case. ICE relied on false facts (wrong nationality and false encounter). A fair bond hearing would have reduced this risk.
3. The government's interest – efficiency cannot outweigh my constitutional liberty. Regulations (8 C.F.R. § 1003.19) already provide for custody redeterminations.

Because ICE denied me a meaningful opportunity to correct these factual errors, the risk of erroneous deprivation was realized. The procedures offered were constitutionally inadequate under *Mathews v. Eldridge*.

c. Improper Reliance on Matter of Q. Li

The IJ's reliance on Q. Li was misplaced. Unlike Q. Li, I have no criminal history, no INTERPOL notice, and no national security concerns. Application of Q. Li to my case was a legal error, contrary to 8 C.F.R. § 1003.19.

d. Violation of Fifth Amendment Due Process

I was deprived of liberty based on false facts (wrong nationality, wrong encounter). Detention without a fair opportunity to correct these errors violates the Constitution.

e. I am Neither a Flight Risk nor a Danger

I have no criminal record, strong family ties, and full compliance with ICE supervision. I meet all criteria for release on bond.

Date: 10/17/25

SEBASTIAN DIEZ G.

Pro Se Petitioner