

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED

NOV 21 2025

Eduardo Xavier Jimbo Mendez

Petitioner

v.

Warden, South Texas Detention Facility

Respondent

(name of warden or authorized person having custody of petitioner)

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Case No.

SA25CA1566 XR
Supplied by Clerk of Court

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

Personal Information

1. (a) Your full name: Eduardo Xavier Jimbo-Méndez
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: South Texas Detention Facility
(b) Address: 566 Veterans Drive
Pearsall, TX 78061
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
ICE immigration detention
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Department of Homeland Security – Immigration and Customs Enforcement (ICE) San Antonio Field Office
 - (b) Docket number, case number, or opinion number: 
 - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued prolonged immigration detention without custody review, despite having a pending BIA appeal, no final order of removal, no danger, no flight risk, and severe family hardship
 - (d) Date of the decision or action: 08/11/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: ICE does not provide a custody appeal process for this type of detention, and no custody review was ever offered or available.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Explanation: No review procedure was available.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____
No review procedure was available.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 08/11/2025
- (b) Date of the removal or reinstatement order: 02/15/2024
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

(1) Date of filing: 05/29/2025

(2) Case number: 

(3) Result: Pending

(4) Date of result:

(5) Issues raised: Reopening, attorney error, incorrect consolidation handling, lack of jurisdiction for in absentia order for daughter, due process violations.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

(4) Result:

(5) Date of result:

(6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application:

(b) Name of the authority, agency, or court:

(c) Date of filing:

(d) Docket number, case number, or opinion number:

(e) Result:

(f) Date of result:

(g) Issues raised:

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your 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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged immigration detention without any custody review.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I have been detained by ICE since August 11, 2025 with no custody review, no explanations, and no written decisions. I attended my check-in voluntarily and have always complied with ICE requirements. I am not a danger and not a flight risk. My wife has disabilities and my daughter suffers anxiety because of my detention. ICE has refused to give any custody review for months.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: There is no final order of removal; my detention is not authorized.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

My appeal with the Board of Immigration Appeals is still pending. There is no final removal order. My wife's case was reopened, but due to a clerical error my daughter still shows an incorrect removal order even though our cases were supposed to be consolidated. Because my case is not final, ICE cannot hold me under post-order detention.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Clerical and procedural errors in the consolidated family case caused unfair detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Our family case was consolidated, but only my wife's case appears reopened. My daughter never received her reopening notice even though she was part of the same family case. This error affects my entire case and has caused delays and confusion. I remain detained while the system shows inconsistent information.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR: Immigration Court cannot give me a bond hearing, leaving habeas corpus as my only remedy.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Because of Matter of Hurtado, the Immigration Judge has no jurisdiction to give me a bond hearing due to the way I entered the United States. This means I cannot request bond in immigration court. ICE has also refused to make a custody decision. Therefore, this habeas petition is the only way for me to challenge my detention.

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: ICE does not provide any custody-review appeal process for detainees. There is no administrative method to challenge prolonged detention, so I could not raise these grounds in any appeal.
-
-

Request for Relief

15. State exactly what you want the court to do: Order my immediate release from ICE custody under reasonable, or require ICE to give me a prompt and meaningful custody review. Also order ICE not to transfer me outside this district while this case is pending.
-
-
-

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/17/2025

Edwards Xavier Jimbo Mendez.
Signature of Petitioner



Signature of Attorney or other authorized person, if any

Charles R. MacKenzie
MacKenzie Law Offices
250 Park Avenue, STE 7003, 7 FL
New York, NY 10177
Phone: 929-670-0567
Email: gerenciafreedomway@gmail.com

11/15/2025

AFFIDAVIT OF ATTORNEY CHARLES R. MACKENZIE

I, Charles R. MacKenzie, declare the following:

1. I am an attorney licensed to practice law in the State of New York, Bar No. 2653954, and I am in good standing. My professional address is 250 Park Avenue, Suite 7003, 7th Floor, New York, NY 10177.
2. On September 11, 2025, I filed a Form EOIR-27 entering my appearance as attorney of record before the Board of Immigration Appeals (BIA) for Mr. Eduardo Xavier Jimbo-Mendez, as reflected in the official filing.
3. My representation is strictly limited to the BIA appellate proceedings. I am not admitted to practice before the U.S. District Court for the Western District of Texas or any Texas state court. Therefore, I am not appearing as counsel in this habeas action; this affidavit is submitted solely as supporting evidence based on my role as his BIA counsel.
4. Based on my review of the immigration file and my representation at the appellate level, I am familiar with the procedural posture of Mr. Jimbo-Mendez's case.
5. Mr. Jimbo-Mendez has been detained by ICE since August 11, 2025, and has remained continuously in ICE custody at the South Texas ICE Processing Center since that date.
6. As of November 15, 2025, Mr. Jimbo-Mendez has been detained for approximately 96 days (about 3 months and 4 days).
7. His immigration case is currently pending before the Board of Immigration Appeals. The appeal was timely filed on May 27, 2025, and remains awaiting a decision.
8. Because the appeal is pending, the Immigration Judge lacks jurisdiction to conduct a custody redetermination or bond hearing, pursuant to 8 C.F.R. § 1003.19(e). As a result, Mr. Jimbo-Mendez is legally unable to request any bond hearing during the pendency of the BIA appeal.
9. Mr. Jimbo-Mendez has no significant criminal history and has fully cooperated with immigration authorities and with counsel. Nothing in the record indicates he is a danger to the community or a flight risk.

10. After over 96 days of detention with no legally available mechanism for custody review, his detention has become unreasonably prolonged, and no longer bears a reasonable relation to the purpose of ensuring attendance at hearings or protecting public safety.
11. Because no administrative remedy exists to challenge his custody while the BIA appeal is pending, a petition for writ of habeas corpus is the only available means to obtain judicial review of his prolonged detention.
12. Based on my professional assessment, Mr. Jimbo-Mendez is an appropriate candidate for release under reasonable conditions of supervision, or in the alternative, is entitled to a constitutionally adequate bond hearing before a neutral decisionmaker.
13. I declare under penalty of perjury that the statements in this affidavit are true and correct to the best of my knowledge, information, and belief.

Executed on this 15 day of November, 2025, in New York, New York.



Charles R. MacKenzie
New York Bar No. 2653954
MacKenzie Law Offices
250 Park Avenue, STE 7003, 7 FL
New York, NY 10177
Phone: 929-670-0567
Email: gerenciafreedomway@gmail.com

DECLARATION OF EDUARDO XAVIER JIMBO-MÉNDEZ

Under 28 U.S.C. § 1746

I, **Eduardo Xavier Jimbo-Méndez**, declare under penalty of perjury:

1. My name is Eduardo Xavier Jimbo-Méndez. I am the Petitioner in this habeas corpus action, and I am currently detained at the South Texas Detention Facility in Pearsall, Texas. My A-number is A# 
2. I was detained by ICE on **August 11, 2025**, during a routine check-in appointment in Jamaica, New York. I attended voluntarily, as I always have.
3. I have always complied with every ICE requirement and have never missed an appointment.
4. Since that date, ICE has never provided me with a custody review, written explanation, or any opportunity to show that I should not be detained.
5. I have no criminal history, no history of violence, and no gang affiliations.
6. I have a **pending appeal before the BIA**, so there is **no final order of removal** against me.
7. My wife's case was **reopened**, but my daughter's case was not reopened due to a clerical error. Our cases were previously consolidated.
8. My detention has caused severe hardship to my family. My wife has disabilities and depends on me. My daughter has anxiety and emotional distress because of my absence.
9. I also suffer from medical conditions, including migraine with aura and dry eye syndrome, which have worsened in detention.
10. I respectfully request that the Court grant my release or order ICE to provide a meaningful custody review.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____, 2025

Location: Pearsall, Texas

Eduardo Xavier Jimbo-Méndez

A# 

DECLARACIÓN DE EDUARDO XAVIER JIMBO-MÉNDEZ

Bajo 28 U.S.C. § 1746

Yo, **Eduardo Xavier Jimbo-Méndez**, declaro bajo pena de perjurio:

1. Mi nombre es Eduardo Xavier Jimbo-Méndez. Soy el Peticionario en esta acción de *habeas corpus* y actualmente estoy detenido en el South Texas Detention Facility en Pearsall, Texas. Mi número A es A# 
2. ICE me detuvo el **11 de agosto de 2025** durante una cita rutinaria en Jamaica, Nueva York. Yo asistí voluntariamente, como siempre lo había hecho.
3. Siempre he cumplido con todos los requisitos de ICE y nunca he faltado a una cita.
4. Desde ese día, ICE nunca me ha dado una revisión de custodia, ni una explicación escrita, ni ninguna oportunidad para demostrar que no debo estar detenido.
5. No tengo antecedentes penales, ni historial de violencia, ni afiliaciones con pandillas.
6. Tengo una **apelación pendiente ante la BIA**, por lo que **no existe una orden final de deportación** en mi contra.
7. El caso de mi esposa fue **reabierto**, pero el caso de mi hija no fue reabierto debido a un error clerical, aunque nuestros casos estaban previamente consolidados.
8. Mi detención ha causado un grave perjuicio a mi familia. Mi esposa tiene discapacidades y depende de mí. Mi hija sufre ansiedad y daño emocional debido a mi ausencia.
9. Yo también sufro condiciones médicas, incluyendo migraña con aura y síndrome de ojo seco, que han empeorado en detención.
10. Pido respetuosamente a la Corte que ordene mi liberación o que instruya a ICE a darme una revisión de custodia significativa.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Firmado el: _____, 2025

Lugar: Pearsall, Texas

Eduardo Xavier Jimbo-Méndez

A# 

DECLARATION OF LIZBETH DAYANNA ANDRADE-SILVA

Under 28 U.S.C. § 1746

I, **Lizbeth Dayanna Andrade-Silva**, declare under penalty of perjury:

1. My name is Lizbeth Dayanna Andrade-Silva. I am the wife of Eduardo Xavier Jimbo-Méndez.
2. I have documented disabilities, including those listed in my CONADIS disability card from Ecuador, and I receive medical treatment in New York.
3. I depend on my husband for support in our daily life, including transportation, care, and emotional stability.
4. Our daughter,  age 7, has been suffering from anxiety, crying frequently, and experiencing emotional distress because her father is detained.
5. Before he was detained, Eduardo was a dedicated father and husband who took our daughter to school and appointments, and helped with all responsibilities at home.
6. Eduardo has no criminal record and always complied with ICE appointments. He was detained unexpectedly during a routine check-in.
7. Our immigration case was previously consolidated, but only my case was reopened. My daughter's case did not receive a reopening notice due to a clerical error, which has caused confusion and hardship.
8. Our family is suffering emotionally, physically, and financially without Eduardo.

I respectfully ask the Court to release my husband or order ICE to give him a custody review so our family can be stable again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Nov 15, 2025

Location: Queens, New York



Lizbeth Dayanna Andrade-Silva

A# 

DECLARACIÓN DE LIZBETH DAYANNA ANDRADE-SILVA

Bajo 28 U.S.C. § 1746

Yo, **Lizbeth Dayanna Andrade-Silva**, declaro bajo pena de perjurio:

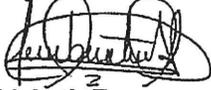
1. Mi nombre es Lizbeth Dayanna Andrade-Silva. Soy la esposa de Eduardo Xavier Jimbo-Méndez.
2. Tengo discapacidades documentadas, incluyendo las registradas en mi tarjeta de discapacidad CONADIS de Ecuador, y recibo tratamiento médico en Nueva York.
3. Dependo de mi esposo para apoyo en nuestra vida diaria, incluyendo transporte, cuidado y estabilidad emocional.
4. Nuestra hija,  de 7 años, ha estado sufriendo ansiedad, episodios de llanto y angustia emocional por la detención de su padre.
5. Antes de ser detenido, Eduardo era un padre y esposo dedicado. Llevaba a nuestra hija a la escuela, a las citas médicas y ayudaba con todas las responsabilidades del hogar.
6. Eduardo no tiene antecedentes penales y siempre cumplió con las citas de ICE. Fue detenido inesperadamente durante una cita rutinaria.
7. Nuestro caso migratorio estaba previamente consolidado, pero solo mi caso fue reabierto. El caso de nuestra hija no recibió notificación de reapertura debido a un error clerical, lo cual ha causado confusión y perjuicio.
8. Nuestra familia está sufriendo emocional, física y económicamente sin Eduardo.

Pido respetuosamente que la Corte ordene la liberación de mi esposo o que exija a ICE darle una revisión de custodia para que nuestra familia pueda recuperar estabilidad.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Firmado el: 15 de nov, 2025

Lugar: Queens, Nueva York



Lizbeth Dayanna Andrade-Silva

A 

EXHIBIT A



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

**MACKENZIE, CHARLES R
FREEDOM WAY IMMIGRATION
& MACKENZIE LAW OFFICES
250 Park Avenue STE 7003
7 FL
New York, NY 10177**

**DHS/ICE OFFICE OF CHIEF COUNSEL - NYE
26 FEDERAL PLAZA, 11TH FLOOR
NEW YORK, NY 10278**

Name: JIMBO-MENDEZ, ...



Type of Proceeding:
Removal

Date of this notice: 11/6/2025

Type of Appeal:
Appeal of IJ MTR

Filed By: Alien

NOTICE OF ACTION
LATE FILED BRIEF GRANTED

The request to accept the respondent's late filed brief is granted.

FILING INSTRUCTIONS

If you have any questions about how to file something at the Board of Immigration Appeals (Board or BIA), please review the BIA's Practice Manual found in EOIR's Policy Manual, which is available at EOIR's website at www.justice.gov/eoir.

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB# 1125-0002
Notice of Appeal from a Decision of an
Immigration Judge

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

EDUARDO XAVIER JIMBO MENDEZ

A: [Redacted]

LIZBETH ANDRADE SILVA

A: [Redacted]

C [Redacted]
A [Redacted]

For Official Use Only

! **WARNING:** Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

RECEIVED
NOV 21 2025
CIVIL RIGHTS DIVISION
EOIR-26

- 2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)
- 3. I am DETAINED NOT DETAINED (Mark only one box.)
- 4. My last hearing was at 290 BROADWAY - 15TH FLR NEW YORK, NY 10007 (Location, City, State)

5. **What decision are you appealing?**

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated _____.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated April 24, 2025.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

EOIR - 1 of 21

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

SEE ATTACHED

EDUARDO XAVIER JIMBO MENDEZ

A: [Redacted]

LIZBETH ANDRADE SILVA

A: [Redacted]

C [Redacted]
A [Redacted]

(Attach additional sheets if necessary)

WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

- 7. Do you desire oral argument before the Board of Immigration Appeals? Yes No
- 8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? Yes No
- 9. If you are unrepresented, do you give consent to the BIA Pro Bono Project to have your case screened by the Project for potential placement with a free attorney or accredited representative, which may include sharing a summary of your case with potential attorneys and accredited representatives? (There is no guarantee that your case will be accepted for placement or that an attorney or accredited representative will accept your case for representation) Yes No

WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.
If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

10. Print Name: EDUARDO XAVIER JIMBO MENDEZ

11. Sign Here:  X EdUARdo Jimbo May 13, 2025

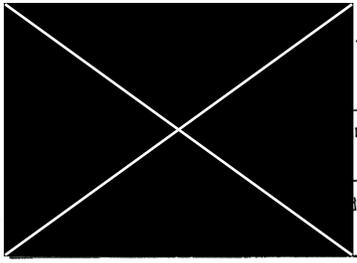
Signature of Person Appealing
(or attorney or representative)

Date

EOIR - 2 of 21

12. Mailing Address of Respondent(s)/Applicant(s)

EDUARDO XAVIER JIMBO MENDEZ
(Name)


(Street Address)

(Suite or Room Number)

(City, State, Zip Code)

(Telephone Number)

11. Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)

(Name)

(Street Address)

(Suite or Room Number)

(City, State, Zip Code)

(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

13. **PROOF OF SERVICE (You Must Complete This)**

I EDUARDO XAVIER JIMBO MENDEZ mailed or delivered a copy of this Notice of Appeal
(Name)

on MAY 13, 2025 to Office of the Principal Legal Advisor DHS/ICE
(Date) (Opposing Party)

at 26 Federal Plaza Room 1200 New York, NY 10278
(Number and Street, City, State, Zip Code)

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

SIGN HERE  X Eduardo Jimbo
Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee payment receipt, fee, or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- Read all of the General Instructions.
- Provided all of the requested information.
- Completed this form in English.
- Provided a certified English translation for all non-English attachments.
- Signed the form.
- Served a copy of this form and all attachments on the opposing party, if applicable.
- Completed and signed the Proof of Service
- Attached the required fee payment receipt, fee, or Fee Waiver Request.
- If represented by attorney or representative, attach a completed and signed EOIR-27 for each respondent or applicant.

EDUARDO XAVIER JIMBO MENDEZ

A#: 

69 – 08 37TH RD Apt 5

Queens, NY 11377

May 13, 2025

To:

Board of Immigration Appeals

Office of the Chief Clerk

5107 Leesburg Pike, Suite 2000

Falls Church, VA 22041

Appeal of Immigration Judge's Decision Dated April 24, 2025

Dear Honorable Members of the Board.

I respectfully submit this appeal in response to the Immigration Judge's decision dated April 24, 2025, denying my motion to reopen. I respectfully disagree with the conclusion that my motion does not meet the requirements established in *Matter of Lozada*.

While I am currently receiving assistance from a non-profit organization, this does not negate the fact that my previous legal representation was ineffective and detrimental to my case. During the original proceedings, my former attorney failed to provide me with adequate information and did not take the necessary actions to ensure my appearance before the court. This omission directly resulted in the in absentia removal order issued against me.

Matter of Lozada is a precedent decision by the Board of Immigration Appeals (BIA) that addresses situations where an immigrant believes their legal representation was so inadequate that it negatively impacted the outcome of their immigration case, potentially violating their due process rights. The decision established a three-pronged framework for evaluating claims of ineffective assistance of counsel:

1. **Affidavit Detailing Ineffective Assistance:** The respondent must provide a detailed affidavit explaining how their prior counsel's performance was deficient and how it adversely affected their case.

2. Notification to Former Counsel: The respondent must demonstrate that they have notified, or have made reasonable efforts to notify, their former attorney about the allegations, providing them an opportunity to respond.
3. Complaint to Disciplinary Authorities: The respondent must submit a copy of the complaint filed with the appropriate state bar or disciplinary authority concerning their former attorney's conduct or provide a detailed explanation if filing such a complaint was not feasible.

I am committed to complying with these requirements and will provide the necessary documentation to support my claim.


Eduardo Xavier Jimbo Mendez

A#:



3:45

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CLIENT: LIZBETH ANDRADE SILVA y EDUARDO XAVIER JIMBO-MENDEZ

DATE	10/08/2023
DESCRIPTION	Legal services: I-589 ASYLUM and Special Immigrant Juvenile Status (SIJS)
HOURS	CLIENT IS CHARGED; \$8,000 flat fee for Legal Services
TOTAL AMOUNT DUE	\$8,000.00
PAYMENTS MADE	\$1,000 paid on 10/08/2023
DATE OF PAYMENT(S)	10/08/2023
OUTSTANDING AMOUNT DUE	\$7,000.00

Received and Accepted by Juan E. Morales, On the 8th Day of October, 2023.

//SIGNATURE//JUAN E. MORALES SIGNED ON OCTOBER 8, 2023//

Juan E. Morales, Esq.
 Law Offices of Juan E. Morales
 819 5th Avenue, Brooklyn, NY 11232
 4215 New Utrecht Avenue, Brooklyn, NY 11219
 347-356-9711
 moralesesqlaw@gmail.com



Diseño de impresión



Títulos



Editar



Compartir



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EOIR - 6 of 21

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the Western District of Texas

Eduardo Xavier Jimbo Mendez

Petitioner

v.

Warden, South Texas Detention Facility

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

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

Personal Information

- 1. (a) Your full name: Eduardo Xavier Jimbo-Méndez
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: South Texas Detention Facility
(b) Address: 566 Veterans Drive, Pearsall, TX 78061
(c) Your identification number: [Redacted]
3. Are you currently being held on orders by:
[X] Federal authorities [] State authorities [] Other - explain: ICE immigration detention
4. Are you currently:
[] A pretrial detainee (waiting for trial on criminal charges)
[] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
[X] Being held on an immigration charge
[] Other (explain):

Decision or Action You Are Challenging

- 5. What are you challenging in this petition:
[] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: U.S. Department of Homeland Security – Immigration and Customs Enforcement (ICE) San Antonio Field Office
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued prolonged immigration detention without custody review, despite having a pending BIA appeal, no final order of removal, no danger, no flight risk, and severe family hardship
- (d) Date of the decision or action: 08/11/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**
 Did you appeal the decision, file a grievance, or seek an administrative remedy?
 Yes No
- (a) If "Yes," provide:
- (1) Name of the authority, agency, or court: _____
 - (2) Date of filing: _____
 - (3) Docket number, case number, or opinion number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____

- (b) If you answered "No," explain why you did not appeal: ICE does not provide a custody appeal process for this type of detention, and no custody review was ever offered or available.

8. **Second appeal**
 After the first appeal, did you file a second appeal to a higher authority, agency, or court?
 Yes No

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Explanation: No review procedure was available.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____
No review procedure was available.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09 17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 08/11/2025
- (b) Date of the removal or reinstatement order: 02/15/2024
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: 05/29/2025
- (2) Case number: 
- (3) Result: Pending
- (4) Date of result:
- (5) Issues raised: Reopening, attorney error, incorrect consolidation handling, lack of jurisdiction for in absentia order for daughter, due process violations.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:
- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your 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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Prolonged immigration detention without any custody review.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I have been detained by ICE since August 11, 2025 with no custody review, no explanations, and no written decisions. I attended my check-in voluntarily and have always complied with ICE requirements. I am not a danger and not a flight risk. My wife has disabilities and my daughter suffers anxiety because of my detention. ICE has refused to give any custody review for months.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: There is no final order of removal; my detention is not authorized.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

My appeal with the Board of Immigration Appeals is still pending. There is no final removal order. My wife's case was reopened, but due to a clerical error my daughter still shows an incorrect removal order even though our cases were supposed to be consolidated. Because my case is not final, ICE cannot hold me under post-order detention.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: Clerical and procedural errors in the consolidated family case caused unfair detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Our family case was consolidated, but only my wife's case appears reopened. My daughter never received her reopening notice even though she was part of the same family case. This error affects my entire case and has caused delays and confusion. I remain detained while the system shows inconsistent information.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Immigration Court cannot give me a bond hearing, leaving habeas corpus as my only remedy.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Because of Matter of Hurtado, the Immigration Judge has no jurisdiction to give me a bond hearing due to the way I entered the United States. This means I cannot request bond in immigration court. ICE has also refused to make a custody decision. Therefore, this habeas petition is the only way for me to challenge my detention.

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: ICE does not provide any custody-review appeal process for detainees. There is no administrative method to challenge prolonged detention, so I could not raise these grounds in any appeal.
-

Request for Relief

15. State exactly what you want the court to do: Order my immediate release from ICE custody under reasonable, or require ICE to give me a prompt and meaningful custody review. Also order ICE not to transfer me outside this district while this case is pending.
-
-

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

Eduardo Xavier Jimbo-Méndez, Petitioner

v.

Warden, South Texas Detention Facility, et al., Respondents

I. INTRODUCTION

Petitioner, Eduardo Xavier Jimbo-Méndez, has been detained by Immigration and Customs Enforcement (“ICE”) since August 11, 2025, following a routine and fully compliant ICE check-in appointment in Jamaica, New York. He has now spent more than six months in immigration custody without any custody review, despite having a pending appeal before the Board of Immigration Appeals (BIA) and no final order of removal.

His continued detention violates the Fifth Amendment’s Due Process Clause, exceeds the government’s statutory authority under 8 U.S.C. § 1226, and is arbitrary given Petitioner’s personal history, family circumstances, and full compliance record.

Because ICE has refused to provide even a minimal custody review—and because the Immigration Court lacks jurisdiction to provide a bond hearing under *Matter of Hurtado*—habeas corpus is Petitioner’s only available remedy.

Petitioner respectfully requests immediate release under reasonable conditions of supervision, or, in the alternative, a constitutionally adequate custody review within seven days.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, as Petitioner challenges the legality of his immigration detention while confined within this District. Venue is proper in the Western District of Texas, San Antonio Division, because the South Texas Detention Facility is located within this District.

III. STATEMENT OF FACTS

A. Petitioner’s Detention

1. Petitioner was detained on August 11, 2025 during a voluntary ICE check-in appointment.
2. He was transferred to the South Texas Detention Facility in Pearsall, Texas, where he remains detained.

3. Petitioner has never received a custody review, written explanation, or any individualized assessment of his detention.

B. Immigration Case Status

4. Petitioner has a pending appeal before the BIA, filed May 29, 2025.
5. Petitioner has no final order of removal.
6. His wife's case has been reopened; his daughter's case remains in final order status due to a clerical error despite the family being previously consolidated.

C. Hardship and Equities

7. Petitioner's wife has documented disabilities and relies on him.
8. Petitioner's minor daughter suffers from anxiety and emotional distress.
9. Petitioner suffers from migraines with aura and other medical conditions that worsen in detention.
10. Petitioner has no criminal history, has consistently complied with ICE, and presents no danger or flight risk.

D. Lack of Bond Jurisdiction

11. Due to *Matter of Hurtado*, the Immigration Court lacks jurisdiction to provide a bond hearing.
12. ICE has refused to provide a review.
13. Therefore, habeas corpus is the only remaining avenue for relief.

IV. LEGAL STANDARD

A detainee may challenge the legality, duration, or conditions of immigration detention under 28 U.S.C. § 2241. *Demore v. Kim*, 538 U.S. 510 (2003); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Detention must be:

- Reasonably related to its purpose,
- Not excessive, and
- Not arbitrary or punitive.
(*Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 530.)

When detention becomes prolonged, due process requires additional procedural protections, including a meaningful opportunity for release.

(*Guerrero-Sanchez v. Warden*, 905 F.3d 208 (3d Cir. 2018); *Sopo v. U.S. Attorney General*, 825 F.3d 1199 (11th Cir. 2016).)

V. ARGUMENT

A. Petitioner's Detention Is Governed by 8 U.S.C. § 1226, Not § 1231

There is no final order of removal, because:

- Petitioner has a pending BIA appeal, and
- Reopening of the wife's case affects the consolidated family proceeding,
- The daughter's erroneous removal order stems from a clerical mistake.

Under INA § 101(a)(47), a removal order is not final while an appeal is pending. Therefore, detention falls under § 1226, which requires procedural safeguards.

B. Prolonged Detention Without Custody Review Violates Due Process

Petitioner has been detained more than six months with no custody review of any kind. This violates:

- The Fifth Amendment
- Supreme Court jurisprudence
- Fundamental standards of due process

ICE's total failure to provide review distinguishes this case from *Demore*, where the Court emphasized brief and finite detention.

Detention as prolonged as Petitioner's has been consistently found unconstitutional. See:

- *Guerrero-Sanchez*, 905 F.3d at 223 (prolonged detention requires hearing)
- *Sopo*, 825 F.3d at 1217 (months-long detention unreasonable)
- *Santos v. Warden*, 965 F.3d 203 (3d Cir. 2020)

Because Petitioner's detention has become unreasonable and punitive, it violates the Fifth Amendment.

C. ICE's Failure to Provide Any Custody Review Renders Detention Arbitrary

ICE regulations contemplate review procedures, but none were provided. Petitioner received:

- No custody determination
- No written decision
- No explanation
- No hearing
- No opportunity to present evidence

Detention without any process is arbitrary, violating *Zadvydas* and the Due Process Clause.

D. Petitioner Is Neither a Danger nor a Flight Risk

All evidence shows:

- Zero criminal history
- Long-standing residence
- Family ties
- Disability and hardship factors
- Strong community support
- Full compliance with ICE

Immigration detention must be justified by risk of danger or flight. There is no evidence supporting either.

E. Procedural Errors in the Consolidated Family Case Undermine the Legality of Detention

The wife's case was reopened; the daughter's was not, due to clerical oversight. The family was previously consolidated.

This incomplete reopening has created legal inconsistencies that materially affect Petitioner's detention.

Where procedural errors lead to detention, habeas relief is warranted. See *Singh v. Gonzales*, 499 F.3d 969 (9th Cir. 2007).

F. The Immigration Court Lacks Jurisdiction to Provide Bond Relief

Under *Matter of Hurtado*, Petitioner is categorically ineligible for a bond hearing before an Immigration Judge.

Therefore:

- Petitioner cannot request bond in immigration court, and
- Habeas corpus is the only available remedy,
- Making federal intervention appropriate.

VI. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Order his immediate release under reasonable conditions of supervision;
OR, in the alternative:
2. Order ICE to provide a constitutionally adequate custody review within 7 days;
3. Enjoin ICE from transferring Petitioner out of this District while this petition is pending;
4. Grant any other relief the Court deems just and proper.

DECLARATION OF EDUARDO XAVIER JIMBO-MÉNDEZ

Under 28 U.S.C. § 1746

I, **Eduardo Xavier Jimbo-Méndez**, declare under penalty of perjury:

1. My name is Eduardo Xavier Jimbo-Méndez. I am the Petitioner in this habeas corpus action, and I am currently detained at the South Texas Detention Facility in Pearsall, Texas. My A-number is A# 
2. I was detained by ICE on **August 11, 2025**, during a routine check-in appointment in Jamaica, New York. I attended voluntarily, as I always have.
3. I have always complied with every ICE requirement and have never missed an appointment.
4. Since that date, ICE has never provided me with a custody review, written explanation, or any opportunity to show that I should not be detained.
5. I have no criminal history, no history of violence, and no gang affiliations.
6. I have a **pending appeal before the BIA**, so there is **no final order of removal** against me.
7. My wife's case was **reopened**, but my daughter's case was not reopened due to a clerical error. Our cases were previously consolidated.
8. My detention has caused severe hardship to my family. My wife has disabilities and depends on me. My daughter has anxiety and emotional distress because of my absence.
9. I also suffer from medical conditions, including migraine with aura and dry eye syndrome, which have worsened in detention.
10. I respectfully request that the Court grant my release or order ICE to provide a meaningful custody review.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____, 2025

Location: Pearsall, Texas

Eduardo Xavier Jimbo-Méndez

A# 

DECLARACIÓN DE EDUARDO XAVIER JIMBO-MÉNDEZ

Bajo 28 U.S.C. § 1746

Yo, **Eduardo Xavier Jimbo-Méndez**, declaro bajo pena de perjurio:

1. Mi nombre es Eduardo Xavier Jimbo-Méndez. Soy el Peticionario en esta acción de *habeas corpus* y actualmente estoy detenido en el South Texas Detention Facility en Pearsall, Texas. Mi número A es A# 
2. ICE me detuvo el **11 de agosto de 2025** durante una cita rutinaria en Jamaica, Nueva York. Yo asistí voluntariamente, como siempre lo había hecho.
3. Siempre he cumplido con todos los requisitos de ICE y nunca he faltado a una cita.
4. Desde ese día, ICE nunca me ha dado una revisión de custodia, ni una explicación escrita, ni ninguna oportunidad para demostrar que no debo estar detenido.
5. No tengo antecedentes penales, ni historial de violencia, ni afiliaciones con pandillas.
6. Tengo una **apelación pendiente ante la BIA**, por lo que **no existe una orden final de deportación** en mi contra.
7. El caso de mi esposa fue **reabierto**, pero el caso de mi hija no fue reabierto debido a un error clerical, aunque nuestros casos estaban previamente consolidados.
8. Mi detención ha causado un grave perjuicio a mi familia. Mi esposa tiene discapacidades y depende de mí. Mi hija sufre ansiedad y daño emocional debido a mi ausencia.
9. Yo también sufro condiciones médicas, incluyendo migraña con aura y síndrome de ojo seco, que han empeorado en detención.
10. Pido respetuosamente a la Corte que ordene mi liberación o que instruya a ICE a darme una revisión de custodia significativa.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Firmado el: _____, 2025

Lugar: Pearsall, Texas

Eduardo Xavier Jimbo-Méndez

A# 

DECLARATION OF LIZBETH DAYANNA ANDRADE-SILVA

Under 28 U.S.C. § 1746

I, **Lizbeth Dayanna Andrade-Silva**, declare under penalty of perjury:

1. My name is Lizbeth Dayanna Andrade-Silva. I am the wife of Eduardo Xavier Jimbo-Méndez.
2. I have documented disabilities, including those listed in my CONADIS disability card from Ecuador, and I receive medical treatment in New York.
3. I depend on my husband for support in our daily life, including transportation, care, and emotional stability.
4. Our daughter, C [REDACTED] age 7, has been suffering from anxiety, crying frequently, and experiencing emotional distress because her father is detained.
5. Before he was detained, Eduardo was a dedicated father and husband who took our daughter to school and appointments, and helped with all responsibilities at home.
6. Eduardo has no criminal record and always complied with ICE appointments. He was detained unexpectedly during a routine check-in.
7. Our immigration case was previously consolidated, but only my case was reopened. My daughter's case did not receive a reopening notice due to a clerical error, which has caused confusion and hardship.
8. Our family is suffering emotionally, physically, and financially without Eduardo.

I respectfully ask the Court to release my husband or order ICE to give him a custody review so our family can be stable again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Nov 15, 2025

Location: Queens, New York



Lizbeth Dayanna Andrade-Silva

A#



DECLARACIÓN DE LIZBETH DAYANNA ANDRADE-SILVA

Bajo 28 U.S.C. § 1746

Yo, **Lizbeth Dayanna Andrade-Silva**, declaro bajo pena de perjurio:

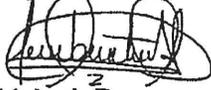
1. Mi nombre es Lizbeth Dayanna Andrade-Silva. Soy la esposa de Eduardo Xavier Jimbo-Méndez.
2. Tengo discapacidades documentadas, incluyendo las registradas en mi tarjeta de discapacidad CONADIS de Ecuador, y recibo tratamiento médico en Nueva York.
3. Dependo de mi esposo para apoyo en nuestra vida diaria, incluyendo transporte, cuidado y estabilidad emocional.
4. Nuestra hija,  de 7 años, ha estado sufriendo ansiedad, episodios de llanto y angustia emocional por la detención de su padre.
5. Antes de ser detenido, Eduardo era un padre y esposo dedicado. Llevaba a nuestra hija a la escuela, a las citas médicas y ayudaba con todas las responsabilidades del hogar.
6. Eduardo no tiene antecedentes penales y siempre cumplió con las citas de ICE. Fue detenido inesperadamente durante una cita rutinaria.
7. Nuestro caso migratorio estaba previamente consolidado, pero solo mi caso fue reabierto. El caso de nuestra hija no recibió notificación de reapertura debido a un error clerical, lo cual ha causado confusión y perjuicio.
8. Nuestra familia está sufriendo emocional, física y económicamente sin Eduardo.

Pido respetuosamente que la Corte ordene la liberación de mi esposo o que exija a ICE darle una revisión de custodia para que nuestra familia pueda recuperar estabilidad.

Declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Firmado el: 15 de nov, 2025

Lugar: Queens, Nueva York



Lizbeth Dayanna Andrade-Silva

A 

EXHIBIT A