

UNITED STATES DISTRICT COURT

for the

Western District of Texas 

ARNULFO PACAY GARCIA)

Petitioner)

v.)

UNKNOWN, Warden of El Paso Camp East
Montana; MARY DE ANDA-YBARRA, Director
of El Paso Field Office, U.S. Immigration and
Customs Enforcement; KRISTI NOÉM, Secretary
of the U.S. Department of Homeland Security; and
PAMELA BONDI, Attorney General of the United
States, in their official capacities,)

Case No. 3:25-CV-00591-DB

(Supplied by Clerk of Court)

Respondent)

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

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

Personal Information

1. (a) Your full name: Arnulfo Pacay Garcia
1. (b) Other names you have used: _____
2. Place of confinement:
 2. (a) Name of institution: El Paso Service Processing Center
 2. (b) Address: 6920 DIGITAL ROAD
EL PASO, TX 79936
 2. (c) Your identification number: A# 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
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:
 4. (a) Name and location of court that sentenced you: _____
 4. (b) Docket number of criminal case: _____
 4. (c) Date of sentencing: _____
4. (d) 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)

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: **EL PASO FIELD OFFICE 999 S OREGON ST., EL PASO, TX 79901**

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Text

(d) Date of the decision or action: _____

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: _____

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: _____

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: _____

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

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: October 16, 2025

(b) Date of the removal or reinstatement order: n/a

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(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: _____

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.

GROUND ONE: Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A); Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9).

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

Respondents arbitrarily detained Petitioner and have denied his release without consideration of his individualized facts and circumstances thus violating the APA. Respondents are seeking to transfer Petitioner. Respondents have not determined that the Petitioner is a flight risk or a danger to the community. Petitioner does not have any criminal convictions. He is married to a US Citizen and has 3 U.S. Citizen children who depend on him.

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

Yes No

GROUND TWO: Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A);

Not in Accordance with Law and Excess of Statutory Authority;

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

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

On October 10 2025, Petitioner was arrested without a warrant or probable cause.

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

Yes No

GROUND THREE: Violation of Fifth Amendment Right to Due Process. Due process protects "all persons within

the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, permanent."

Due process requires that government action be rational and non-arbitrary.

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

Respondents' do not have unlimited discretion to detain individuals and to revoke custody decisions. Petitioner was arbitrarily detained by ICE while working.

On information and belief, Respondents detained Petitioner without a warrant.

On information and belief, Respondents detained Petitioner prior to initiating removal proceedings.

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

Yes No

GROUND FOUR: N/A

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

(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:

Request for Relief

15. State exactly what you want the court to do: 1) Assume jurisdiction over this matter; (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days; (3) Declare that Petitioners detention without an individualized determination violates the Due Process Clause of the Fifth Amendment; (4) Declare that Petitioner's detention was made in violation of statute and regulation; (5) Declare the continued detention of the Petitioner to lack statutory authorization; (6) Issue a Writ of Habeas Corpus ordering Respondents to release

(7) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
(8) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;
and (9) Grant any further relief this Court deems just and proper.

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: 11/22/2025

[Handwritten signature]
Signature of Petitioner

Signature of Attorney or other authorized person, if any

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS ARNULFO PACAY GARCIA		DEFENDANTS																																																									
<p>(b) County of Residence of First Listed Plaintiff <u>EL PASO, TX</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) <i>PRO SE</i> <i>pespacaya1@yahoo.com</i></p>		<p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>																																																									
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																																																									
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State																																																									
<input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State																																																									
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation																																																									
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NATURE OF SUIT (Place an "X" in One Box Only) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; vertical-align: top;"> CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise </td> <td style="width: 25%; vertical-align: top;"> TORTS <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice </td> <td style="width: 25%; vertical-align: top;"> FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other </td> <td style="width: 25%; vertical-align: top;"> BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 </td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> OTHER STATUTES INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 </td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) </td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 </td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions </td> </tr> <tr> <td colspan="4"> V. 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