

FILED - USDC - NDTX - SA
JAN 12 '26 14:30
AA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
San Angelo Divison

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

Giosbani Delgado Rodriguez
PETITIONER
(Full name of Petitioner)

Eden Detention Center
CURRENT PLACE OF CONFINEMENT

vs.


PRISONER ID NUMBER

Warden Eden Detention Center
RESPONDENT
(Name of TDCJ Director, Warden, Jailer, or
authorized person having custody of Petitioner)

6:25-cv-00096-H
CASE NUMBER
(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed and dated by the Petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except that ONE separate additional page is permitted in answering question 10.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show

filings, you must prepay the fees and costs, and if you are a defendant in a JDC JCID, you must send the completed *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than JDC JCID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only one sentence, conviction, disciplinary proceeding, or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petition(s).
6. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices.
7. It is your responsibility to immediately notify the court in writing of any change of address. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

PLEASE COMPLETE THE FOLLOWING: (check the appropriate number)

This petition concerns:

1. pretrial detention;
2. a conviction;
3. a sentence;
4. jail or prison conditions;
5. a prison disciplinary proceeding;
6. parole or mandatory supervision;
7. time credits;
8. other (specify): _____

Have you pursued to completion all relevant state and/or prison administrative remedies relevant to your complaint(s) before filing this petition. Yes No If yes, what was the date of the result and the result of any such proceeding. If no, explain why you have not pursued all such remedies.

Petitioner is an immigration detainee held by ICE, there are no available state or prison administrative remedies applicable to his prolonged immigration detention, therefore exhaustion of such remedies is not required

Place of detention Eden Detention Center, Eden Texas

State offense with which you have been charged and whether you have been convicted of the charged offense(s) or whether you are still awaiting trial: Not applicable, petitioner is an

immigration detainee and has not been charged or convicted of any criminal offense, removal proceedings are pending

Name and location of court in which your case is pending or in which you were convicted:

Immigration Court - Removal proceedings pending

The criminal docket or case number and the offense(s) for which you have been charged or convicted: Not applicable, no criminal case or conviction

If you have been convicted of the charged offense(s), the date upon which sentence was imposed and the length of the sentence: Not applicable, petitioner has not been convicted.

6. Check whether a finding of guilty was made:

- a. after a plea of guilty
- b. after a plea of not guilty N/A
- c. after a plea of nolo contendere

7. If you were found guilty, check whether that finding was made by:

- a. a jury N/A
- b. a judge without a jury

8. Did you appeal from the judgment of conviction or the imposition of sentence?

Yes No

If you did appeal, please follow the information for each appeal.

a. (1) Name of court and docket or case number:

No applicable, petitioner has not filed any criminal appeal

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) *N/A*

(b) *N/A*

(c) *N/A*

(d) *N/A*

b. (1) Name of court and docket or case number:

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) *N/A*

(b) *N/A*

(c) *N/A*

10. State concisely every ground on which you claim that you are held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a single page only behind page 10.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. Do not argue or cite law. Just state the specific facts that support your claim. Legal arguments and citation to cases or law should be presented in a separate memorandum.

a. **GROUND ONE:**

Unlawful and prolonged immigration detention without a valid bond determination

Supporting facts: I was initially detained by ICE at Rialto Detention Center, later, I was transferred to Eden Detention Center. At the time of my detention, I was not informed of the specific reasons for my detention, nor were my rights clearly explained to me. I was transferred between detention centers without explanation. I did have a bond hearing, however, the immigration Judge stated that court did not have jurisdiction over my case.

b. **GROUND TWO:**

I am currently detained, my immigration case is still pending, there is no final order of removal against me. I have strong family ties in the United States, I have a stable place to live and I am willing to comply any conditions of release imposed by the court or ICE.

Supporting facts: My continued detention has caused emotional and mental distress to me, and my family, less restrictive alternatives to detention are available and continued detention serves no legitimate purpose.

c. **GROUND THREE:** *I am not a danger to the community and my continued detention is unnecessary.*

Supporting facts: *I have no criminal record, no convictions, and no arrests. I have never committed any violent nor offense. I am a family person and the primary provider for my family. I have a newborn child and three other children who depends on me emotionally and financially. My continued detention has caused serious hardship to my children and family.*

d. **GROUND FOUR:**

Supporting facts:

11. Relief sought in this petition: *I respectfully request the court grant this petition and order my immediate release from custody, or, in the alternative, order a prompt and meaningful bond hearing before an immigration Judge with jurisdiction to determine whether my continued detention is justified.*
12. Have you filed a previous application or petition for habeas corpus or any other application, petition or motion with respect to the grounds raised in this petition?

Yes No

13. If your answer to Question No. 12 is yes, give the following information as to each previous application, petition, or motion:

a. (1) Name of court and docket or case number: United States District Court for the Northern District of Texas, Case 3:25-cv-3252

(2) Result and date of result: Petition was not decided on the merits, and was followed by the filing of this amended petition.

(3) Grounds raised (list each):

(a) Immigration and custody - related issues

(b) _____

(c) _____

(d) _____

b. (1) Name of court and docket or case number: _____

(2) Result and date of result: _____

(3) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

14. If applicable, state whether you have filed a motion under 28 U.S.C. § 2255, and if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

Not applicable. I am an immigration detainee and have not filed a motion under 28 U.S.C. 2255.

15. Are you presently represented by counsel? Yes No
- If so, name, address and telephone number of attorney: _____


16. If you are seeking leave to proceed *in forma pauperis*, have you completed an application setting forth required information? Yes No

Wherefore, Petitioner prays that they will grant him the relief to which he may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on 12/22/2025 (month, day, year).

Executed (signed) on 12/22/2025 (date).


Signature of Petitioner (required)

Petitioner's current address:

Gustavio Delgado Rodriguez
Eden Detention Center
810 FM 2059
Eden, Tx 76837

Giosbanis Delgado Rodriguez

Case: 6:25-CV-00096-H

AMENDED 2241 HABEAS PETITION