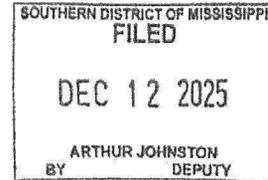


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



RAFAEL RICARDO MORENO MARTÍNEZ.

A# 

Petitioner.

v.

Civil Action No. 5:25-cv-153-DCB-BWR

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY (DHS);
UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT (ICE);
WARDEN, ADAMS COUNTY
CORRECTIONAL CENTER (ACCC).
Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §
2241
(ARBITRARY CIVIL IMMIGRATION DETENTION AND SERIOUS
MEDICAL RISK)**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
DEC 12 2025
BY ARTHUR JOHNSTON
DEPUTY

RAFAEL RICARDO MORENO MARTÍNEZ,

A#



Petitioner,

v.

Civil Action No. 5:25-cv-153-DCB-BWR

UNITED STATES DEPARTMENT OF HOMELAND SECURITY (DHS);
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, ADAMS COUNTY CORRECTIONAL CENTER (ACCC),
Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241
(ARBITRARY CIVIL IMMIGRATION DETENTION AND SERIOUS MEDICAL
RISK)**

Petitioner, RAFAEL RICARDO MORENO MARTÍNEZ, respectfully petitions this
Honorable Court for a writ of habeas corpus under 28 U.S.C. § 2241 and states as follows:

I. INTRODUCTION

1. Petitioner is a 27-year-old Venezuelan asylum seeker who is currently detained under the authority of Immigration and Customs Enforcement (ICE) at Adams County Correctional Center (“ACCC”) in Natchez, Mississippi.
2. Petitioner is a civil immigration detainee, not a convicted criminal. He is in removal proceedings before the Immigration Court in Jena, Louisiana, where he seeks asylum and related protection based on a well-founded fear of persecution in Venezuela.
3. Petitioner has no criminal history in the United States. He complied fully with all ICE supervision requirements and voluntarily appeared for a scheduled ICE check-in in Dallas, Texas, on October 17, 2025.
4. At that voluntary check-in on October 17, 2025, Petitioner was suddenly taken into ICE custody without prior notice, without a clear individualized explanation, and without any evidence that he posed a danger to the community or a flight risk.
5. Since being detained, Petitioner’s physical and emotional health have deteriorated significantly. He suffers from preexisting medical conditions, including congenital right-sided hydronephrosis, hidradenitis suppurativa, and lumbar scoliosis. While in detention, he has also developed a respiratory viral illness, very frequent urination, weight loss, weakness, and emotional distress. He has not received adequate medical evaluation or treatment.

6. Petitioner's continued civil detention is arbitrary, medically dangerous, and unconstitutional. It violates the Fifth Amendment's Due Process Clause because (a) the decision to detain him at a voluntary ICE check-in was arbitrary and unsupported by individualized findings, and (b) the conditions of confinement and failure to provide adequate medical care constitute deliberate indifference to serious medical needs.

7. Petitioner respectfully requests that this Court order his immediate release from custody under reasonable conditions of supervision, or grant any other relief the Court deems just and proper to protect his constitutional rights, his health, and his life.

II. JURISDICTION AND VENUE

1. This Petition is brought pursuant to 28 U.S.C. § 2241©(3), as Petitioner is in custody in violation of the Constitution and laws of the United States.

2. Venue is proper in the United States District Court for the Southern District of Mississippi, Western Division, because Petitioner is detained at Adams County Correctional Center, which is located within this District and Division.

3. Petitioner does not seek review of any final order of removal. Rather, he challenges the legality and constitutionality of his present civil detention and the conditions thereof, issues that fall squarely within this Court's habeas jurisdiction.

4. This Court has authority to order Petitioner's release, temporary or permanent, and to grant any other relief necessary to remedy constitutional violations associated with Petitioner's detention.

III. PARTIES

1. Petitioner, RAFAEL RICARDO MORENO MARTÍNEZ (A# ) is a native and citizen of Venezuela who is currently detained at ACCC in Natchez, Mississippi.
2. Respondent, the Warden of Adams County Correctional Center, is Petitioner's immediate physical custodian.
3. Respondent, Immigration and Customs Enforcement (ICE), is the federal agency charged with Petitioner's immigration detention.
4. Respondent, the Department of Homeland Security (DHS), is the federal department overseeing ICE and responsible for immigration enforcement and detention policies.

IV. CUSTODY STATUS AND PROCEDURAL HISTORY

1. Petitioner entered the United States seeking protection from persecution in Venezuela and was placed in removal proceedings under the Immigration and Nationality Act.
2. Petitioner's case is currently before the Immigration Court in Jena, Louisiana, where he intends to pursue asylum and related relief based on his fear of persecution.
3. At all times prior to his detention, Petitioner complied fully with ICE's requirements of supervision, including attending check-ins and maintaining updated contact information.
4. On October 17, 2025, Petitioner voluntarily appeared for a scheduled ICE check-in appointment in Dallas, Texas. He had never missed any ICE appointment and had never been accused of violating supervision conditions.

5. At that appointment, ICE abruptly took Petitioner into custody. Petitioner was not presented with any written decision explaining why detention was necessary, nor with any individualized finding of flight risk or dangerousness.

6. After being detained in Dallas, Petitioner was transferred to the custody of Adams County Correctional Center in Natchez, Mississippi, where he remains detained.

7. Petitioner has a pending immigration case and intends to pursue his claims for protection in good faith. His detention is not necessary to ensure his appearance at future immigration hearings.

V. STATEMENT OF FACTS

A. Arbitrary Detention at a Voluntary ICE Check-In

1. Petitioner's detention did not arise from any criminal arrest, violation of supervision, or attempt to flee. Instead, it occurred when he appeared voluntarily and in good faith at a routine check-in requested by ICE.

2. By appearing voluntarily on October 17, 2025, Petitioner demonstrated full cooperation with the immigration process, respect for the law, and willingness to comply with all conditions imposed by ICE.

3. Despite this history of compliance, ICE suddenly detained him without prior notice and without an individualized explanation. Petitioner was not informed of any specific reasons that would justify taking him into custody.

4. Detaining an individual who has consistently complied with supervision requirements, particularly at a voluntary check-in, is arbitrary and inconsistent with the civil nature of immigration detention. It is punitive in effect and not tailored to any legitimate government interest.

5. Federal courts have recognized that mass or automatic detention of individuals who pose no danger or flight risk, and who have been complying with supervision, raises serious due process concerns. See, e.g., *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164 (D.D.C. 2015).

6. Petitioner's detention thus began in an arbitrary, unexplained, and punitive manner, in violation of the Fifth Amendment's guarantee of substantive due process.

B. Preexisting Medical Conditions

1. Before being detained, Petitioner suffered from several documented medical conditions, including:

- a. Congenital right-sided hydronephrosis, a structural kidney condition that can compromise renal function and requires monitoring and timely medical evaluation when symptoms arise.
- b. Hidradenitis suppurativa, a chronic inflammatory skin condition that can cause painful lesions and requires ongoing dermatologic management.
- c. Lumbar scoliosis, an abnormal curvature of the spine associated with pain, discomfort, and physical limitations, which requires clinical follow-up and appropriate pain management.

2. These conditions make Petitioner medically vulnerable and necessitate consistent, competent medical care, especially in a custodial setting where he cannot seek treatment on his own.

C. Health Deterioration Under ICE Custody

1. Following his transfer to ACCC, Petitioner's physical health has progressively deteriorated.

2. While in detention, Petitioner acquired a respiratory viral illness, likely due to exposure within the facility. He has experienced:
 - a. persistent cough,
 - b. fever,
 - c. respiratory allergies and congestion, and
 - d. generalized malaise and fatigue.

3. Despite these symptoms, Petitioner has not received adequate medical evaluation or medication for his respiratory condition.

4. Petitioner has also begun experiencing very frequent urination, reportedly needing to urinate every few minutes. This symptom is particularly concerning in light of his congenital hydronephrosis and may indicate a urinary tract infection, obstruction, or other renal/urinary complications.

5. To Petitioner's knowledge, ACCC has not provided appropriate diagnostic testing—such as urinalysis, blood work, or renal ultrasound—nor any referral to a qualified specialist (e.g., nephrologist or urologist) to evaluate these symptoms.

6. Petitioner's lumbar pain associated with scoliosis has increased during detention. He has not received a thorough physical examination, imaging, or consistent treatment for his back condition.

7. Petitioner's hidradenitis suppurativa has not been adequately managed, leaving him at risk of recurrent inflammation, pain, and possible infection.

D. Poor Nutrition and Weight Loss

1. Petitioner reports that food at ACCC is nutritionally poor and frequently insufficient.
2. As a result, Petitioner has experienced visible weight loss, reduced energy, and physical weakness.
3. This nutritional decline aggravates his preexisting conditions and further compromises his overall health and resilience.

E. Failure to Provide Adequate Medical Care

1. Once Petitioner was taken into custody, the Government assumed a constitutional duty to provide him with adequate medical care and to avoid deliberate indifference to his serious medical needs.
2. The Supreme Court has long recognized that deliberate indifference to serious medical needs of prisoners or detainees violates the Constitution. See *Estelle v. Gamble*, 429 U.S. 97 (1976); *Farmer v. Brennan*, 511 U.S. 825 (1994).
3. In Petitioner's case, the combination of:
 - a. preexisting kidney, skin, and spinal conditions,
 - b. respiratory illness acquired in detention,
 - c. urinary symptoms suggestive of possible renal/urinary complications,

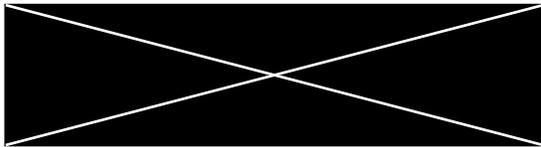
- d. weight loss and malnutrition, and
- e. lack of meaningful medical evaluation and treatment,

demonstrates that Respondents have failed to meet their constitutional obligations.

4. Petitioner is entirely dependent on Respondents for access to medical professionals and medication. Yet he has not been provided with care consistent with minimally adequate standards for a civil detainee.

F. Release Plan and Family Support

1. If released, Petitioner would reside with his mother, **Mairim Rafaela Martínez Espinoza**, a lawful permanent resident of the United States, at:



2. In addition to his mother, Petitioner has strong support from his father and his brother, both of whom are also lawful permanent residents of the United States.

3. Petitioner's immediate family is fully committed to providing:

- a. stable and safe housing,
- b. transportation to all immigration hearings and ICE appointments,
- c. assistance in obtaining medical care and attending all medical appointments, and
- d. day-to-day support to ensure compliance with all conditions of release.

4. Upon release, Petitioner can immediately seek evaluation and treatment through Parkland Health in Dallas, Texas, a public health system capable of treating his conditions.

5. Petitioner therefore has a clear, realistic, and reliable plan for safe reintegration into the community and full compliance with immigration proceedings.

G. Good Moral Character and Responsible Conduct

1. Petitioner is a person of good moral character who respects the law and values his family and future.

2. While living in the United States, Petitioner has never been arrested, charged, or convicted of any criminal offense.

3. He has consistently complied with all immigration requirements, including attending all ICE check-ins and obeying instructions given by authorities.

4. Before his detention, Petitioner sought to work, support his family, and live peacefully and lawfully.

5. Petitioner's parents and brother—all lawful permanent residents—form a strong, positive, and stable family environment that further supports his rehabilitation and compliance.

6. There is no evidence that Petitioner intends to flee or evade immigration proceedings. His past behavior shows the opposite: he appeared voluntarily and consistently for ICE supervision.

H. Emotional and Psychological Deterioration

1. In addition to physical deterioration, Petitioner has suffered significant emotional and psychological harm as a result of his detention.
2. Petitioner experiences constant anxiety, fear, and sadness, particularly regarding his health, the uncertainty of his future, and the possibility of being returned to a country where he fears persecution.
3. He has difficulty sleeping, episodes of intense worry, and feelings of helplessness, especially when thinking about the suffering of his mother, father, and brother, who are deeply concerned about his condition.
4. The lack of adequate medical care, combined with poor nutrition and the stress of incarceration, has led to a profound sense of despair and mental fatigue.
5. Petitioner does not have access to meaningful psychological or mental health support in detention.
6. The cumulative impact of physical suffering, exposure to illness, uncertainty, and inadequate care renders his ongoing detention punitive in nature, rather than civil, and incompatible with due process.

VI. LEGAL ARGUMENT

A. Substantive Due Process Violation

1. The Fifth Amendment prohibits arbitrary government action and requires that civil detention be reasonably related to a legitimate governmental purpose.

2. Civil immigration detention may be permissible only when it serves a valid objective, such as ensuring appearance at hearings or protecting the community, and when it is not excessive or punitive in relation to that purpose. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

3. In Petitioner's case, detention does not serve any legitimate purpose. He has no criminal record, has fully complied with ICE supervision, and has strong family ties and a stable residence.

4. Detaining an individual who voluntarily appears for a check-in, with no evidence of flight risk or dangerousness, is not rationally related to any legitimate immigration objective.

5. Petitioner's good moral character, lack of criminal history, consistent compliance, and the presence of his mother, father, and brother as lawful permanent residents further demonstrate that detention is unnecessary.

6. Under these circumstances, Petitioner's detention is excessive, punitive, and arbitrary, in violation of substantive due process.

B. Procedural Due Process Violation

1. Procedural due process requires notice, an opportunity to be heard, and a rational explanation before the government deprives an individual of liberty.

2. Petitioner was detained at his ICE check-in appointment without prior notice, without being informed of specific reasons, and without any meaningful opportunity to contest the decision.

3. ICE did not conduct or communicate any individualized assessment of his alleged risk of flight or danger, nor did it consider less restrictive alternatives.

4. This lack of adequate procedure, notice, and individualized reasoning violates Petitioner's right to procedural due process under the Fifth Amendment.

C. Unconstitutional Conditions of Confinement and Medical Neglect

1. As a civil detainee, Petitioner is entitled to conditions of confinement that are not punitive and to adequate medical care.
2. The Supreme Court has held that deliberate indifference to serious medical needs violates the Constitution. *Estelle v. Gamble*, 429 U.S. 97 (1976); *Farmer v. Brennan*, 511 U.S. 825 (1994).
3. Petitioner's combined medical profile—congenital hydronephrosis, hidradenitis suppurativa, lumbar scoliosis, respiratory illness, urinary frequency, weight loss, and weakness—plainly qualifies as serious medical need.
4. Respondents have failed to provide adequate diagnostic evaluation, specialist referral, or sustained treatment. Petitioner's symptoms and weight loss continue without meaningful intervention.
5. These failures constitute deliberate indifference to serious medical needs and violate the Fifth Amendment's protection against cruel and punitive treatment of civil detainees.

D. Detention Is Not the Least Restrictive Means

1. Even if some level of government supervision were initially justified, continued detention in a jail-like facility is not the least restrictive means of ensuring Petitioner's appearance at immigration proceedings.

2. Petitioner has:

- a. no criminal record,
- b. a perfect record of ICE compliance,
- c. a stable residence with his lawful permanent resident mother in Dallas, and
- d. strong family support from his lawful permanent resident father and brother.

3. Alternatives to detention—such as release on recognizance, supervision, periodic reporting, or electronic monitoring—would adequately address any legitimate concerns about appearance or compliance.

4. Given Petitioner's deteriorating health, inadequate medical care in detention, and strong community and family ties, continued confinement at ACCC is excessive and unconstitutional.

VII. URGENCY AND LACK OF OTHER REMEDIES

1. There is no adequate administrative remedy for the constitutional violations arising from Petitioner's arbitrary detention and serious medical risks.

2. Delay in addressing Petitioner's detention and lack of medical care creates a substantial risk of irreparable harm to his physical and mental health.

3. Habeas corpus is the appropriate and necessary mechanism to challenge unconstitutional civil detention and to seek immediate judicial intervention.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

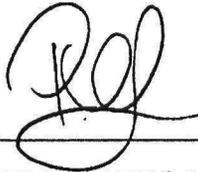
- A. Assume jurisdiction over this Petition under 28 U.S.C. § 2241;
- B. Declare that Petitioner's continued civil immigration detention at ACCC, under the circumstances described, is arbitrary, excessive, and in violation of the Due Process Clause of the Fifth Amendment;
- C. Order Petitioner's immediate release from immigration detention under reasonable conditions of supervision, including residence with his family in Dallas, Texas, and full compliance with all ICE and Immigration Court requirements;
- D. In the alternative, order his temporary release and/or transfer to a community or medical setting where his serious health conditions can be safely evaluated and treated;
- E. Enjoin Respondents from re-detaining Petitioner absent an individualized, evidence-based finding of necessity and a concrete plan for constitutionally adequate medical care; and

F. Grant such other and further relief as the Court deems just and proper.

IX. VERIFICATION

I, RAFAEL RICARDO MORENO MARTÍNEZ, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on December 5th, 2025, at Adams County Correctional Center, Natchez, Mississippi.



RAFAEL RICARDO MORENO MARTÍNEZ

A#



Adams County Correctional Center

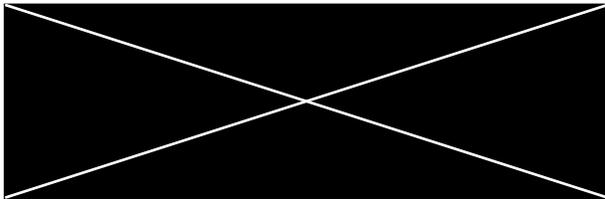
20 Hobo Fork Road

Natchez, MS 39120

X. NEXT FRIEND DECLARATION

I, Mairim Rafaela Martínez Espinoza, declare under penalty of perjury under the laws of the United States of America:

1. I am the mother of Petitioner, Rafael Ricardo Moreno Martínez.
2. I am a lawful permanent resident of the United States and reside at:



3. My husband (Petitioner's father) and my other son (Petitioner's brother) are also lawful permanent residents of the United States.
4. Because Rafael is detained at Adams County Correctional Center, he has limited ability to prepare, type, and file legal documents on his own, especially given his medical and emotional condition.
5. I am assisting him in preparing and submitting this Petition for Writ of Habeas Corpus to protect his constitutional rights and his health.
6. I am willing and able to provide a stable home, transportation, and support to Rafael if he is released, and I will help ensure that he complies with all ICE and Immigration Court requirements.

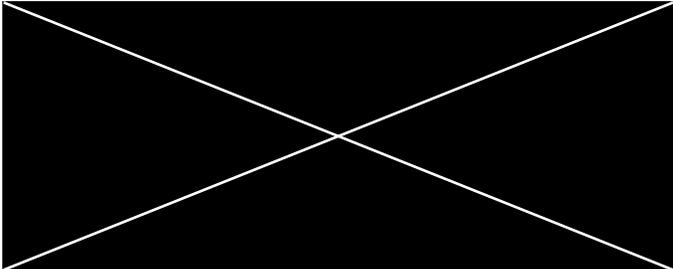
I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5th, 2025, at Dallas, Texas.



MAIRIM RAFAELA MARTÍNEZ ESPINOZA

Lawful Permanent Resident



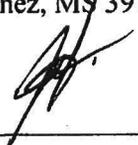
CERTIFICATE OF SERVICE

I certify that on December 5th, 2025, I mailed copies of the Petition for Writ of Habeas Corpus, Emergency Motion for Release, and all accompanying exhibits to:

Office of the Principal Legal Advisor (OPLA – ICE)
New Orleans Field Office
1250 Poydras Street, Suite 1800
New Orleans, LA 70113

And to:

Warden
Adams County Correctional Center
20 Hobo Fork Road
Natchez, MS 39120



MAIRIM RAFAELA MARTÍNEZ ESPINOZA