

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Jorge Guadarrama Jimenez,)	
)	
<i>Plaintiff/Petitioner,</i>)	
)	
PAM BONDI, Attorney General of the)	
United States, KRISTI NOEM, Secretary of)	
the Department of Homeland Security;)	
TODD M. LYONS, Acting Director of)	
U.S. Immigration and Customs Enforcement;)	
JOEL D. GARCIA– Field)	No. 25-cv-00662
Office Director, ICE ERO El Paso,)	
Commanding General,)	
MAJOR GENERAL CURTIS TAYLOR)	
Garrison Commander,)	
US Army Garrison, Fort Bliss)	
)	
<i>Defendants/Respondents.</i>)	

**PETITION FOR WRIT OF HABEAS CORPUS, DECLARATORY RELIEF,
AND STAY OF REMOVAL**

INTRODUCTION

1. Petitioner Jorge Guadarrama Jimenez, a 43-year-old citizen of Mexico and near 20-year resident of Waukegan, Illinois, seeks habeas relief under 28 U.S.C. § 2241. He was unlawfully deported by ICE absent a hearing before an immigration judge, deprived of his statutory and constitutional rights to due process, to appear before an immigration judge, seek cancellation of removal, and to present a credible fear claim. His wrongful deportation

occurred absent issuing petitioner a Notice to Appear and allow him a bond hearing.

FACTUAL BACKGROUND

2. Petitioner has resided in Waukegan, Illinois since 2005, supporting his family and working full-time. He is the father of three U.S. citizen children: born [REDACTED], [REDACTED], and [REDACTED]. One daughter serves on active duty in the U.S. Marine Corps.
3. On September 25, 2025, ICE arrested Petitioner during a random stop in Waukegan, Illinois, absent a judicial warrant. He was transported to Fort Bliss, Texas detention facility whereupon he was physically removed against his will from the United States¹.
4. A bond hearing requested and was scheduled before Immigration Judge (IJ) Michael Pleters in El Paso, Texas. On the hearing date, Petitioner was not presented by ICE. IJ Pleters requested OPLA determine his whereabouts. Petitioner, through counsel inquired with OPLA as to his whereabouts. No subsequent hearing was scheduled and to date no OPLA response was

¹ Upon information and belief, Fort Bliss detention was operated as part of “Camp East Montana,” a large tent facility. Reports indicate it is managed in coordination with ICE and often contracted private prison companies (such as Acquisition Logistics LLC, GEO Group or CoreCivic) for staffing.

received as to his whereabouts. A bond hearing was never rescheduled by the IJ.

5. Petitioner was deported absent any hearing before an immigration judge.
6. Petitioner informed ICE of his fear of persecution if returned to Mexico. He was denied a credible fear interview.

Jurisdiction and Venue

7. Venue is proper in the Western District of Texas because Petitioner was last detained at Fort Bliss, Texas, under the custody of DHS and ICE. Habeas jurisdiction arises under 28 U.S.C. § 2241 as Petitioner is in custody in violation of the Constitution and laws of the United States.

Parties

8. Petitioner is a native and citizen of Mexico, residing in the United States for nearly twenty (20) years, with three U.S. citizen children. His Alien number is 
9. Respondents/Defendants are the federal and local officials responsible for Petitioner's detention: Pam Bondi, Attorney General of the United States — the chief legal officer of the federal government, charged with representing the United States in litigation and overseeing the Department of Justice, which defends DHS and ICE in habeas matters; Kristi Noem, Secretary of

the Department of Homeland Security (DHS) - the Cabinet official with ultimate authority over immigration enforcement and detention policy nationwide; Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement (ICE) - the senior official responsible for ICE operations, including Enforcement and Removal Operations (ERO), which administers Petitioner's detention; Joel D. Garcia, Field Office Director, ICE Enforcement and Removal Operations, El Paso Field Office - the local ICE official directly responsible for custody determinations, detention conditions, and removal operations in El Paso, including oversight of Petitioner's detention at Ft. Bliss/Camp East Montana Detention Center; the government official whose detainees and who exercises supervisory authority over the detention center; and Commanding General, Major General Curtis Taylor Garrison Commander, the immediate custodian of Petitioner, responsible for the day-to-day administration of the facility where Petitioner was confined. All Respondents are sued in their official capacities as the officers responsible for Petitioner's detention and removal

**Statutory Right to a Hearing Before an Immigration Judge and
Unlawful Deportation Without Due Process**

10. Deportation without opportunity to consult counsel, present evidence, or call witnesses violates the Fifth Amendment. See *Lazaro Maldonado Bautista et al. v.*

Ernesto Santacruz Jr. et al., (incorporated herein); *Castañon Nava et al. v. DHS*, No. 18-cv-3757-RRP (N.D. Ill. Oct. 7, 2025) (class action challenging unlawful ICE arrests and deportations).

11. The Fifth Circuit recognizes habeas jurisdiction to challenge unlawful deportations and detentions. See *Zadvydas v. Davis*, 533 U.S. 678 (2001) (detention must be limited and subject to judicial review); *Rosales v. ICE*, 426 F.3d 733 (5th Cir. 2005) (habeas available to challenge unlawful removal).

12. Federal courts retain habeas jurisdiction to review unlawful executive actions even after a petitioner has been physically removed from the United States.

13. The Supreme Court has recognized that habeas relief is not limited to present physical custody but extends to cases where detention or removal violates constitutional or statutory rights. This principle ensures that wrongful deportation does not extinguish a petitioner's ability to challenge the legality of their removal or detention.

14. In *Padilla v. Rumsfeld*, 542 U.S. 426 (2004), the Court affirmed the availability of habeas corpus to review executive detention decisions, underscoring that habeas jurisdiction exists to prevent unlawful detention by the executive

branch, even in national security contexts². Similarly, in immigration cases, courts have held that habeas petitions remain viable post-deportation to address due process violations and unlawful removal orders.

15. The Fifth Circuit has recognized habeas jurisdiction to challenge unlawful deportations and detentions, as seen in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Rosales v. ICE*, 426 F.3d 733 (5th Cir. 2005) (habeas available to challenge unlawful removal). These cases establish that habeas relief is a critical safeguard against indefinite detention and wrongful removal, preserving judicial oversight over executive immigration actions.

16. Even after wrongful deportation, habeas relief remains available to petitioner to challenge the legality of detention and removal. Courts have recognized that petitioner may file a habeas petition post-deportation to contest unlawful removal and seek restoration of status. This principle is grounded in the continuing jurisdiction of federal courts to review executive actions that violate constitutional and statutory rights, regardless of physical custody status.

17. Habeas jurisdiction extends to individuals who have been deported or removed in violation of due process, particularly where the removal was without a

² As the Supreme Court has noted, physical detention is no longer required for a petitioner to meet the custody requirement and obtain habeas relief. *Rumsfeld v. Padilla*, 542 U.S. 426, 124 S. Ct. 2711, 2719, 159 L. Ed. 2d 513 (2004).

hearing or proper procedural safeguards. This ensures that executive overreach and unlawful deportations do not evade judicial review simply because the petitioner is no longer physically detained within the United States.

18. The Court may order restoration of Petitioner's status and enjoin further unlawful deportations, consistent with principles of due process and judicial oversight of executive detention and removal actions

19. Therefore, Petitioner's wrongful deportation does not bar this Court's jurisdiction to hear his habeas petition and grant appropriate relief.

INA § 236(a) Governed Petitioner's Detention

20. Petitioner was apprehended in the interior after nearly 20 years of residence. He was not "seeking admission" within the meaning of § 1225(b)(2)(A).

21. Numerous district courts have rejected DHS's interpretation. See *Rodriguez Vazquez v. Bostock*, No. 25-cv-1193850 (W.D. Wash. Apr. 24, 2025); *Gomes v. Hyde*, No. 25-11571 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. 25-11613-BEM (D. Mass. July 24, 2025).

22. The BIA's decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), improperly expands § 1225(b)(2)(A) to cover individuals long present in the U.S. Federal courts have rejected this interpretation. See *Maldonado Bautista v.*

Noem, No. 2:25-cv-5605 (C.D. Cal. 2025) (holding class-action plaintiffs entitled to bond hearings under § 236(a)).

PRAYER FOR RELIEF

23. Petitioner respectfully requests that this Court:
- a.) Issue a writ of habeas corpus declaring Petitioner's deportation unlawful.
 - b.) Order DHS and ICE to return Petitioner to the United States and restore him to the status quo ante.
 - c.) Direct Respondents to schedule a bond hearing before an immigration judge under 8 U.S.C. § 1226(a). Order Petitioner's immediate release on reasonable bond, or alternatively direct an Immigration Judge to conduct a bond hearing under INA § 236(a);
 - d.) Grant declaratory relief under 28 U.S.C. § 2201 declaring that INA § 236(a) governs Petitioner's detention
 - e.) Direct Respondents to allow Petitioner to file an EOIR-42B application for cancellation of removal.
 - f.) Order Respondents to provide a credible fear interview pursuant to 8 U.S.C. § 1225(b)(1)(A)(ii).
 - g.) Enjoin Respondents from further deporting Petitioner absent full compliance with INA § 240.
 - h.) Grant any other relief deemed just and proper.

Respectfully submitted,

/s/ Christopher W. Helt, Esq.

Christopher W. Helt, Esq.
Attorney for Petitioner, Jorge Guadarrama
Jimenez

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