

**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)	EP -25-CV-00662-DCG
Office Director, ICE ERO El Paso,)	
Commanding General,)	
MAJOR GENERAL CURTIS TAYLOR)	Hon. David C. Guaderrama
Garrison Commander,)	
US Army Garrison, Fort Bliss)	
)	
<i>Defendants/Respondents.</i>)	

MOTION FOR RECONSIDERATION

NOW COMES the plaintiff/petitioner, Jorge Guadarrama Jimenez, by his attorney, Christopher W. Helt, Esq. of the Helt Law Group, LLC., and for his motion to reconsider this Court’s order of December 19, 2025, denying his petition for a writ of habeas corpus and other relief. Respectfully represents unto this Court the following:

INTRODUCTION

1. Petitioner Jorge Guadarrama Jimenez respectfully moves this Court to reconsider its December 19, 2025 Order dismissing his habeas petition for

lack of jurisdiction. Reconsideration is warranted under Federal Rules of Civil Procedure 59(e) and 60(b) because (1) the Court’s jurisdictional ruling was based on *factual* assumptions now shown to be erroneous and rebutted with evidence presented in this motion; (2) this newly presented evidence demonstrates that Petitioner’s location and custodian actually were unknown and undisclosed prior to removal, and (3) reconsideration is necessary to prevent manifest injustice. Both affidavits submitted with this motion - those of Petitioner Jorge Guadarrama Jimenez and Yanina Angelova - directly rebut the factual premises underlying the Court’s jurisdictional ruling and establish that this case falls squarely within the exception recognized in *Rumsfeld v. Padilla*, 542 U.S. 426, 450 n.18 (2004), where habeas jurisdiction exists when a detainee is held in an undisclosed location by an unknown custodian. For these reasons, reconsideration is warranted.

I. LEGAL STANDARD

A. Rule 59(e)

1. A Rule 59(e) motion is appropriate to correct a clear error of law or prevent manifest injustice. *Templet v. HydroChem Inc.*, 367 F.3d 473, 478–79 (5th Cir. 2004) (Rule 59(e) relief appropriate where the court “has patently

misunderstood a party” or “made an error not of reasoning but of apprehension”).

B. Rule 60(b)

2. Rule 60(b) permits relief from judgment where new evidence emerges or where the judgment rests on a mistake. *Hesling v. CSX Transp., Inc.*, 396 F.3d 632, 638 (5th Cir. 2005) (Rule 60(b)(2) applies when new evidence “could not have been discovered earlier with due diligence”). *Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, 402 (5th Cir. 1981) (Rule 60(b) should be applied “to accomplish justice”).

C. Fifth Circuit Habeas Jurisdiction Principles

3. The Fifth Circuit recognizes habeas jurisdiction even after removal where the petition challenges unlawful executive action. *Rosales v. ICE*, 426 F.3d 733, 736–37 (5th Cir. 2005) (habeas jurisdiction exists to challenge unlawful removal)¹. *See also, Zadvydas v. Davis*, 533 U.S. 678 (2001) (habeas remains available to challenge unlawful detention and removal practices).

¹ The *Rosales* Court held:

An individual may seek habeas relief under § 2241 if he is ‘in custody’ under federal authority or for violation of federal law. 28 U.S.C. § 2241(c). As the Supreme Court recently noted, physical detention (or here, physical detention by federal, rather than state, authority) is no longer required for a petitioner to meet the custody requirement and obtain habeas relief. [citing *Rumsfeld v. Padilla*, 542 U.S. 426, 124 S. Ct. 2711, 2719, 159 L. Ed. 2d 513 (2004) (‘[O]ur understanding of custody has broadened to include restraints short of physical confinement [.]’)]; and *Jones v.*

II. THE COURT'S ORDER WAS BASED ON FACTUAL ASSUMPTIONS NOW SHOWN TO BE INCORRECT

4. The Court denied the petition because it concluded:
- a. Petitioner's counsel "was aware" that Petitioner was detained in El Paso prior to removal;
 - b. It was not "impossible to apply the immediate custodian and district of confinement rules"; and
 - c. The petition lacked evidence establishing an exception to the district-of-confinement rule.
- (Dec. 19, 2025 Order at 3–4.)*
5. The affidavits now submitted directly contradict each of these findings.

III. NEW EVIDENCE SHOWS PETITIONER WAS HELD IN AN UNDISCLOSED LOCATION BY AN UNKNOWN CUSTODIAN

A. ICE Concealed Petitioner's Location and Custodian

6. The affidavit of Jorge Guadarrama Jimenez establishes: (1) Respondent ICE refused to disclose his location to counsel; and Petitioner was never produced for his scheduled bond hearing before an immigration judge; (3) He was denied access to counsel and denied the ability to make phone calls; (4) ICE concealed his transfer to Fort Bliss/Camp East Montana; and his

Cunningham, 371 U.S. 236, 239-40, 83 S. Ct. 373, 9 L. Ed. 2d 285 (1963) ("recognizing that restraints on liberty other than physical confinement may constitute custody for habeas purposes"). *Id.*

attorney repeatedly contacted OPLA and received no information. *See* Affidavit of Guadarrama ¶¶ 7–16, attached hereto and made a part hereof as “Exhibit A.” This is precisely the scenario contemplated in *Padilla*, where the Supreme Court held that habeas jurisdiction exists when “a prisoner is held in an undisclosed location by an unknown custodian,” making it “impossible to apply the immediate custodian and district of confinement rules.” *Padilla*, 542 U.S. at 450 n.18.

B. Independent Evidence Confirms ICE’s Concealment

7. In addition, the affidavit of a family friend and non-relative, Yanina Angelova, attached hereto and made a part hereof as “Exhibit B,” provides independent corroboration that: (1) she tracked Petitioner’s iPhone via iCloud to 1101 S. Oregon Street, El Paso, Texas, and then to the Paso del Norte International Bridge as he was removed from the United States; (2) ICE’s own Detainee Locator listed him at ERO El Paso Camp East Montana, but ICE never disclosed this to counsel. *See* affidavit attachments. Finally, all information about his location was obtained independently, not from ICE. Angelova affidavit, at ¶¶ 5–14, “Exhibit B.”
8. This evidence shows that Petitioner’s counsel did not know his location, contrary to the Court’s assumption. Respectfully and with this corroborating evidence now submitted, reconsideration is warranted.

IV. THE COURT'S JURISDICTIONAL FINDING ALSO MUST BE RECONSIDERED

A. The Court's conclusion that counsel "was aware" of Petitioner's location is factually incorrect

9. The Court relied on the assumption that counsel "was aware" Petitioner was detained in El Paso. *Order at 4.*

10. The affidavits show: (1) counsel *did not* know Petitioner's location; (2) ICE affirmatively concealed it, (3) ICE refused to respond to inquiries; and (4) Petitioner was denied all communication with counsel. This is new evidence that directly rebuts the Court's factual premise in its order denying habeas relief.

11. Moreover, it *was* impossible to apply the immediate custodian rule. The Court held that it "does not appear" that it was impossible to apply the immediate custodian rule. (*Order at 4.*)

12. The affidavits, however, establish that the Petitioner's custodian was unknown, that his location was undisclosed, that ICE prevented all communication, that ICE failed to produce him for his bond hearing² and that ICE transferred him without notice.

13. This is the exact scenario in *Padilla*, footnote 18.

² Neither the immigration judge nor the lawyer for ICE knew the whereabouts of the Petitioner and stated as such on record.

B. The petition *did* establish an exception to the district-of-confinement rule

14. The new evidence shows that ICE's concealment made compliance impossible, and that Petitioner was effectively "disappeared" within the federal detention system. Therefore, his removal occurred without due process, without a hearing, and without access to counsel.
15. Under *Rosales*, *Zadvydas*, and *Padilla*, habeas jurisdiction exists to review such unlawful executive action.

V. RECONSIDERATION IS NECESSARY TO PREVENT MANIFEST INJUSTICE

16. The Fifth Circuit recognizes manifest injustice where a judgment rests on incorrect factual assumptions or where new evidence shows the court's basis for dismissal was mistaken. *Templet v. Hydrochem Inc.*, 367 F.3d 473 (5th Cir. 2004) at 478–79. *See also Seven Elves, Inc. v. Eskenazi*, 635 F.2d 396, at 402 (5th Cir. 1981)³. Here:
- a.) Petitioner was secretly detained;
 - b.) He was denied access to counsel;
 - c.) He was denied a bond hearing;

³ The Court averring that the "purpose of Rule 60(b) is to delineate the circumstances under which relief may be obtained from the operation of final judgments, whether they are entered by default, see Fed. R. Civ. P. 55(c), or otherwise. By its very nature, the rule seeks to strike a delicate balance between two countervailing impulses: the desire to preserve the finality of judgments and the 'incessant command of the court's conscience that justice be done in light of all the facts.' *Id.*, citing *Bankers Mortgage Co. v. United States*, 423 F.2d 73, 77 (5th Cir.), *cert. denied*, 399 U.S. 927, 90 S. Ct. 2242, 26 L. Ed. 2d 793 (1970).

- d.) He was denied a credible fear interview;
- e.) He was removed without due process; and
- f.) The Court's dismissal was based on incorrect factual assumptions now rebutted.

17. Allowing the dismissal to stand would insulate respondent ICE's misconduct from judicial review and reward the government for concealing a detainee's location, an outcome the Supreme Court explicitly warned against in *Padilla*.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

1. Grant this Motion for Reconsideration under Rules 59(e) and 60(b);
2. Vacate the December 19, 2025 Order dismissing the habeas petition;
3. Reopen the case for full consideration on the merits;
4. Alternatively, permit supplemental filing and/or briefing or an evidentiary hearing on jurisdiction.

CONCLUSION

The affidavits submitted with this motion establish that the Court's jurisdictional ruling rested on incorrect factual assumptions and that Petitioner's

case falls squarely within the exception recognized in *Padilla*. Reconsideration is necessary to correct clear error and prevent manifest injustice.

Respectfully submitted,

/s/Christopher W. Helt, Esq.

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

Dated: January 16, 2025

Christopher W. Helt, Esq.
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CERTIFICATE OF FILING AND SERVICE

I certify that on January 16, 2025, I electronically filed the foregoing Motion for Reconsideration with the Clerk of the Court using the CM/ECF system. I further certify that all counsel of record who have entered an appearance in this matter are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

/s/ Christopher W. Helt
Christopher W. Helt, Esq.
Attorney for Petitioner

DATED: January 16, 2026

“EXHIBIT A”

AFFADAVIT OF JORGE GUADARRAMA JIMENEZ

I, Jorge Guadarrama Jimenez, hereby declare under oath as follows:

1. My name is Jorge Guadarrama Jimenez. I am 43 years old and a citizen of Mexico. My Alien Registration Number is [REDACTED]
2. I have lived in the United States continuously since 2005. I resided in Waukegan, Illinois for nearly twenty (20) years prior to my arrest by Immigration and Customs Enforcement ("ICE") on September 25, 2025.
3. I am the father of three United States citizen children:
 - Brittany, born [REDACTED] (20 years old),
 - A [REDACTED] born [REDACTED] (15 years old),
 - E [REDACTED] born [REDACTED] (12 years old),
 - M [REDACTED] born [REDACTED] (2 years old).One of my daughters is an active-duty member of the United States Marine Corps.
4. On September 25, 2025, I was arrested by ICE in Waukegan, Illinois. I was not shown a judicial warrant at the time of my arrest.
5. After my arrest, I was transported to the Broadview Service Staging Area in Illinois. Later that same day, I was transferred to Fort Bliss, Texas, where I remained detained.
6. I was told by ICE officers that I would be taken before an immigration judge. A bond hearing was scheduled before Immigration Judge Michael PleTERS in El Paso, Texas. However, ICE never transported me to court for that hearing.
7. I was never produced for the scheduled bond hearing, and no subsequent hearing was ever scheduled. My attorney attempted to contact ICE to determine my location, but ICE never responded.
8. I was denied the ability to make a phone call to contact my attorney or my family. Although the I-213 states I was "afforded the opportunity" to make a call, in reality I was not allowed to contact my lawyer, and I was not allowed to speak with my family after being transferred to Texas.
9. I was never informed that I would be deported until the very day I was removed from the United States. ICE officers told me for the first time on September 29, 2025 that I was being deported immediately.
10. I was removed from the United States on September 29, 2025. I had no opportunity to speak with my attorney, gather evidence, contact witnesses, or appear before an immigration judge.

11. I informed ICE that I feared returning to Mexico, but I was never provided a credible fear interview. The I-213 incorrectly states that I expressed "no fear." That is false. I told officers that I feared returning to Mexico because of threats and danger to my life.

Rebuttal to the District Court's Findings

12. The district court denied my habeas petition for lack of jurisdiction, stating that it was not "impossible" for the court to apply the immediate custodian rule before my removal. This is incorrect.

13. My location was unknown to my attorney, and ICE refused to disclose where I was being held. My attorney contacted ICE's Office of the Principal Legal Advisor (OPLA) and received no response. ICE never informed my attorney that I had been transferred to Fort Bliss, nor did they provide any information about my status or whereabouts.

14. Because ICE concealed my location and failed to produce me for my scheduled hearing, it was impossible for my attorney to determine my custodian or district of confinement. This is precisely the situation contemplated by *Padilla* footnote 18, where the Supreme Court recognized jurisdiction when a detainee is held in an undisclosed location by an unknown custodian.

15. The district court also stated that I was removed before the petition was filed. This is incorrect.

- I was detained in El Paso on September 25, 2025.
- I was removed on September 29, 2025.
- My habeas petition was filed on December 12, 2025, after my attorney learned of my removal only through indirect information.

16. ICE's actions prevented me from accessing the courts, contacting my attorney, or appearing before an immigration judge. The district court's conclusion that jurisdiction was lacking fails to account for ICE's misconduct and the impossibility of complying with the immediate custodian rule.

17. I was deprived of every statutory and constitutional protection guaranteed to me, including:

- the right to appear before an immigration judge,
- the right to seek cancellation of removal,
- the right to a bond hearing under INA § 236(a),
- the right to a credible fear interview,

- the right to counsel,
- the right to notice of removal proceedings.

18. I can verify and attest to the fact the last place I was detained in the United States, before my removal was El Paso, Texas. My removal was unlawful, and I respectfully request that the Court reconsider its findings and grant the relief requested in my habeas petition.

Verification

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 16 day of January, 2026.

Jorge Guadarrama Jimenez

A#

A handwritten signature in black ink, appearing to be 'JG'.

“EXHIBIT B”

AFFIDAVIT OF YANINA ANGELOVA

I, Yanina Angelova, on oath and affirmation, and under penalties of perjury, attest to the following:

1. My name is Yanina Angelova and I am a resident of Cook County, Illinois and a United States Citizen.
2. I am over the age of 18, competent to testify, and make this affidavit based on personal knowledge and direct involvement in the events described herein.
3. I am a close family friend of Jorge Guadarrama Jimenez and have known him and his family for several years.
4. I have remained in regular contact with Jorge and his family and was actively involved in efforts to locate him following his arrest by ICE on September 25, 2025.

Tracking Jorge Guadarrama's Location via iPhone and iCloud

5. On September 28, 2025, I personally tracked Jorge Guadarrama's physical location using the Find My iPhone feature via iCloud, which was linked to his personal device.
6. The location data showed Jorge's presence at 1101 S. Oregon Street, El Paso, Texas, and subsequently at the Paso del Norte International Bridge in Ciudad Juárez, Mexico, confirming his removal from the United States.
7. Screenshots of this location tracking are attached hereto as Exhibit A and Exhibit B, showing Jorge's movement from El Paso to Mexico on or about September 28–29, 2025.

Independent Confirmation via ICE Detainee Locator

8. On September 28, 2025, I independently confirmed Jorge Guadarrama's detention location by consulting the ICE Online Detainee Locator System.

9. The system listed Jorge Guadarrama Jimenez (A# ) as being held at ERO El Paso Camp East Montana, located at 6920 Digital Road, El Paso, TX 79936.
10. A screenshot of this confirmation is attached hereto as Exhibit C.
11. Despite repeated inquiries, I was not provided any information by ICE regarding Jorge's whereabouts, custody status, or removal plans.
12. All confirmations of Jorge's detention and removal were obtained independently through iCloud tracking and the ICE Detainee Locator system.
13. Based on the iCloud tracking and ICE records, I confirm that the last known physical place of detention for Jorge Guadarrama Jimenez was the El Paso Camp East Montana Detention Center, where ICE maintained physical custody of him prior to his removal to Mexico.
14. Attached to this affidavit are true and correct copies of the following documents:

Exhibit A: iCloud location screenshot showing Jorge's presence in El Paso, Texas.

Exhibit B: iCloud location screenshot showing Jorge's presence at the Paso del Norte International Bridge in Ciudad Juárez, Mexico.

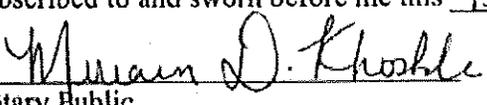
Exhibit C: ICE Detainee Locator screenshot confirming Jorge's detention at Camp East Montana.

15. I make this affidavit voluntarily and truthfully to support Jorge Guadarrama Jimenez's legal claims regarding his detention, denial of access to counsel and family, and wrongful deportation.

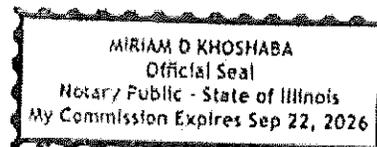
FURTHER AFFIANT SAYETH NAUGHT

/s/ 
Yanina Angelova

Subscribed to and sworn before me this 15th day of January, 2025

/s/ 
Notary Public

My Commission Expires Sep. 22, 2026



“EXHIBIT A”



“EXHIBIT B”

“EXHIBIT C”

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