

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**EL PASO DIVISION**

Case No. 3:25-cv-00663

RENATO GOMES, (File A No. )

*Petitioner,*

V.

SCARLET GRANT

Warden, ERO El Paso Camp East Montana

*Respondents.*

**INTRODUCTION**

1. Petitioner, Renato Gomes, has been in the custody of Immigration and Customs Enforcement (“ICE”) since September 16, 2025, approximately 3 months. Petitioner’s continued detention is unconstitutional and unlawful because his removal is not reasonably foreseeable. Petitioner has been pursuing relief from removal and has requested a custody redetermination hearing, which was denied on December 2, 2025. *See* Exh. 1. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
2. Absent an order from this Court, Petitioner will continue to be detained for an unknown and unreasonable amount of time by ICE.
3. Petitioner asks this Court to find that his continued detention is unconstitutional and order the Petitioner released pending his immigration proceedings.

4. In the alternative, if the Court finds that his detention is constitutional, the Petitioner requests that the Court order the Petitioner to be relocated to a facility within the New England area, including Maine, New Hampshire and Massachusetts, where the Petitioner's legal representatives, family, evidence, and witnesses related to his immigration matters are located.

#### **JURISDICTION**

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C § 1101 *et seq.*
6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question, and Article I, §9, cl. 2 of the United States Constitution (suspension clause).
7. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgement Act, 28, U.S.C. § 2201 *et seq.* and the All Writs Act, 28 U.S.C § 1651.

#### **VENUE**

8. Venue is proper because Petitioner is detained at ERO El Paso Camp East Montana in El Paso, Texas, which lies within the jurisdiction of the Western District of Texas.
9. Venue is also proper because Respondent is an officer, employee, or agent of the United States and a substantial part of the events giving rise to this petition occurred in this District. 28 U.S.C. § 1391(e).

#### **REQUIREMENTS OF 28 U.S.C § 2243**

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28

U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed” Id. (emphasis added).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” Fay v. Noia, 372 U.S. 391, 400 (1963) (emphasis added).

### PARTIES

12. Petitioner Renato Gomes is a native and citizen of Brazil, age 41, who has lived in the United States since approximately May 2004. He is currently detained at ERO El Paso Camp East Montana and is in the custody and direct control of Respondent and Respondent’s agents.
13. Respondent is the Warden of Cimarron Correctional Facility and they have immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

### STATEMENT OF FACTS

14. Petitioner is a native and citizen of Brazil. Petitioner is forty-one (41) years old. Petitioner has resided in the United States since approximately May 2004, a period of more than twenty-two (22) years, and has established deep community ties and a long-standing presence in this country.

15. Petitioner entered the United States without inspection on or about May 2004. Petitioner has no criminal convictions has lived a peaceful, law-abiding life during his more than two decades in this country. Petitioner has significant equities and strong incentive to appear for all future immigration proceedings.
16. On or about September 16, 2025, Petitioner was detained by Immigration and Customs Enforcement (“ICE”) and has remained in continuous detention since that date. On or about December 2, 2025, Petitioner appeared before the Immigration Court and requested a Custody Redetermination Hearing (“Bond Hearing”). Despite Petitioner’s eligibility for bond, the Immigration Judge refused to grant Petitioner a bond hearing, effectively depriving him of the opportunity to demonstrate that he is neither a danger to the community nor a flight risk. Petitioner’s request for bond was therefore denied without the procedural protections required by the Due Process Clause and federal case law.
17. Petitioner remains in detention at ERO El Paso Camp East Montana in El Paso, Texas. Petitioner has been working with Samper Law, LLC, located in Woburn, Massachusetts, since on or about November 12, 2025. Petitioner’s family reside in Massachusetts.
18. Petitioner’s family and close community contacts have suffered undue emotional and financial hardship due to his continued detention. Petitioner’s prolonged detention, coupled with the refusal to provide him with a bond hearing, has caused significant instability for those who rely on him, and removal to another jurisdiction or continued prolonged detention would exacerbate this hardship.
19. Petitioner is eligible for relief from removal and intends to pursue all available avenues of protection. Petitioner’s longstanding residence in the United States, absence of criminal

history, and substantial community ties weigh heavily against his continued detention and demonstrate that release on reasonable conditions is appropriate.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**CONSTITUTIONAL CLAIM**

20. Petitioner alleges and incorporates by reference paragraphs 1 through 19 above.
21. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

**COUNT TWO**

**STATUTORY CLAIM**

22. Petitioner alleges and incorporates by reference paragraphs 1 through 21 above.
23. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

**COUNT THREE**

24. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (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 Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Issue an Order prohibiting the Petitioner's transfer to another jurisdiction away from his family and counsel;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

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*Local Counsel for Petitioner*

Dated: December 12, 2025

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Renato Gomes, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 12, 2025

/s/ Prarup Ghimire  
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