

JUDGE DAVID GUADERRAMA

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS – EL PASO DIVISION**

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

**Address Court
U.S. District Clerk's Office
525 Magoffin Avenue, Suite 105
El Paso, TX 79901**

FILED
DEC 15 2025
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

EP 25CV00672

ESTIBEN CARVAJAL MARÍN
A# [Redacted]
Petitioner (Pro Se)

Detained at:
El Paso Service Processing Center
ICE Detention Facility

Address:
6920 Digital Road
El Paso, TX 79936
United States
ESTIBEN CARVAJAL MARIN
A# [Redacted]

ALEJANDRO MAYORKAS, Secretary of the Department of Homeland Security;
MERRICK GARLAND, Attorney General of the United States;
MARY DE ANDA-YBARRA, Field Office Director, ICE Enforcement and Removal
Operations – El Paso Field Office;
WARDEN, El Paso ICE Processing Center,
Respondents.

Case No.: _____

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

(UNLAWFUL DETENTION IN VIOLATION OF DUE PROCESS)

Petitioner **Estiben Carvajal Marín** respectfully submits this Petition for a Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**, challenging his ongoing detention by U.S. Immigration and Customs Enforcement (ICE) as unconstitutional, unlawful, and lacking legal basis. In support, Petitioner states:

SUMMARY OF VIOLATIONS AND BASIS FOR IMMEDIATE RELIEF

This case presents a clear and urgent violation of due process. ICE arrested me on November 11, 2025 without a judicial warrant, despite my full compliance with all immigration requirements and despite the existence of an **active, pending immigration case in the Chicago Immigration Court**. My case had already advanced through the required procedural stages:

1. I passed a Credible Fear Interview,
2. An Immigration Judge lawfully ordered my release,
3. I appeared for my scheduled Master Calendar Hearing on September 17, 2024, and
4. My Individual Merits Hearing was formally scheduled for July 2027.

This is fully documented in Exhibit B.

Additionally, I had a second active immigration process pending before USCIS: a T Visa application submitted on October 14, 2025, with full legal representation by Lisinski Law Firm.

Despite these ongoing, active legal processes, ICE arrested me, transferred me across the country to Texas, and attempted to restart removal proceedings as if my existing case did not exist. ICE then scheduled a new Master Calendar Hearing for December 18, 2025—an action that is legally impermissible, jurisdictionally improper, and fundamentally unconstitutional.

ICE's conduct demonstrates:

- No probable cause,
- No legal authority to re-initiate proceedings,
- No justification for interstate transfer,
- No basis to disregard an active EOIR case and a pending USCIS humanitarian application,
- No evidence of danger or flight risk, as shown in Exhibits C and D.
- A direct violation of Fifth Amendment due process protections.

The record establishes my full compliance, lawful employment, tax contributions, education, and strong community ties. I have no pending or active criminal history and nothing that could justify detention under Zadvydas or ICE standards.

The habeas remedy is therefore necessary and appropriate. ICE's actions were ultra vires, arbitrary, capricious, and obstructive of my constitutional and statutory rights.

For these reasons, I respectfully request immediate release and restoration of my case to its proper jurisdiction.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241** because Petitioner is currently held in immigration detention within this District and challenges the legality of his ongoing detention.
2. Venue is proper under **Rumsfeld v. Padilla, 542 U.S. 426 (2004)**, as the immediate custodia—the Warden of the El Paso Processing Center—is located within this District.

II. PARTIES

3. Petitioner:

Estiben Carvajal Marín, citizen of Colombia, currently detained by ICE at the El Paso Processing Center, Texas.

4. Respondents:

- o Secretary of Homeland Security (ultimate detention authority)
- o Attorney General of the United States
- o ICE Field Office Director, El Paso (operational authority)
- o Warden, El Paso Processing Center (immediate custodian)

III. FACTUAL BACKGROUND

I, **Estiben Carvajal Marín**, A#  respectfully submit this statement in support of my Petition for a Writ of Habeas Corpus, because my current detention by ICE is unlawful, arbitrary, and in violation of my constitutional rights.

1. I entered the United States seeking protection and successfully passed my credible fear interview. After that, an Immigration Judge lawfully ordered my release while my case proceeded.
2. Since my release, I fully complied with all my obligations:
 - I attended all my immigration check-ins,
 - I maintained a stable address,
 - I worked legally with a valid employment authorization document,
 - And I complied with my tax responsibilities.At no time did I miss an appointment or violate any government instruction.

3. My asylum case remains active before the Chicago Immigration Court (EOIR), with an individual merits hearing scheduled for July 2027, demonstrating that the government itself did not consider me a flight risk or a danger.
4. Additionally, in September 2025, I filed a T Visa application with USCIS, which is also active and pending.
5. On November 11, 2025, ICE officers arrived at my residence in Chicago and arrested me **without presenting any judicial warrant**, despite my complete compliance with my pending immigration proceedings.
6. After the arrest, ICE transferred me unexpectedly and without prior notice, without providing any explanation and without allowing contact with my attorney, from Chicago to El Paso, Texas.
7. Once detained in Texas, ICE attempted to restart my immigration process by reassigning my case and generating a new Notice to Appear (NTA), even though my case was already active and properly filed in another jurisdiction, with a final merits hearing already scheduled.
As of today, I am not certain whether ICE formally issued a new NTA, but it appears they are attempting to reopen or duplicate the case by scheduling a new initial "master" hearing for December 18, 2025, improperly rolling my case back to the beginning.
8. This arbitrary transfer and the attempt to restart my proceedings have severely harmed my right to due process because:
 - I have been separated from my attorney,
 - I have been separated from my evidence and witnesses,
 - I have been separated from the court where my case was already active,
 - And this procedural disruption creates confusion that endangers my case and my rights.
9. I have no criminal history that is current or pending, and I do not pose any threat to the community. I have always demonstrated complete compliance with immigration requirements and a strong commitment to my responsibilities. There is no valid legal basis to continue detaining me.
10. For these reasons, I respectfully request my immediate release, the reinstatement of my original case before the proper court, or release under parole, bond, or humanitarian discretion.

IV. LEGAL CLAIMS

Count 1 — Unlawful Detention (28 U.S.C. § 2241)

I respectfully assert that the government lacks legal authority to continue my detention. I had already been lawfully released under an order tied to my pending immigration case, and I have never violated any of the conditions of that release.

The attempt to restart my immigration case in a different jurisdiction without legal justification is *ultra vires* and impermissible under the Immigration Court Practice Manual and federal due process principles.

Count 2 — Violation of Due Process (Fifth Amendment)

My arrest without a judicial warrant, my transfer across state lines, and ICE's attempt to restart proceedings that were already active violate the constitutional guarantee of due process under the Fifth Amendment.

ICE's actions amount to improper forum manipulation ("forum shopping"), a practice that federal courts have consistently rejected as incompatible with fairness, stability, and procedural integrity.

Count 3 — Arbitrary and Capricious Detention (*Zadvydas v. Davis*)

Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), immigration detention must be tied to a legitimate governmental purpose. No such justification exists in my case. I have no criminal record that disqualifies me from release; I hold lawful employment authorization, pay taxes, participate in community programs, and maintain strong community ties. There is no reasonable basis to continue detaining me.

V. RELIEF REQUESTED

I respectfully request that this Court:

1. Order my immediate release, under supervision or reasonable bond; **OR**
2. Order a prompt, individualized bond hearing before an Immigration Judge applying the proper legal standards;
3. Order DHS/ICE to restore my proceedings to the original jurisdiction in Chicago; and
4. Grant any further relief this Court deems just and proper.

Respectfully submitted,

Estiben Carvajal Marín

A# 

SWORN DECLARATION

I, **ESTIBEN CARVAJAL MARÍN**, declare under penalty of perjury that all the information provided in this petition is true, correct, and complete to the best of my knowledge and belief.

Signature: estiben carvajal Marín.

CERTIFICATE OF SERVICE

(For Habeas Corpus Petition – Federal Court)

I, **Estiben Carvajal Marín**, A# ~~XXXXXXXXXX~~ hereby certify under penalty of perjury that on this 01 day of December, 2025, I caused a true and correct copy of the **Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241**, together with all supporting exhibits, to be served by U.S. mail on the following Respondents and Officials:

1. United States Attorney's Office for the Western District of Texas, El Paso Division
700 E. San Antonio, Suite 200
El Paso, Texas 79901

2. Mary De Anda-Ybarra

Field Office Director
ICE Enforcement and Removal Operations – El Paso Field Office
6920 Digital Road
El Paso, TX 79936
USA

3. Warden / Center Director

El Paso Service Processing Center (ICE Detention Facility)
6920 Digital Road
El Paso, TX 79936
USA

Executed by:

estiben carvajal Marin.

Estiben Carvajal Marín

A# ~~XXXXXXXXXX~~

El Paso Service Processing Center

El Paso, Texas

Date: 01 December, 2025