

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF LUBBOCK

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Case No. A- 241-068-960

**5:25-CV-276-H**

In the Matter of:

Allen Fransis

Petitioner

v.

Dallas Field Office Director

Field Office Director of Enforcement and

Removal Operations, (Dallas) field Office,

Immigration and customs Enforcement; Kristi NOEM,

Secretary, U. S. Department of Homeland Security;

US. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI,

U. S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;

Marcello Villegas, WARDEN OF BLUEBONNET DETENTION FACILITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

## INTRODUCTION

I petitioner Allen Fransis, is in the physical custody of Respondents at the {BLUEBONNET DETENTION FACILITY}, [petitioner has been detained here for the past 9months] facing unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have decided not to release Me.

Petitioner entered the United States illegally on or December 2024 and has been detained since, Petition was travelling to country of resident [Canada] arrested by Border Patrol.

Even if DHS infers that Petitioner is subject to 8 U.S.C. §1226(c), However, when such detention becomes unreasonably prolonged, due process under the Fifth Amendment requires the government to provide a bond hearing. see *Zadvydas v. Davis*, 533 U.S.678 (2001); *Guerrero –Sanchez warden York County prison*, 905 F.3d 208 (3d Cir .2018); *Rodriguez v. Robbins*, 804 F.3d 1060 (9<sup>th</sup> Cir.2015),

Accordingly, petitioner seeks a writ of habeas corpus requiring that [He] be released unless Respondents provide a bond hearing within 14 days

### JURISDICTION

This court has jurisdiction under 28 U.S.C. § 2241(c) (5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article 1, section 9, clause 2 of the United States Constitution (the Suspension Clause)

This Court may grant relief pursuant to 28 U.S.C. § 2241, All Writs Act, 28 U.S.C. § 1651.

### Venue

This court has jurisdiction under 28 U.S.C. § 2241, as Petitioner is in custody Within this district under the authority of the United States. Venue is proper in the Northern District of Texas because Petitioner is detained at Bluebonnet Facility in Anson Texas is within this Court's jurisdiction.

### Parties

Petitioner FRANSIS Allen is [alleged to be] a citizen of IRAQ who has been in immigration detention since December of 2024. After arresting petitioner in OKLAHOMA.

Respondent [JERRY SCOTT AMMONS is the Director of the [DALLAS] field Office of ICE's Enforcement and Removal Operations division. As such, [JERRY SCOTT AMMONS] is petitioner 's immediate custodian and is responsible for Petitioner 's detention and removal.

Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for petitioner 's detention. Ms. Noem has ultimate Custodian and is responsible for Petitioner and is sued in her official capacity.

Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration courts system it operates is a component agency. She is sued in her official capacity.

Respondent Executive office for immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for Custody redeterminations in bond hearings.

Respondent Marcello Villegas [WARDEN] of Bluebonnet Detention Center Anson Texas., where Petitioner is detained has immediate physical custody of Petitioner.

#### LEGAL GROUND

The Due Process Clause of the Fifth Amendment requires the Government to provide due process of law before it deprives someone of life, liberty, or property. Under judicial precedent, the Clause promises more than fair process: It also provides heightened protection against government interference with certain fundamental

rights and liberty interests. When a fundamental right is at stake, the Government can act only by narrowly tailored means that serve a compelling state interest. Identifying unenumerated rights carries a serious risk of judicial overreach, so the U.S. Supreme Court exercises the utmost care whenever it is asked to break new ground in this field. To that end, Glucksberg's two-step inquiry disciplines the substantive due process analysis. First, it insists on a careful description of the asserted fundamental liberty interest. Second, it stresses that the Due Process Clause specially protects only those fundamental rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition.

Petitioner Fransis Allen a native and citizen of IRAQ who is a permanent resident of Canada since 2013, Both parent is Canadian citizen's or on before the 20 of December 2024, Petitioner was travelling to Canada while apprehended by Board patrol agents who arrested petition for an unknown identity, petition was transported to Oklahoma jail for 2 nights and was transported to Bluebonnet detention facility in Anson on or before the 23 of December 2024.

Petitioner was presented before an immigration Judge via WebEx at Bluebonnet Detention in Anson Texas for a bond hearing and petitioner was denied bond, On or before April 1<sup>st</sup> of 2025 petitioner was order removal to Canada due to his resident in Canada, and it's been over 9 months since petitioner was remove from United State still held with no clause or whatsoever pending removal.

There is no lawful remedy other than judicial action for relief. Petitioner Detention violates his right to substantive and procedural due process that is guaranteed by the 5<sup>th</sup> amendment of the United States constitution which is the supreme law of the Land

Violation of the 5<sup>TH</sup> Amendment Due Process Clause, prolong detention civil detention Without an individual determination of flight risk or danger is unconstitutional (Zadvydas v. Davis, 533 U.S.678 (2001)). B

5<sup>th</sup> amendment to the U.S constitution states that No one shall be deprived of life liberty or property without due process of law.

the INA provides for mandatory detention of noncitizen subject to expedited removal under 8 U.S.C.§ 1225 (b)(1) and for other recent arrivals seeking admission referred to under § 1225 (b)(2)., see 8 U.S.C.§ 1231 (a)-(b).

Prayer for relief

Order to Show Cause Ordering Respondents to show cause why this petition should not be granted

Issue a Writ of Habeas Corpus requiring that Respondents Release Petitioner or in the alternative; Order an immediate bond hearing before an Immigration judge with the burden on the government to justify continued detention by clear and convincing evidence

Dated: \_\_\_\_\_

Signature

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