

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

DEC 22 2025

Jorge Luis Garces, by and through his wife,
Jiliany Jose Rojas Oliveros

Petitioner

v.

Attorney General of the United States;
Director of the RIO GRANDE processing center
U.S. Department of Homeland Security; Immigration and

Respondent

(name of warden or authorized person having custody of petitioner)

B-25-352

NATHAN OCHSNER
CLERK OF COURT

Case No.

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: JORGE LUIS GARCES CHAVEZ
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: RIO GRANDE PROCESSING CENTER
(b) Address: 1001 SAN RIO BLVD, LADERO, TX 78046
(c) Your identification number: _____
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging


5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: 1406 JACAMAN ROAD, SUITE B. LAREDO TX 78041

(b) Docket number, case number, or opinion number: ALIEN 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

UNJUSTIFIED DETENTION, HEARING OUTSIDE OF MY FAMILY ASYLUM CASE

(d) Date of the decision or action: 10/24/0205

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/24/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

- Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

- Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: BOND PAYMENT
- (b) Name of the authority, agency, or court: CEBONDS.ICE.GOV

- (c) Date of filing: 12/09/2025
- (d) Docket number, case number, or opinion number: _____
- (e) Result: NOT RELEASABLE
- (f) Date of result: 12/15/2025
- (g) Issues raised: FOREIGNER NOT ELIGIBLE FOR BAIL

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: At the time of the arrest, the authorities proceeded to separate the asylum case, despite the fact that it is a single family nucleus. It is important to note that the detained person is the principal applicant in the asylum case, and the other family members are directly dependent on the case.

(a) Supporting facts (Be brief. Do not cite cases or law.):

This separation has generated confusion and difficulty for the proper follow-up of the process where we have 2 different asylum hearing date, that of the detainee for February 2026 and that of the rest of the family for February 2028 the fear of persecution and the facts that support the asylum request are common for the whole family Likewise, the separation limits the possibility of presenting the case in a complete and coherent manner as it was originally presented to the immigration authorities in 2022.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: LACK OF MEDICAL CARE WITHIN THE DETENTION CENTER, I DONT HAVE THE PROPER PRESCRIPTION, MUCH LESS THE MEDICAL ATTENTION I NEED WHEN I NEED IT. EACH DAY WE ONLY RECEIVE LIMITED QUANTITIES OF WATER PER DETAINEE

(a) Supporting facts (Be brief. Do not cite cases or law.):

Adding to this, the gentleman has a condition where he had to make visits with an endocrinologist due to problem with the thyroid, whose appointment could not be made due to his detention, he also receives prescription treatment for triglyceride and cholesterol and what seems to me is the most worrying thing about the situation in which they are in the detention center where the only thing that is heard are the departures under agreement to Countries such as Ecuador, Uganda and Guatemala, a situation that keeps the detainee

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: THEY DO NOT ACCEPT BAIL, THEY DO NOT EVALUATE CASE FOR POSSIBLE RELEASE AND DUE PROCESS IS NOT RESPECTED.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I POSE NO DANGER TO SOCIETY AND EVEN LEES RISK OF FLIGHT. I HAVE BEEN AN EXEMPLARY CITIZEN DURING THE 4 YEARS I HAVE BEEN IN THE COUNTRY, I HAD AN EXCELLENT JOB, I PAY MY TAXES, and iam not a burden on the state

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR: The petitioners continued detention without an individualized bond hearing and without adequate notice of the charges alleged constitutes a violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United State Constitution

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

The petitioner has been detained for an unreasonable and prolonged period without meaningful judicial review, rendering the detention arbitrary and unconstitutional. Continued detention no longer bears a reasonable relationship to the government's purported administrative purposes

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: During the custody hearing, the prosecutor interrupted and limited my participation, preventing me from presenting arguments and evidence relevant to my release. I was not allowed to explain my personal, family, or legal situation, nor to challenge the government's arguments, thus depriving me of a fair and individualized hearing, in violation of my right to substantive and procedural due process guaranteed by the Fifth Amendment
-

Request for Relief

15. State exactly what you want the court to do: Because the petitioner did not receive a fair hearing or a real opportunity to be heard, and because his constitutional right to a defense was violated, this Court is respectfully requested to order the petitioner's immediate release
-
-

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Declaration Under Penalty Of Perjury

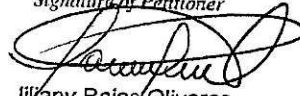
If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/19/2025

Jorge Luis Garces

Signature of Petitioner



Jilany Rojas Oliveros

Signature of attorney or other authorized person, if any

UNITED STATES DISTRICT COURT

Petitioner: Jorge Luis Garces, by and through his wife,
Jiliany Jose Rojas Oliveros

Vs.

Attorney General of the United States;

Director of the RIO GRANDE processing center
Harlingen Field Office

U.S. Department of Homeland Security; Immigration and Customs Enforcement (ICE);
and all other persons having custody of the petitioner.

PETITION FOR WRIT OF HABEAS CORPUS below 28 U.S.C. 6224

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT OF AMERICA.

The petitioner, through his wife, respectfully petitions this Honorable Court for a writ of habeas corpus under 28 U.S.C. 2241 and provides as follows:

1. INTRODUCTION

1. The petitioner, Jorge Luis Garces, is currently detained by the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Rio Grande Processing Center, located in [LAREDO, TEXAS].

2. The petitioner has been detained since 10/24/2025 without a final removal order, or has been subjected to prolonged detention following the issuance of such an order.

3. This petition challenges the legality of the Petitioner's ongoing detention as a violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution and applicable immigration statutes.

II. JURISDICTION AND JURISDICTION

4. This Court has jurisdiction under 28 U.S.C. 2241 because the petitioner is in custody under the authority of the United States, and the legality of that custody is being challenged.

5. The place is appropriate in this District because the petitioner is detained within the jurisdiction of this Court.

6. The petitioner entered the United States on or about 11/11/2021 and has resided in FORT WORTH, TEXAS exactly at [REDACTED] Fort worth TX 76115 for this entire time.

7. The petitioner made the asylum application within the established times (dispatch date 10/2022)

8. Petitioner was taken into ICE custody on 10/24/2025

9. Since his arrest, the petitioner has fully complied with all immigration requirements and has not posed a danger to the community or a flight risk.

The petitioner has a family, including his wife Jiliany Rojas Oliveros and children who depend on him emotionally and financially. Adding to this that he has a 2-year-old son born in the country, who was diagnosed with autism and who requires special attention and that is why his wife cannot work, thus the detainee being the only breadwinner of the household.

IV. Legal claims

The petitioner's continued detention is unreasonably prolonged and violates constitutional and statutory limits, detention spent beyond a reasonable period without a significant likelihood of removal in the foreseeable future.

12. ICE has failed to provide a bond hearing or demonstrate the need for continued detention.

V. PRAYER FOR THE RELIEF

WHEREAS, the petitioner, by and through his wife, respectfully requests that this Honorable Tribunal:

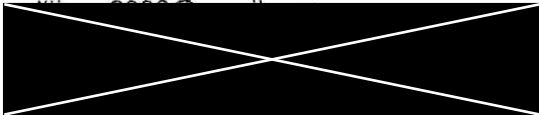
to. Issue a writ of habeas corpus ordering the defendants to release immediately under reasonable supervision or bond;

b. Grant the relief that the Court deems fair and appropriate, taking into consideration that the detainee does not represent a risk to society and in his 4 years in the country has shown himself to be an exemplary citizen.

Respectfully presented,



Jiliany José Rojas Oliveros, on behalf of Jorge Luis Garcés




Jiliany Jose Rojas

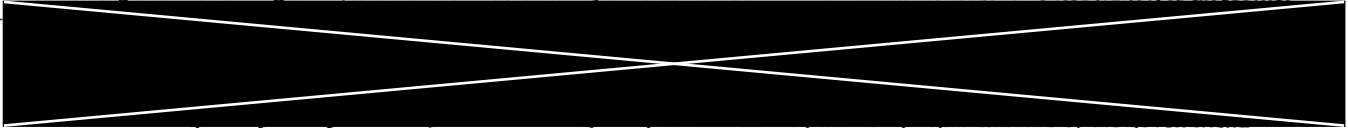


11/22/2025

Honourable judge.

I respectfully address you to ask, plead and implore the release of my husband, Jorge Luis Garces , who is currently in detention, in ICE custody at the RIO GRANDE Processing Center.

We have been a couple for more than 15 years and our family depends on him, we have 2 children, a 12-year-old student, a 7-grade student, an excellent student and a 2-year-old child born in this country, who was diagnosed with non-verbal autism a few months ago and is currently receiving home therapy, so I do not work dedicated to him. Our family needs the presence of a pope in the home not only because of the economic issue, but also because of the emotional sphere. I have not had the courage to tell my eldest son that Dad is being detained in migration, because what is currently seen would lead to an emotional fall and I do not want it to affect me.



My husband is a responsible, hardworking and kind man, who before his arrest worked at PARAMONT MGF LLC, has always fulfilled his responsibilities, has never posed a danger to society. He is a man who has always sought a better future for his family, on the same day of his arrest at the ICE offices on 24/10/2025, we had the closing of the purchase of our first home and due to the detention, our dream, the new home for our children, it could not be concluded.

For this reason, Honourable Judge, I beg you to have compassion on us and allow us to stay in America and give freedom to our pillar, our family is nothing without him.

I sincerely appreciate the time you have taken to read this letter, I hope you can consider our situation.
Respectfully


Jiliany Rojas

A handwritten signature in black ink, appearing to read 'Jiliany Rojas', written over a faint circular stamp.

PD: Give my kids a Merry Christmas with their dad.

EXPLANATORY LETTER IN SUPPORT OF HABEAS CORPUS PETITION

To the Honorable United States District Court
For the District of South Texas.

RE: Petition for Habeas Corpus on behalf of Jorge Luis Garcés  Filed by his wife Jiliany Rojas Oliveros.

Dear and Honorable Tribunal,

My name is Jiliany Rojas Oliveros, and I respectfully submit this explanatory letter in support of the Habeas Corpus Petition filed on behalf of Jorge Luis Garcés, who is currently detained by ICE at the RIO GRANDE PROCESSING CENTER Detention Center. The purpose of this letter is to give additional context regarding the petitioner's circumstances and to explain why his or her immediate release or a custody predetermination hearing is warranted and necessary.

1. Physical and emotional deterioration of the petitioner.

Since his arrest on OCTOBER 24, 2025, Mr. Jorge Garcés has experienced a significant deterioration in his physical and mental health. Adding to this, the gentleman has a condition where he had to make visits with an endocrinologist due to problems with the thyroid, whose appointment could not be made due to his detention, he also receives prescription treatment for triglyceride and cholesterol and what seems to me is the most worrying thing about the situation in which they are in the detention center where the only thing that is heard are the departures under agreement to Countries such as Ecuador, Uganda and Guatemala, a situation that keeps the detainee under concern since his family is in the country under a family asylum process with a cut-off date of February 2028.

2. Lack of criminal history and strong community ties

The petitioner has no criminal record. Prior to his arrest, he complied with all immigration requirements, from the time of his arrival he has maintained the same place of residence, he has presented himself to all his appointments at the immigration headquarters and has been

constant with the monthly records of the ISAP. These factors demonstrate that he is neither a danger to the community nor a flight risk, so continued detention is not justified.

3. Presentation of the economic and family impact derived from the detention

The family has suffered serious economic destabilization. Mr. Jorge Garcés was the main source of sustenance for the household, and his absence has made it impossible to cover essential expenses such as rent, basic services, food, transportation and other financial obligations essential for the stability of the family.

This situation has also had significant long-term consequences. As a direct result of the loss of income and the current economic uncertainty, we were forced to cancel a previously approved agreement to purchase a home, which represented a critical step for the safety and well-being of our family. The cancellation of this agreement not only generated economic losses, but also a considerable emotional impact for all members of the household.

Our family has always sought to act responsibly and within the framework of the law, working honestly to get ahead. The current situation has placed us in a position of extreme economic and emotional vulnerability, especially affecting our youngest son, who is 2 years old was diagnosed with autism and since his father's arrest has had constant episodes of anxiety.

4. Explanation of the separation of the family asylum case at the time of detention


At the time of the arrest, the authorities proceeded to separate the asylum case, despite the fact that it is a single family nucleus. It is important to note that the detained person is the principal applicant in the asylum case, and the other family members are directly dependent on the case.

This separation has generated confusion and difficulty for the proper follow-up of the process where we have 2 different cut-off dates, that of the detainee for February 2026 and that of the rest of the family for February 2028, the fear of persecution and the facts that support the asylum request are common for the whole family. Likewise, the separation limits the possibility of presenting the case in a complete and coherent manner, as it was originally presented to the immigration authorities in 2022.

Therefore, I respectfully request that this situation be taken into account and, to the extent possible, consider the reunification of the family asylum case or adopt the necessary measures so that the case of the main applicant and that of his dependent family members are evaluated jointly, giving us the reasonable time to present our asylum case before the Immigration Judge in February 2028

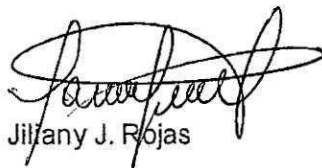
5. Respectful request to the Court.

In light of the facts described above, I respectfully request this Honorable Tribunal:

1. To order the immediate release of Mr. Jorge Luis Garces  from ICE custody; or
2. grant you a custody bond hearing before a neutral judge; that allows him to expose his situation.

Thank you for your time and consideration, and for your continued commitment to protecting the constitutional rights of detainees.

Respectfully,


Jiliany J. Rojas