

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

**HERLIM CRUZ GONZALEZ**, as Next Friend of  
**YENIER CRUZ GONZALEZ**,  
Petitioner,

v.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**,  
Respondent.

Case No.: 2:25-cv-2663 JHC

**PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. § 2241)**

FILED  
LODGED  
RECEIVED

**MAIL**


DEC 22 2025

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

## **I. INFORMATION ABOUT THE DETAINEE**

Name: Yenier Cruz Gonzalez

Country of Origin: Cuba

Alien Registration Number: 

Current Place of Detention: El Paso Processing Center, El Paso, Texas

## **II. CUSTODY AUTHORITY**

Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) under the authority of the El Paso Processing Center.

## **III. RELEVANT FACTS**

Mr. Yenier Cruz Gonzalez was detained by U.S. Immigration and Customs Enforcement ("ICE") on July 13, 2025, in Tampa, Florida. He was initially transferred to the Alligator Detention Facility, where he remained until August 11, 2025. During his detention, Mr. Cruz Gonzalez suffered a fall from a detention bunk and, due to a recent back surgery performed prior to detention, required emergency hospitalization.

On August 13, 2025, Petitioner was transferred to the El Paso Processing Center in El Paso, Texas, where he remains detained to this date. Since the inception of his detention, Petitioner has been transferred between multiple ICE facilities, including Florida, Arizona, and Texas, without adequate explanation, notice, or transparency regarding the legal basis or anticipated duration of his confinement. His detention has become prolonged, arbitrary, and effectively indefinite.

The origin of Petitioner's detention stems from a state-level domestic violence allegation in Florida. The alleged victim subsequently executed a sworn declaration admitting under oath that the accusation was fabricated. Despite this retraction, ICE continues to rely on this defective allegation as justification for Petitioner's continued detention.

### **Psychological Abuse and Coercive Attempts to Force Entry into Mexico**

Throughout his prolonged detention in multiple ICE facilities, including the El Paso Processing Center, Petitioner has been subjected to severe psychological distress caused by coercive, intimidating, and abusive practices by immigration authorities. On multiple occasions, ICE agents attempted to force Petitioner to cross into Mexico against his will, despite knowing that he is not a citizen of Mexico, does not possess legal status in that country, and has never been issued lawful documentation authorizing entry or residence there.

During at least one such incident, Petitioner was physically transported to a remote border location, hooded, and instructed to cross into Mexican territory. When Petitioner refused, asserting his lack of legal status and fear for his safety, he was threatened with indefinite detention. These actions were taken without due process and outside any lawful removal

proceedings.

ICE agents further attempted to coerce Petitioner into accepting removal to other countries, including Costa Rica and Spain, falsely representing that ICE could provide lawful documentation for such removal. These representations were untrue and were used as coercive tactics to compel unlawful self-removal.

On at least one occasion, Petitioner was transported on an aircraft carrying individuals infected or suspected to be infected with active tuberculosis. Petitioner was not provided adequate personal protective equipment or medical safeguards, exposing him to serious health risks.

ICE officials informed Petitioner that his mandatory ninety (90) day post-order custody review had been completed. Despite repeated inquiries, Petitioner has never received a written decision or explanation regarding the outcome of that review and remains detained without transparency or procedural safeguards.

#### **Family Separation and Financial Hardship**

Petitioner is the primary financial provider for his family. Due to his detention and the significant distance separating him from his loved ones, his family has suffered severe financial hardship, including difficulty meeting basic obligations such as rent, utilities, and household necessities. His inability to be present to support and stabilize his family has compounded both his psychological suffering and the economic vulnerability of his household.

Petitioner has lived in the United States for over ten (10) years, owns and operates a business known as *D' Cruz Electric Service*, and is the father of two children residing in the United States. His continued detention has rendered him unable to provide financial, emotional, or parental support to his family.

The undersigned Next Friend, Herlim Cruz Gonzalez, is an active-duty member of the United States Army. The prolonged and arbitrary detention of his brother has caused significant emotional distress and has interfered with his ability to fully perform his military duties.

#### IV. LEGAL CLAIMS

##### **A. Prolonged Detention Violates the Fifth Amendment Due Process Clause**

Detention that becomes prolonged, indefinite, or punitive violates the Fifth Amendment. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011), ICE may not detain an individual beyond a reasonable period absent a significant likelihood of removal in the reasonably foreseeable future.

##### **B. No Significant Likelihood of Removal in the Reasonably Foreseeable Future**

Cuba has not issued travel documents for Petitioner, and ICE has failed to demonstrate any concrete or realistic plan for removal, rendering continued detention unlawful.

##### **C. Detention Based on False and Retracted Allegations**

Continued detention premised on fabricated allegations that were formally retracted under oath violates fundamental fairness and due process protections.

##### **D. Coercive and Abusive Conduct Renders Detention Punitive**

Threats of indefinite detention, hooding, exposure to communicable disease, and attempts to force unlawful entry into Mexico or other countries constitute coercive conduct that transforms civil detention into unconstitutional punishment. See *Bell v. Wolfish*, 441 U.S. 520 (1979).

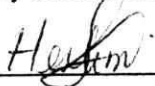
##### **E. Detention Exceeds Statutory Authority Under 8 U.S.C. § 1231**

ICE's authority is limited to a reasonable period necessary to effectuate removal. Continued detention beyond that period exceeds statutory authority and requires release under supervision.

#### V. RELIEF REQUESTED

Petitioner respectfully requests that this Court declare his detention unlawful, order his immediate release under reasonable conditions or humanitarian parole, or alternatively order an immediate individualized custody hearing, and grant any additional relief the Court deems just and proper.

Respectfully submitted,



HERLIM CRUZ GONZALEZ

Next Friend of Petitioner



Email:



I declare, under penalty of perjury that the foregoing is true and correct.  
Date: 12/10/2025

*[Handwritten Signature]*

Notary Public

My commission expires: 11/20/2025



## CIVIL COVER SHEET (JS-44)

**United States District Court**

Western District of Washington

**Petitioner:** Herlim Cruz Gonzalez, as Next Friend of Yenier Cruz Gonzalez

**Respondent:** U.S. Immigration and Customs Enforcement (ICE)

**Basis of Jurisdiction:** Federal Question (28 U.S.C. § 2241)

**Nature of Suit:** 530 – Habeas Corpus

**Cause of Action:** Unlawful immigration detention in violation of the Fifth Amendment Due Process Clause

**Relief Requested:**

Immediate release from custody, or in the alternative, an individualized custody hearing with constitutionally adequate procedural safeguards.

Date: 12/16/2025

Signature of Petitioner / Next Friend: 

## PROOF OF SERVICE

I, Herlim Cruz Gonzalez, declare under penalty of perjury under the laws of the United States of America that I am over the age of eighteen (18) and not a party to this action. On the date indicated below, I served a true and correct copy of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, together with all supporting exhibits and attachments, by depositing the documents in the United States Mail, postage prepaid, addressed as follows:

**United States Attorney**  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, WA 98101

**U.S. Department of Homeland Security**  
U.S. Immigration and Customs Enforcement (ICE)  
Office of the Principal Legal Advisor (OPLA)  
Potomac Center North  
500 12th Street SW  
Washington, DC 20536

**U.S. Immigration and Customs Enforcement**  
El Paso Processing Center  
8915 Montana Avenue  
El Paso, TX 79925

Date of Service: 12/16/2025

Method of Service: U.S. Mail (Certified Mail recommended)

Executed at: Woodbridge, Virginia

Herlim

Herlim Cruz Gonzalez