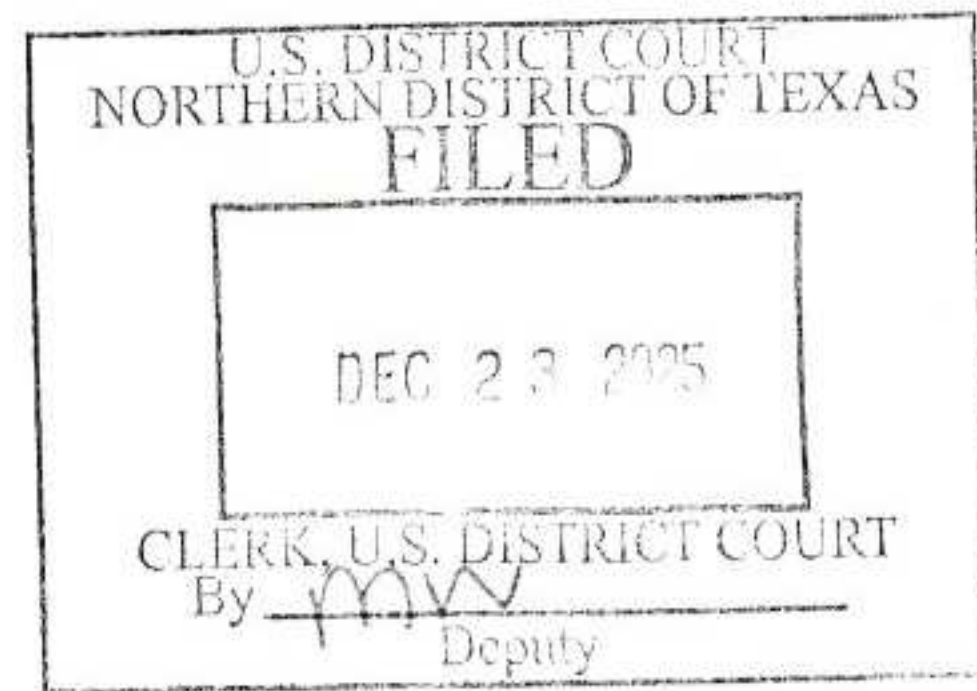


PRO SE PETITION FOR WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS



JHOAN SEBASTIÁN POVEDA MARTÍNEZ,

A#

Petitioner,

v.

Civil Action No. _____

4-25CV1445-0

MERRICK GARLAND, Attorney General of the United States;

ALEJANDRO MAYORKAS, Secretary of the Department of Homeland Security;

TROY MILLER, Acting Commissioner of U.S. Customs and Border Protection;

FIELD OFFICE DIRECTOR, Enforcement and Removal Operations (ERO) Dallas,

Respondents.

PRO SE PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

I, Jhoan Sebastián Poveda Martínez, hereby respectfully submit this pro se Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and state as follows:

1. **Petitioner Information**

Name: Jhoan Sebastián Poveda Martínez

A Number: [REDACTED]

Date of Birth: [REDACTED]

Nationality: Colombian

Date of Entry to the U.S.: October 20, 2023

Date of Detention: November 5, 2025

Place of Detention: Prairieland Detention Center, Alvarado, Texas

2. **Jurisdiction and Venue**

Jurisdiction is proper under 28 U.S.C. § 2241 because Petitioner challenges the legality of his detention by DHS/ICE.

Venue is proper in the Northern District of Texas because Prairieland Detention Center is located within this district.

3. **Nature of the Case**

Petitioner has been unlawfully detained by ICE without a judicial warrant and without any individualized determination of flight risk or dangerousness.

The detention violates the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act, and relevant Supreme Court precedent.

4. **Factual Background**

- Petitioner was detained while attending a routine annual ICE check-in, demonstrating full compliance with all reporting requirements.

- Petitioner has **no criminal record** whatsoever.

- Petitioner has an **asylum application pending** and previously held a valid Employment Authorization Document and Social Security Number, evidencing intent to comply with U.S. law.

- Petitioner was the financial supporter of his household, and detention has created extreme hardship for his partner.
- Conditions inside Prairieland Detention Center have been degrading, harmful, and inconsistent with constitutional standards.
- Petitioner provides letters of good conduct and community support, demonstrating his positive contribution to the United States.

5. ****Legal Argument – Unlawful and Prolonged Detention****

a. ****Violation of Due Process****

The Fifth Amendment protects individuals from arbitrary and punitive detention.

ICE failed to provide Petitioner with an individualized custody determination.

Detention without such determination violates **Zadvydas v. Davis**, 533 U.S. 678 (2001), and **Demore v. Kim**, 538 U.S. 510 (2003).

b. ****Failure to Provide a Bond Hearing****

Under **Jennings v. Rodriguez**, 583 U.S. 730 (2018), prolonged detention without bond review raises serious constitutional concerns.

The Ninth Circuit in **Rodriguez v. Robbins**, 804 F.3d 1060 (9th Cir. 2015), emphasizes the necessity of periodic custody review to prevent unconstitutional detention.

c. ****Detention Not Justified Under INA §§ 236(a) or 236(c)****

Petitioner does not fall within mandatory detention because he has ****no criminal history****.

Under INA § 236(a), ICE must conduct an individualized review, which it failed to do.

d. ****Arbitrary Detention****

Detaining a person who appeared voluntarily for a scheduled ICE appointment constitutes arbitrary government action, violating **Mathews v. Eldridge**, 424 U.S. 319 (1976).

6. ****Harm Resulting from Continued Detention****

- Psychological and emotional damage.
- Loss of income and destabilization of household.
- Exposure to unsafe and degrading conditions in detention.
- Interference with ability to meaningfully pursue asylum case.

7. ****Requests for Relief****

Petitioner respectfully requests that this Court:

- a. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release under reasonable conditions of supervision.
- b. Order ICE to provide an immediate bond hearing before a neutral decision-maker.
- c. Grant any other relief the Court deems just and proper.

8. ****Verification****

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Sebastián P

Jhoan Sebastián Poveda Martínez

A#

PrairieLand Detention Center

Date: 12-17-2025

Explanatory Letter in Support of Pro Se Habeas Corpus Petition

Re: Jhoan Sebastián Poveda Martínez – A# 

Prairieland Detention Center – Alvarado, Texas

To the Honorable Judge of the United States District Court

Northern District of Texas:

I respectfully submit this explanatory letter in support of my Pro Se Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking relief from unlawful detention by U.S. Immigration and Customs Enforcement (ICE). My intention is to provide the Court with a clear and detailed account of the circumstances surrounding my arrest, detention, personal background, and the constitutional violations that have resulted from my continued confinement.

1. Background and Circumstances of Detention

My name is Jhoan Sebastián Poveda Martínez, a national of Colombia. I lawfully entered the United States on October 20, 2023, and I have fully complied with all immigration requirements, including filing a pending asylum application, obtaining an Employment Authorization Document (EAD), and attending all scheduled appointments with ICE.

On November 5, 2025, I appeared voluntarily to my annual ICE check-in—demonstrating good faith, compliance, and respect for immigration procedures. Despite this, I was detained without a judicial warrant, without any prior notice, and without any individualized assessment of flight risk or danger to the community. My detention was sudden, unexpected, and inconsistent with constitutional due process protections.

I have no criminal history, and there has never been any allegation that I pose a danger to the public.

2. Violation of Due Process Rights

My detention violates the Fifth Amendment Due Process Clause, the Immigration and Nationality Act, and critical Supreme Court precedents.

- Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention cannot be arbitrary or indefinite.
- In *Demore v. Kim*, 538 U.S. 510 (2003), the Court emphasized that only limited, brief detention is permitted in immigration cases.
- Under *Jennings v. Rodriguez*, 583 U.S. 730 (2018), prolonged detention without a bond hearing raises serious constitutional concerns.

I have not been afforded an individualized bond hearing, nor an opportunity to appear before a neutral authority to determine whether my detention is justified. I was taken into custody solely for appearing at a routine ICE appointment—an action that directly contradicts the government’s claim that I pose a flight risk.

3. Hardships Resulting From Continued Detention

My unlawful detention has caused severe and ongoing harm:

a. Emotional and psychological distress

The abrupt nature of my arrest, separation from my partner, and degrading conditions within the detention center have inflicted significant emotional suffering.

b. Economic devastation

Before being detained, I was the principal provider for my household. My detention has left my partner without financial support and has destabilized our home.

c. Harmful detention conditions

Inside Prairieland Detention Center, conditions are inhumane and degrading. Access to medical care, hygiene, and safety is limited. These conditions further undermine my ability to focus on and prepare my asylum case.

d. Interference with my asylum proceedings

Detention significantly restricts my ability to communicate with my partner, obtain documents, gather evidence, or meaningfully interact with the asylum system.

4. Legal Basis for Relief

My detention is unlawful because:

- I do not fall under mandatory detention (§236(c)).
- ICE failed to issue an individualized determination as required under INA §236(a).
- My arrest at a voluntary check-in amounts to arbitrary government action, violating *Mathews v. Eldridge*, 424 U.S. 319 (1976).
- Continued detention without a bond hearing violates constitutional protections established under federal law and Supreme Court precedent.

For these reasons, I respectfully request that the Court grant my Habeas Corpus Petition and order my immediate release under reasonable conditions of supervision.

5. Request to the Court

I respectfully request that this Court:

1. Order my release from ICE custody; OR
2. Order ICE to provide a prompt bond hearing before a neutral decision-maker; AND
3. Grant any additional relief the Court deems just and proper.

I am committed to complying with all immigration requirements and appearing at all future hearings. I am not a danger, I am not a risk of flight, and detention is neither justified nor lawful.

Respectfully submitted,

Sebastián P

Jhoan Sebastián Poveda Martínez

A# 

PrairieLand Detention Center

Date: 12-17-2025

PROOF OF SERVICE

I, Jhoan Sebastián Poveda Martínez, A# [REDACTED] hereby certify that on the date indicated below, I served a true and correct copy of the following document:

****Pro Se Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241****

and

****Explanatory Letter in Support of Habeas Petition****

upon all required parties by placing the documents in the institutional mailing system at:

PrairieLand Detention Center

1209 Sunflower Lane

Alvarado, TX 76009

Pursuant to legal mailing procedures.

The documents were served to the following parties:

1. ****Clerk of Court****

United States District Court

Northern District of Texas – Fort Worth Division

501 West 10th Street, Room 310

Fort Worth, TX 76102

2. ****U.S. Attorney for the Northern District of Texas****

United States Attorney's Office
1100 Commerce Street, Third Floor
Dallas, TX 75242

3. ****Attorney General of the United States****

U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

4. ****ICE - Enforcement and Removal Operations (ERO) Dallas Field Office****

8101 N. Stemmons Freeway
Dallas, TX 75247

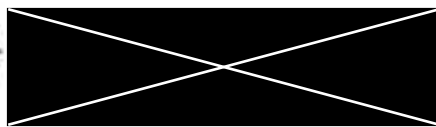
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 12-11-2025

Jhoan Sebastian Poveda Martinez

Jhoan Sebastián Poveda Martínez

A#



Prairieland Detention Center
Alvarado, TX 76009

Nov 26, 2025

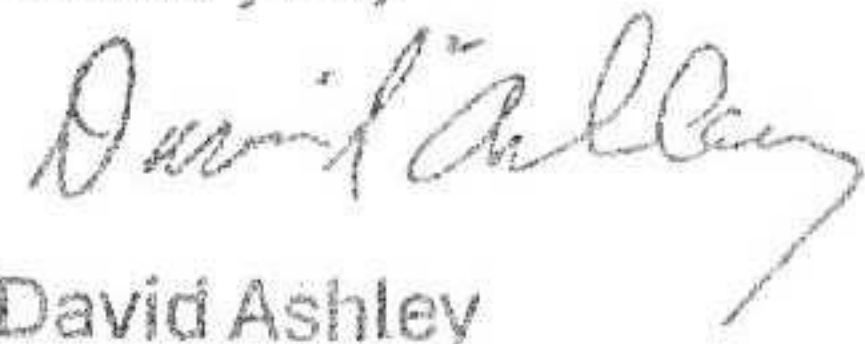
Sebastian Poveda is my foreman for my distribution business.

He is in charge of loading and unloading vans, also delivers *four (or more if needed)* routes for my company. Delivering *requires physical energy and expertise*. In order to meet deadlines our drivers must fold and bag newspapers (advertisement coupons) according to a specific list which defines "Do Not Throw" houses (which must not get a paper) as well as boxed "Be sure to Throw" houses (which must get a paper). The route lists have codes on them to help identify the houses and what to do, including taking and text a photo to me which I forward to the parent company. This is a rare combination of energetic labor, intellectual understanding of the route list instructions as well as skilled folding while operating a motor vehicle in a narrow time window. A person who is not trained can not do this. It takes a long time to teach someone how to read the list, fold while driving, and have the knowledge of when to stop and rest. Some of these routes take the drivers into dangerous areas where knowledge of safety conditions is extremely important. I consider Sebastian Poveda critical to my

business as I have heart problems (tachycardia [rapid heartbeat and arrhythmia (irregular heart beat) and I can not monitor new workers. I was able to verify Sebastian's honesty and trustworthiness (I have to give him money or debit card to buy gas for the vans) before I became less mobile. Most other workers are far less honest.

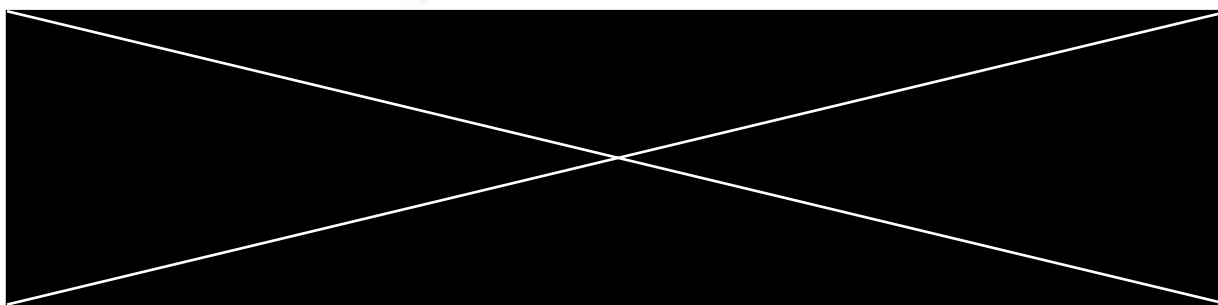
Please text me or call me and leave me a message with any questions.

Thank you,



David Ashley





December 02, 2025

I would be happy and delighted to sponsor and vouch for Jhoan Sebastian Poveda Martinez (I call him, "Sebastian") to stay in the United States.

I have a distribution business delivering newspapers which I have been doing for over 50 years (I am 61 years old).

I contract with two parent companies and subcontract with multiple delivery carriers who deliver routes for me in their cars.

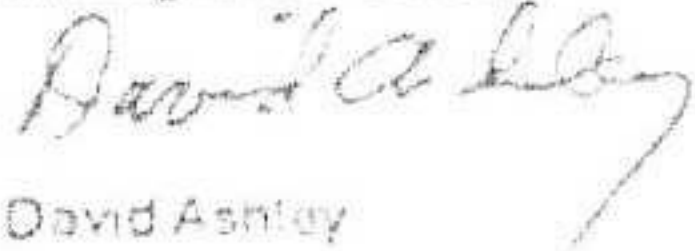
I depend on Sebastian to both manage the bundles to the carriers and to personally deliver many newspapers (advertisement magazines).

I count on Sebastian to help me run my business. While I have tried multiple such "managers" Sebastian is the only one who has proven I can trust. Several times he has alerted me that I was trying to accidentally over-pay him by \$500. He could have stayed quiet each time and I would have never discovered my error. (I just forget).

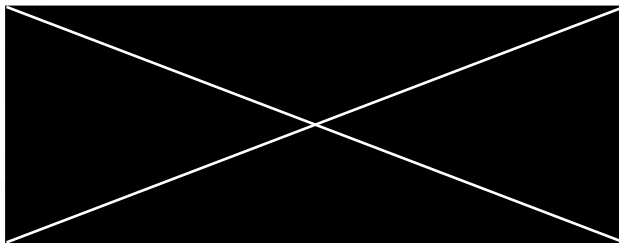
I have advertised multiple times to replace him, but it is extremely difficult to find someone who is willing to do hard labor (loading multiple van loads of bundles of newspapers), drive, and deliver with accurate delivery.

With the cold winter coming up, it will be very unlikely to find someone to replace Sebastian.

I will take care of Sebastian, and I will make Sebastian show up for his immigration cases.



David Ashley



 (my phone doesn't ring as I sleep in the daytime, please leave a voice mail or text)

December 10, 2025

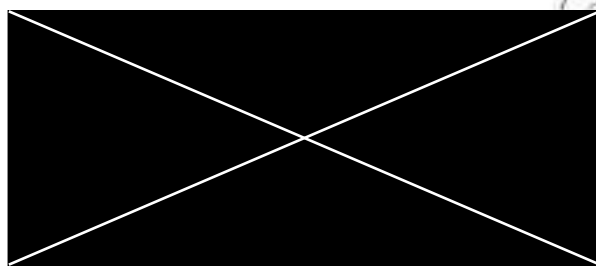
I am more than glad to vouch for the great, honest and hard-working person Jhoan Sebastian Poveda Martinez is.

I had the opportunity of meeting Sebastian through my husband in the summer of 2024 and had the pleasure of sharing good times with him. In those times he proved to be a great and integral person.

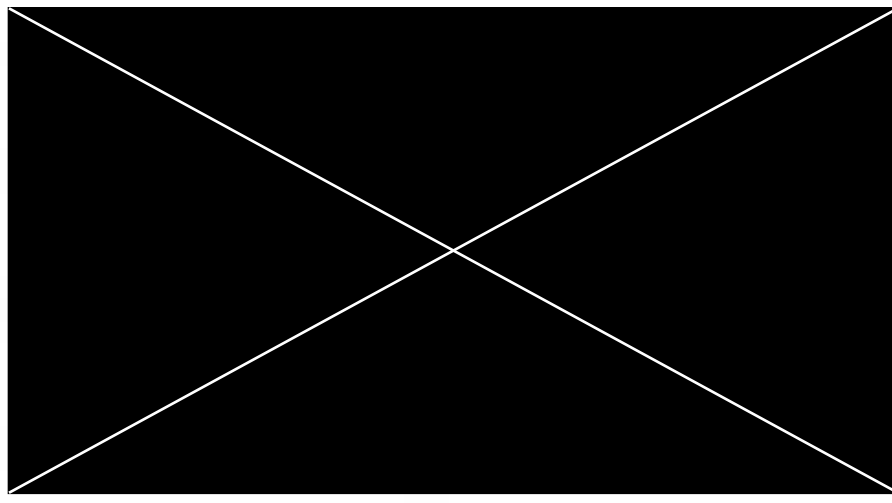
Ever since I met him, I have always only known positive things about him. I know he's very responsible with his job, a job that he has been at for some time now and has never had issues there. Stability in the workplace says a lot about someone

My encounters with Sebastian were always positive. We attended the State Fair of Texas together along with my husband and other friends last year and he's someone that is very easy to get along with. People enjoy being around him, he's unproblematic and good-hearted individual.

Sincerely,

A black rectangular box with a white 'X' drawn across it, used to redact the signature.A handwritten signature in cursive script, appearing to read "Jhoan Sebastian Poveda Martinez".

Emily Perkins



December 10, 2025

To Whom It May Concern,

I am writing this letter in support of Jhoan Sebastian Poveda Martinez. I have known Jhoan for one year, and during this time I have come to know him as a responsible, respectful, and genuinely kind individual.

Jhoan consistently demonstrates positive character, integrity, and a strong work ethic. He treats others with courtesy and compassion, and he has shown himself to be someone who contributes to the well-being of the people around him. In all my experiences with him, Jhoan has never displayed any behavior that would indicate he is a danger to the community or society in any way.

On the contrary, he is a dependable person who values family, stability, and doing the right thing. Jhoan strives to improve his life and support those around him, and his presence in this community has always been positive.

I respectfully ask that you consider this letter as a testament to Jhoan's good character. Please feel free to contact me if you require any additional information.

Sincerely,

Emily Perkins

A handwritten signature in black ink, appearing to read 'Emily Perkins', written over a horizontal line.