

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

Rogelio Bolufe Izquierdo/



Torrance County Detention Facility

po box 837

Estancia, NM 87016

(Failure to notify the Court of a change of address may result in dismissal of this action.)

DEC 24 2025

MITCHELL R. ELFERS
CLERK

25cv1304 JB-SCY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

(Rogelio Bolufe Izquierdo

Petitioners,

(MELISSA CRTIZ, Acting Warden, Torrance County
Detention Facility; JOEL GARCIA, Field Office
Director, El Paso Field Office, United States
Immigration and Customs Enforcement; TERRY M.
LYONS, Acting Director, United States Immigration and
Customs Enforcement; KRISTIN NOLAN, Secretary of
Homeland Security; PAMELA JACOBSON, United
States Attorney General, in their official capacities

NO. CV

(To be supplied by the Clerk)

☐ AMENDED PETITION

Respondent(s).

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

1. What are you challenging in this petition?

- ☒ Immigration detention
- ☐ Bureau of Prisons sentence calculation or loss of good-time credits
- ☐ Probation, parole or supervised release
- ☐ State Pre-trial detention
- ☐ Other (explain): _____

2. (name and location of the agency or court that made the decision you are challenging:) u.s.
Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), El Paso Field Office

(b) Case or opinion number:

(c) Decision made by the agency or court: Ongoing immigration detention without a bond
hearing and without due process; detention continues during pending BIA appeal(d) Date of the decision: Detention is ongoing and continuous3. Did you appeal the decision to a higher agency or court? Yes ☒ No ☐

If yes, answer the following:

(a) First appeal:

- (1) Name of the agency or court: Board of Immigration Appeals (BIA)
- (2) Date you filed: 12/05/225
- (3) Opinion or case number: Case Number Not yet assigned
- (4) Result: Appeal Pending
- (5) Date of result: Not Result Yet
- (6) Issues raised: Due process violations, interpreter errors, denial of evidence and witnesses, contradictions between oral and written decisions, incorrect designation of Ecuador as removal country, and legal errors in asylum/CAT denial.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

- (1) Name of the agency or court: N/A
- (2) Date you filed: N/A
- (3) Opinion or case number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

- (1) Name of the agency or court: N/A
- (2) Date you filed: N/A
- (3) Opinion or case number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal this decision to a higher agency or court, explain why you did not:
N/A — I appealed to the BIA. Continued detention issues can not be appeal to BIA and must be raised through Federal habeas Corpus.

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes ☐ No ☒
 If yes, answer the following:

(a) Name of the Agency or court: N/A

(b) Date you filed: N/A

(c) Opinion or case number: N/A

(d) Result: N/A

(e) Date of result: N/A

(f) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. For this petition, state every ground on which you 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.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) any available administrative or judicial remedies on each ground on which you requested action by the federal court.

GROUND ONE: Unlawful and unconstitutional prolonged immigration detention during pending BIA appeal

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): Petitioner has been detained by ICE since August 19, 2025. His asylum, withholding, and CAT applications were denied on November 20, 2025, and he filed a timely appeal to the BIA, which is still pending. Because the appeal is pending, there is no final removal order and ixw cannot lawfully remove him. ICE continues to detain Petitioner without a bond hearing and without individualized justification. Detention has become unreasonably prolonged and violates due process.

Legal significance:

- Federal courts have consistently held that where immigration detention becomes prolonged without and individualized hearing, the detention becomes unconstitutional.
- Detention during a pending BIA appeal cannot be indefinite or punitive.
- Habeas Corpus is the correct legal remedy to challenge this ongoing, unlawful custody

(b) Did you exhaust all available administrative or judicial remedies relating to Ground One?

Yes ☐ No ☒

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ The State Court
- ☒ Other: I did NOT exhaust.

(d) If you did not exhaust all available remedies relating to Ground One, explain why: ICE provides no administrative remedy to challenge prolonged detention or request a custody hearing during a pending BIA appeal. No administrative process exists, making exhaustion unavailable. This prevents dismissal

GROUND TWO Unsafe, inhumane, and dangerous conditions of confinement

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): Petitioner was subjected to unsafe and inhumane conditions while detained in the ICE facility known among detainees as "Alcatraz" in Florida, where he was kept in extreme cold temperatures, shackled for prolonged periods, and forced to sleep under constant lighting with no rest. These conditions were punitive, painful, and caused ongoing physical and emotional harm.

After Petitioner was transferred to New Mexico, the dangerous conditions continued at Torrance County Detention Facility. Two days ago, at approximately 2:00 a.m., officers woke Petitioner and ordered him to go to medical. They forced him to remove his coat before walking outside in freezing temperatures. Petitioner refused because he would not expose himself to illness.

Petitioner also discovered a large rock inside his food tray at Torrance. He immediately filed a written complaint and retained both photo evidence of the rock and a copy of the grievance. Serving contaminated food with dangerous foreign objects places Petitioner's health at serious risk and demonstrates negligence and ongoing hazardous conditions within the facility.

The cumulative conditions in both facilities—extreme cold, prolonged shackling, constant lighting, forced exposure to freezing temperatures, and contaminated food—are unsafe, punitive, and unconstitutional. These conditions violate Petitioner's due process rights and endanger his physical wellbeing.

(b) Did you exhaust all available administrative or judicial remedies relating to Ground Two?

Yes ☐

No ☒

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ The State Court
- ☐ Other: _____

(d) If you did not exhaust all available remedies relating to Ground Two, explain why: Immigration detainees do not have a real or functioning system to exhaust. Torrance County's grievance system is broken. ICE provides no meaningful administrative review for unconstitutional conditions or for denial of access to courts. I repeatedly documented that the mail system does not work, grievances go unanswered, legal library requests are ignored, no legal resources exist in Spanish, and appointments with legal advisors are often denied. No administrative remedy exists for these violations. Federal courts knows this and do not require formal exhaustion under these circumstances. This is my situation

GROUND THREE: Denial of access to legal materials and court processes

(a) **Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):** Petitioner has submitted more than 30 unanswered requests for access to the legal library through the facility's tablet request system, as well as additional handwritten requests. All of these requests were ignored. Petitioner was never granted access to the library while preparing his asylum case. He only entered the library once—after his case was denied—because another detainee who had been approved for access specifically requested that Petitioner be allowed to accompany him to assist him

The library at Torrance is nonfunctional. It contains no Spanish-language materials, no translation resources, no internet access, and the computers are obsolete and unusable for legal research. As a result, Petitioner cannot research the law, prepare filings, understand immigration procedures, or pursue his BIA appeal or other legal rights

Access to legal advisors is also routinely denied at Torrance. Legal advisor visits are limited, and on multiple occasions Petitioner and other detainees were prevented from meeting them by facility staff.

All detainees understand that the so-called "library" is only a façade—maintained in appearance but not accessible or usable for legal work

Additionally, since November 28, 2023, the facility's mail system has been completely shut down, blocking all incoming and outgoing legal mail. Petitioner cannot send or receive filings, evidence, court notices, or attorney communications. There is no available administrative remedy to address the shutdown of legal mail.

I WILL BE ATTACHING A SUPPORTING BRIEF TO THIS FORM-EXHIBIT A

(b) Did you exhaust all available administrative or judicial remedies relating to Ground Three?

Yes ☐

No ☒

(c) If yes, did you present the issue to:

- ☐ The Board of Immigration Appeals
- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ The State Court
- ☐ Other: _____

(d) If you did not exhaust all available remedies relating to Ground Three, explain why: There is no functioning grievance system at the facility. Requests go unanswered, and the broken mail system makes it impossible to send or receive grievances. No administrative remedy exists for the denial of legal access or for the facility's mail failures, and ICE provides no meaningful mechanism to challenge these conditions. Exhaustion is not required when administrative remedies are unavailable or futile, and in this case, no usable administrative remedy exists

GROUND FOUR: Interference with legal mail

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.): Since Nov. 28, 2025, the mail system has not worked. Petitioner cannot send or receive filings, evidence, or court mail. No way to communicate with attorneys. No administrative remedy exists. Legal advisors come only Thursdays, and several times staff prevented detainees from attending or falsely said advisors didn't come. Petitioner personally mistranslated documents needed for his asylum defense because of this interference. This shows Complete denial of due process. Intentional obstruction. Harm to your asylum case. Systemic misconduct. No access to legal processes

(b) Did you exhaust all available administrative or judicial remedies relating to Ground Four?

Yes ☐

No ☒

(c) If yes, did you present the issue to:

☐ The Board of Immigration Appeals

- ☐ The Office of General Counsel
- ☐ The Parole Commission
- ☐ The State Court
- ☐ Other: _____

(d) If you did not exhaust all available remedies relating to Ground Four, explain why: The mail system at Torrance has been completely shut down since November 28, 2025. Petitioner cannot send or receive grievances or legal complaints. Because grievances go unanswered and the mail system does not function, there is no available administrative remedy. Exhaustion is impossible.

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above?
 Yes **No X** this Petition does not challenge any criminal conviction or sentence/ Civil immigration detention

(Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless remedies under § 2255 are legally inadequate or ineffective. Claims challenging a state conviction or sentence must be raised in a petition for writ of habeas corpus under 28 U.S.C. § 2254.)

If yes, answer the following:

- (a) Have you filed -- a motion under 28 U.S.C. § 2255? Yes ☐ No **X**
 -- a petition under 28 U.S.C. § 2254? Yes ☐ No **X**

If yes, answer the following:

(1) Name of court: N/A

(2) Case number: N/A

(3) Opinion or case N/A
 number: _____

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: Petitioner is in a civil immigration detention

8. If this petition concerns immigration detention or removal proceedings, answer the following:

(a) Date you were taken into immigration custody: 8/19/2025

(b) Date of removal or reinstatement order: No final removal order, BIA appeal pending

(c) Did you file an appeal with the Board of Immigration Appeals? Yes ☒ No ☐

(1) Date you filed: 12/05/2025

(2) Case number: CASE NUMBER NOT ASSIGNED YET

(3) Result: appeal pending

(4) Date of result: appeal pending-no result yet

(5) Issues raised: Due process violations, interpreter error, denial of evidence and witness, contradictions in IJ decisions, improper designation of Ecuador, legal errors in asylum/CAT denial.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. If this petition concerns your confinement by the State of New Mexico, answer the following:

(a) Date you were arrested/detained: N/A

(b) Charge(s) brought: N/A

(c) Projected date of your trial: N/A

(d) Are you represented by counsel? Yes ☐ No ☐ N/A

(e) Have you raised your claims in the State Court? Yes ☐ No ☐

(1) Name of Court: N/A

(2) Date you filed: N/A

(3) Case number: N/A

(4) Result: N/A

(5) Date of result: N/A

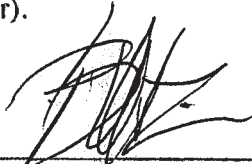
(6) Issues raised: N/A

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

10. Petitioner asks that the Court grant the following relief: Petitioner respectfully requests immediate release from ICE custody, or in the alternative, a bond hearing before a neutral decision-maker with the Government bearing the burden of proof. Petitioner also requests any other relief the Court deems just and proper, including orders addressing unconstitutional conditions of confinement, denial of access to courts, and interference with legal mail

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on December, 19 2025 month, day, year).



Signature of Petitioner

Signature of attorney, if any

12/16/2025

Date

A

Torrance County Detention Facility

P.O. Box 837

Estancia, NM 87016



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFSRogelio Bolufe Izquierdo A (b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se (Detained Petitioner)

DEFENDANTS

Warden, Torrance County Detention Facility (in official capacity)

County of Residence of First Listed Defendant Torrance County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney for the District of New Mexico

II. BASIS OF JURISDICTION (Place an "X" in one box only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for Plaintiff and one box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in one box only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	LABOR	LABOR	LABOR	LABOR
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 NON-RESIDENTS ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in one box only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241

Brief description of cause:

Petition for Writ of Habeas Corpus challenging unlawful immigration detention, constitutional violations, and conditions of confinement.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

N/A — Habeas Corpus

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW MEXICO**

ROGELIO BOLUFE IZQUIERDO

vs.

• **MELISSA ORTIZ** Warden Torrance county detention center facility, **JOEL GARCIA**, Field Office Director, El Paso Field Office, United States Immigration and Customs Enforcement; **TODD M. LYONS**, Acting Director, United States Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of Homeland Security; **PAMELA JO BONDI**, United States Attorney General, in their official capacities,



Civil action

**PETITION FOR WRIT OF HABEAS
CORPUS**

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- A-16T – Testimonio de Yaidel Carrazana González — Tortura
- A-17T – Testimonio de Yudier Carreño Rodríguez — Brutalmente golpeado y abusado
- A-18T – Testimonio de Rogelio Bolufe Izquierdo — Tortura y abuso en Alcatraz

Exhibit 19 Series — Criminal Status Verification

- 19 – List of detainees confirming they are *not* being criminally charged
- 19-1 – Affidavit of Rogelio Bolufe Izquierdo regarding torture in Alcatraz

Exhibit 20–24 — Conditions Complaints & Evidence of Neglect

- 20 – Formal Declaration to Innovation Law Lab re: TCDF conditions
- 21 – Posted “Pro Bono Legal Service List” at TCDF
- 22 – Detainee drawing showing “Legal Access Error” on tablet system
- 23 – Photograph of foreign object (“rock”) in meal + incident report + 7 witness signatures
- 24 – Written complaint re: denial of adequate drinking water

Exhibit 25 Series — Denial of Access to Counsel, Legal Materials & Due Process

- 25-A – Declaration of Daniel Fundora — Denial of legal library access
- 25-B – Statement of Rubén Arrioles González — Denial of library access
- 25-C – Complaint of Yaidel Carrazana — Denial of library access
- 25-D – Statement on TCDF’s failure to provide fax/phone to attorney for evidence
- 25-E – Complaint re: inaccurate interpretation by court interpreter Daniel Saenz
- 25-F – Complaint re: denial of commissary during Thanksgiving week
- 25-G – Letter from detainees — Failures of TCDF tablet system
- 25-H – List confirming detainees *not* criminally charged
- 25-H-1: Letter in Support of Exhibit 25-H — Civil Detainees Treated as Criminals
- 25-I – Legal books request + one-month withholding complaint
- 25-J – Medical records of Rogelio + declaration of medical effects
- 25-K – Declaration regarding conditions at TCDF
- 25-L – Habeas Corpus Petition Form (28 U.S.C. § 2241)
- 25-M – Emergency Motion for Expedited Review
- 25-N – Habeas Corpus Supporting Brief (Memorandum of Law)
- 25-O – Written Immigration Judge Order (Hon. Matthew Andrasko — 11/20/2025)

- 5. Certificate of Service
- 6. Cover Letter to Clerk
- 7. Emergency Motion for Expedited Review

In Support of the Petition of Rogelio Bolufe Izquierdo (A)

CUSTODY

Petitioner Rogelio Bolufe Izquierdo is in the physical custody of Respondents.

Petitioner is detained at the **Torrance County Detention Facility** in Estancia, New Mexico.

Petitioner is under the **direct physical control, authority, and supervision** of Respondents and their agents, including the Warden of Torrance County Detention Facility, ICE officers, and DHS officials.

JURISDICTION

6. **Jurisdiction is proper under 28 U.S.C. §§ 1331 and 2241**, the federal habeas corpus statute, because Petitioner challenges the legality of his civil immigration detention, the conditions of confinement, and violations of his constitutional rights under the **Due Process Clause of the Fifth Amendment**.
7. **Jurisdiction is also proper under the Suspension Clause of the United States Constitution**, U.S. Const. art. I, § 9, cl. 2, which guarantees the right to seek habeas corpus review when a person is unlawfully detained by the government.

VENUE

8. **Venue is proper in this District under 28 U.S.C. §§ 1391 and 2241**, because Petitioner is detained within the territorial jurisdiction of this Court, and because at least one Respondent—the Warden of Torrance County Detention Facility—**resides and exercises authority within this District**.

1. Respondent **MELISSA ORTIZ** is the Warden of Torrance county Detention Center, where Petitioners are currently detained. She is a legal custodian of Petitioners and is named in her official capacity.
2. Respondent: **JOEL GARCIA** is The Field Office Director responsible for the El Paso Field Office of Ice with administrative jurisdiction over the Petitioner's case. He is a legal custodian of petitioner and is named in her official capacity.

A

Torrance County Detention Facility

P.O. Box 837

Estancia, NM 87016

Rogelio Bolufe Izquierdo

Torrance County Detention Facility

P.O. Box 837

Estancia, NM 87016

A 

Date: December 7, 2025

Clerk of Court

United States District Court

District of New Mexico

333 Lomas Blvd. NW, Suite 270

Albuquerque, NM 87102

Re: Filing of Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241

Petitioner: Rogelio Bolufe Izquierdo (A )

Dear Clerk of Court,

Enclosed please find the following documents for filing:

1. Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241
2. Memorandum of Law in Support of Habeas Corpus Petition
3. Emergency Motion for Expedited Review
4. Exhibits A-1T through Exhibit 25-O
5. Certificate of Service
6. \$5.00 filing fee (money order payable to "Clerk, U.S. District Court")

A



Torrance County Detention Facility

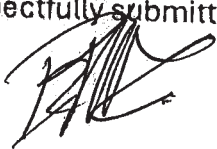
P.O. Box 837

Estancia, NM 87016

Please file these documents, assign a civil case number, and notify the Petitioner of the case number and any further instructions regarding the processing of this matter.

Thank you for your attention.

Respectfully submitted,



Rogelio Bolufe Izquierdo

A 

Torrance County Detention Facility

P.O. Box 837

Estancia, NM 87016