

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 24 2025

MITCHELL R. ELFERS
CLERK**EMERGENCY MOTION FOR
EXPEDITED REVIEW****In Support of the Petition for Writ of Habeas Corpus Filed
by Rogelio Bolufe Izquierdo (A [REDACTED])**

State of New Mexico – District Court, Torrance County

I. INTRODUCTION

Petitioner **Rogelio Bolufe Izquierdo**, currently detained at the Torrance County Detention Facility, respectfully moves this Court for an **EMERGENCY EXPEDITED REVIEW** of his Petition for Writ of Habeas Corpus due to severe, ongoing, and unconstitutional conditions of confinement that place him at immediate risk of physical and psychological harm, violate the Fifth Amendment, obstruct his due process rights, and threaten unlawful constructive refolement.

This Emergency Motion is submitted concurrently with the **Petition for Writ of Habeas Corpus** and supporting exhibits. The urgency and gravity of the documented harms require swift judicial intervention.

II. BASIS FOR EMERGENCY RELIEF

Immediate release is warranted due to the following extraordinary circumstances:

1. Serious and Documented Medical Deterioration

Petitioner suffers from:

- nerve damage in the left hand,
- circulatory impairment,
- chronic numbness and pain,
- psychological trauma and insomnia,
- excessive sedation through 18+ medications daily.

These conditions are directly caused or worsened by detention and are verified in **Exhibit E – Medical Records**.

2. Ongoing Exposure to Unconstitutional, Punitive Conditions

Petitioner has endured:

- freezing temperatures,
- prolonged shackling,
- sleep deprivation,
- sewage odors, fungal infections, and unsanitary conditions,
- abusive transfers without medical care,
- discriminatory and degrading treatment.

These abuses violate the Fifth Amendment, which forbids punishment in civil detention.

3. Complete Denial of Legal Access

Petitioner cannot meaningfully defend himself due to:

- denial of access to attorneys,
- disabled virtual legal library for months,
- prohibition from entering physical legal library,
- withholding of legal books sent by family,
- over 30 unanswered legal-access requests,
- failure to receive necessary translations from LawLab.

These deprivations prevent Petitioner from participating in his own case and violate due process.

4. Risk of Constructive Refoulement to Cuba

The Immigration Judge designated **Ecuador** as the country of removal, despite Petitioner having no ties to Ecuador. Ecuador maintains an active **extradition treaty with Cuba**, meaning removal to Ecuador poses an imminent risk of extradition to Cuba, where Petitioner faces

This constitutes constructive refoulement and violates non-refoulement obligations.

5. Contradiction Between Oral and Written Immigration Decisions

The written Final Order contradicts the Immigration Judge's oral ruling in open court. Under **Matter of A-P-**, the oral decision controls. The inconsistency renders the written decision legally unreliable and heightens the urgency of judicial intervention.

III. IRREPARABLE HARM

Petitioner faces irreparable harm each day detention continues. Harm includes:

- permanent nerve damage,
- worsening medical conditions,
- psychological trauma,

- risk of further abusive treatment,
- inability to defend against removal,

[REDACTED]

No remedy after the fact can reverse physical or psychological injury, making immediate release the only adequate relief.

IV. REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. **Grant expedited review** of the Petition for Writ of Habeas Corpus;
2. Issue any temporary orders needed to protect Petitioner while the Habeas remains pending;
3. Grant such other and further relief as the Court deems necessary to prevent irreparable harm.

V. DECLARATION

I, **Rogelio Bolufe Izquierdo**, declare under penalty of perjury that the facts stated in this Emergency Request are true and correct to the best of my knowledge.

Signature: [Signature]

Name: **Rogelio Bolufe Izquierdo**

A#: [REDACTED]

Torrance County Detention Facility

Date: 12/16/25

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

ROGELIO BOLUFE IZQUIRDO, A )

Petitioner,)

v.)

Civil No. _____

MELISSA ORTIZ, Acting Warden, Torrance County,)

Detention Facility)

U.S. DEPARTMENT OF HOMELAND SECURITY,)

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT)

U.S. ATTORNEY GENERAL,)

Respondents.)

_____))

CERTIFICATE OF SERVICE

I, Rogelio Bolufe Izquierdo, hereby certify under penalty of perjury that on the
____ day of December, 2025, I served a true and correct copy of the following:

- ☒ Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
- ☒ Memorandum of Law (Habeas Supporting Brief)
- ☒ Emergency Motion for Expedited Review
- ☒ Exhibits A-1T through Exhibit 25-O
- ☒ Other documents included in the habeas packet

Service was made by U.S. Mail upon the following parties:

- United States Attorney for the District of New Mexico
Office of the United States Attorney
P.O. Box 607
Albuquerque, NM 87103

- Civil Process Clerk
Office of the United States Attorney
P.O. Box 607
Albuquerque, NM 87103

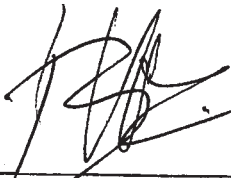
- MELISSA ORTIZ, Warden
Torrance County Detention Facility
209 County Road A049
Estancia, NM 87016

- ICE Office of the Principal Legal Advisor (OPLA)
Office of Chief Counsel – Albuquerque
2010 Wyoming Blvd. NE
Albuquerque, NM 87112

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 16th day of December, 2025.



Rogelio Bolufe Izquierdo

A 

Torrance County Detention Facility

P.O. Box 837

Estancia, NM 87016