



## INTRODUCTION

1. The Petitioner is a 42 year old male, native and citizen of Nicaragua who has been detained at the ERO Camp East Montana Detention Facility since 11/2025. He was detained by Immigration & Customs Enforcement (“ICE”) in 10/2025 here in New Jersey at a scheduled check-in date, and later moved to the Court’s jurisdiction. He hereby petitions the U.S. District Court to declare his detention unlawful and stay his removal outside of the Western District of Texas jurisdiction during the pendency of these proceedings.
2. Respondents have unlawfully detained and now seek to remove him from the U.S. Petitioner asks this Court for an order declaring his detention unlawful.
3. Petitioner’s removal proceedings remain pending before the immigration court (“EOIR”) in El Paso, TX. He is not subject to an order of removal, and has a pending application for asylum and other protection relief. He has never filed for a bond hearing with EOIR because such request is fruitless. The Board of Immigration Appeals (“BIA”) recently issued a precedential decision precluding success on any bond before EOIR.
4. Absent an order from this Court, Petitioner will continue to remain in detention unlawfully.
5. Petitioner asks the Court to find that Defendants have unlawfully detained him, and order his immediate release from custody.

## **CUSTODY**

6. Petitioner is in the physical custody of Respondents and the Department of Homeland Security (“DHS”), ICE. Petitioner is currently at ERO Camp East Montana Detention Facility in El Paso, Texas. ICE has contracted with Acquisitions Logistics, LLC to detain individuals in the immigration custody of ICE such as Petitioner. The Petitioner is under the direct control of the Respondents and their agents, and the immediate custodian is the Warden of ERO Camp East Montana Detention Facility. To the best of Petitioner’s knowledge and belief, the identity of the Warden/Director of the facility is unknown.

## **JURISDICTION**

7. This action arises under the Constitution of the United States, and the Immigration & Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. §701 *et seq.*

8. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); 28 U.S.C. § 1331, as the Petitioner is presently in custody under color of the authority of the United States and such custody is in violation of the Constitution, laws, or treaties of the United States, and the Fifth Amendment of the United States Constitution.

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651. This Court has additional remedial authority under 28 U.S.C. §§ 2201-02 (the Declaratory Judgment Act) to grant injunctive and declaratory relief.

## VENUE

10. Venue is proper and lies in this United States District Court for the Western District of Texas because a substantial part of the events or omissions giving rise to the claim arose in this judicial district. *See* 28 U.S.C. § 1391(e), and 28 U.S.C. §2241, *et seq.* Pursuant to *Braden v. 30<sup>th</sup> Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for Western the District of Texas which is the judicial district in which Petitioner is currently in immigration custody. The Petitioner is in immigration custody at ERO Camp East Montana Detention Facility in El Paso, Texas.

## **PARTIES**

11. Petitioner is a 42 year old male, native and citizen of Nicaragua who is unlawfully detained at ERO Camp East Montana Detention Facility in El Paso, Texas. He seeks a writ of habeas corpus due to his unlawful detention.

12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity she is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

13. Respondent Kristi Noem is sued in her official capacity as Secretary of DHS, the agency in charge of administering and enforcing the immigration laws in New Mexico and is the Petitioner's legal custodian.

14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE, the department within DHS and in this capacity he is responsible for administering and enforcing the immigration laws in New Mexico and is the Petitioner's legal custodian.

15. Respondent "Warden" is sued in their official capacity as the Warden of the ERO Camp East Montana Detention Facility in El Paso, Texas, and in this capacity they are the Petitioner's actual physical custodian.

## FACTS

16. The Petitioner is a 42 year old male, native and citizen of Nicaragua who has lived in United States for over three years. Exhibit 1, ICE Records. He entered the United States without parole or inspection in 09/2022, and was paroled with an I-94 to live in Pleasantville, New Jersey. *Id.* at 4, 6. Petitioner has resided in New Jersey since that date until his unlawful detention earlier this year. He lives here with the mother of his three children, and other family members here in Pleasantville, New Jersey.

17. A Notice to Appear (“NTA”) in Removal Proceedings was issued on 10/02/2025. Exhibit 2, Notice to Appear. The NTA was issued approximately three years after Petitioner’s entry in 2022.

18. The Petitioner was detained by ICE in 10/2025 at the Mount Laurel Field Office in New Jersey. Exhibit 1. He is currently detained at the ERO Camp East Montana Detention Facility in El Paso, Texas. Exhibit 6, ICE Locator Search Results.

19. The conditions at ERO Camp East Montana Detention Facility “are dangerous and inhumane,” according to Congresswoman Veronica Escobar (TX-16). Exhibit 3 at 4, Letter from Congresswoman Escobar. The Congresswoman continues “to have grave concerns regarding operations and conditions at Camp East Montana.” *Id.* at 1. She is not alone. The American Civil

Liberties Union and other organizations also note the “alarming conditions of confinement and repeated instances of coercion, physical force, and threats against immigrants facing third-country deportations, in violation of agency policies and standards, as well as statutory and constitutional protections.” Exhibit 4, Letter from ACLU. The ACLU provided well over a dozen sworn declarations<sup>1</sup> from immigrant detainees at ERO Camp East Montana detailing the conditions at the tent-facility. The conditions involve “cramped, squalid soft-sided tents with 72 people per unit, where toilets and showers flood eating areas with raw sewage” and that “officers have beaten detainees and used threats of violence, criminal charges, and imprisonment.” Exhibit 4 at 2.

20. Petitioner’s removal proceedings remain pending before EOIR, and his next hearing is 01/16/2026. Exhibit 5, Notice of Hearing. He is not subject to an order of removal, and has already filed an application for Asylum and other related protection relief. *Id.*

21. Petitioner has not filed a motion for bond with EOIR. A recent BIA decision precludes him from succeeding on any request for bond. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Nor is Petitioner a classmember under *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (Order dated Dec. 18, 2025).

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<sup>1</sup> ACLU, “Index of Supporting Declarations,” accessed 12/22/2025, found at: <https://kfoxtv.com/resources/pdf/c8d7ecd4-ecba-4f02-8b1f-04dd8fdb6370-RedactedDecswithIndexCombinedFINAL.pdf>

Maldonado only extends class membership to noncitizens who “were not or will not be apprehended upon arrival.” *Id.* Petitioner was detained by immigration authorities at entry. Exhibit 1.

22. Petitioner has exhausted all administrative remedies. He is unable to prevail on any request for a bond before the immigration court because of unlawful BIA precedent. Additionally, it is difficult if not impossible to obtain any semblance of Due Process at EOIR today. EOIR is systematically purging immigration judges,<sup>2</sup> while at the same time advertising for “deportation judges.”<sup>3</sup>

23. Petitioner has no open warrants or negative criminal history that would change circumstances to warrant his arrest and removal outside of the Western District of Texas. *Id.*

24. Petitioner’s removal from United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will continue to be illegally detained by ICE. He seeks the only avenue of judicial review available to him, habeas review.

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<sup>2</sup> See Emily Ngo, Politico, “Immigration courts thrown into chaos as Trump administration purges dozens of judges,” dated 12/06/2025, accessed on 12/09/2025 at: <https://www.politico.com/news/2025/12/06/trump-immigration-court-judge-purges-00679376>

<sup>3</sup> See Brendan Rascius, The Independent, “Trump advertises for latest shock troops in his immigration battle: ‘Become a Deportation Judge today’,” dated 12/09/2025, accessed on 12/09/2025 at: <https://www.the-independent.com/news/world/americas/us-politics/trump-deportation-judge-immigration-advertisement-b2881292.html>

### **EXHAUSTION OF REMEDIES**

25. Petitioner has exhausted all practicable administrative remedies. Petitioner cannot seek to challenge his detention before EOIR because he will be unlawfully denied relief.

26. Petitioner is precluded from prevailing on any bond appeal with the BIA following the unconstitutional case *Matter of Yajure Hurtado*. That decision precludes Petitioner from obtaining bond before EOIR, improperly finding Immigration Judges lack jurisdiction to issue bonds because Petitioner entered United States without being inspected and admitted or paroled, but was detained at entry and later paroled. Exhibit 1. As such, he is not a classmember of *Maldonado Bautista*.

**COUNT I:  
VIOLATION OF FIFTH AMENDMENT  
RIGHT TO SUBSTANTIVE DUE PROCESS**

27. The allegations contained in paragraphs 1 through 26 above are repeated and realleged as though fully set forth herein.

28. Petitioner's detention violates the Due Process clause of the Fifth Amendment of the United States Constitution. Petitioner's substantive due process rights have been violated because his detention is arbitrary and unreasonable.

29. The Fifth Amendment of the Constitution guarantees civil detainees like Petitioner may not be subject to detention that infringes on his fundamental right to freedom and liberty.

**COUNT II:  
VIOLATION OF FIFTH AMENDMENT  
RIGHT TO PROCEDURAL DUE PROCESS**

30. The allegations contained in paragraphs 1 through 26 are repeated and realleged as though fully set forth herein.

31. Petitioner's detention by Defendants violates his procedural due process rights under the Due Process Clause of the Fifth Amendment of the United States Constitution. The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (*internal citations omitted*). Procedural due process "imposes constraints on government decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Id.* at 332.

32. Defendants have unlawfully applied provisions of the INA to Petitioner by failing to grant Petitioner a meaningful bond hearing.

**COUNT III:  
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

33. The allegations contained in paragraphs 1 through 26 are repeated and realleged as though fully set forth herein.

34. Petitioner's detention by Defendants violates the APA because agency actions by EOIR and ICE are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Where a court finds agency action to violate the APA, the court shall "hold unlawful and set aside" the agency action. *Id.* Where the government has promulgated "[r]egulations with the force and effect of law," those regulations "supplement the bare bones" of federal statutes, such that the agencies are bound to follow their own "existing valid regulations." *United States ex rel. Accardi Shaugnessy*, 347 U.S. 260, 266, 268 (1954).

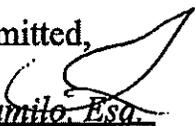
35. EOIR has unlawfully applied their regulatory authority to deny Petitioner a bond hearing.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediately release Petitioner from custody;
3. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
4. Grant any other and further relief this Honorable Court deems just and proper;
5. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Respectfully Submitted,

  
/s/ Jason Scott Camilo, Esq.

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Dated: 12/22/2025

**VERIFICATION**

I, Greyvin Martin Ortega Caton, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the plaintiff-petitioner in this matter and am personally familiar with the facts of my case;
2. I was read the allegations contained in the foregoing Complaint in Spanish, the language I speak and understand the best.
3. To the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

Executed on 12/23/2025

/s/ Greyvin Martin Ortega Caton  
GREYVIN MARTIN ORTEGA CATON  
Petitioner

**VERIFICATION BY COUNSEL**

I, Jason Scott Camilo, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the attorney for plaintiff-petitioner in this matter and am personally familiar with the facts of this case;
2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.
3. I have also reviewed the documents attached to this habeas petition and confirm that they are true copies of the originals and that all the facts or allegations ascertained therein are true and correct to the best of my knowledge and experience.

Executed on 12/22/2025

*/s/ Jason Scott Camilo, Esq.*  
JASON SCOTT CAMILO, ESQ.,  
Attorney for Petitioner

**LIST OF EXHIBITS IN SUPPORT OF HABEAS PETITION**

<b>Ex.</b>	<b>Document</b>
1	ICE Records, submitted to EOIR on 10/10/2025; Ex. A, I-213 dated 09/09/2022; Ex. B, EARM Printout, detailing 10/02/2025 ICE Arrest
2	ICE Notice to Appear, dated 10/02/2025
3	Congresswoman Veronica Escobar (TX-16), "Letter to Secretary Noem and Acting Director Lyons," dated 12/18/2025, accessed 12/22/2025, found at: <a href="https://escobar.house.gov/uploadedfiles/letter_to_dhs_on_additional_issues_at_cem.pdf">https://escobar.house.gov/uploadedfiles/letter_to_dhs_on_additional_issues_at_cem.pdf</a>
4	ACLU, "Coercive Third Country Deportations and Abusive Conditions of Confinement in Immigration Detention at Fort Bliss, TX (Camp East Montana)," dated 12/08/2025, accessed 12/22/2025, found at: <a href="https://assets.aclu.org/live/uploads/2025/12/2025-12-8-Ft-Bliss-ICE-Detention-Letter-FINAL.pdf">https://assets.aclu.org/live/uploads/2025/12/2025-12-8-Ft-Bliss-ICE-Detention-Letter-FINAL.pdf</a>
5	EOIR Notice of Hearing, scheduled for 01/16/2026
6	ICE Locator Search Results, accessed 12/22/2025