

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

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) PLAINTIFFS

Vicente Perez Rojas

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Brandon Carter
GPLLC
1010 Lako St. Suite 200
Oak Park, R. 00301

DEFENDANTS

Attorney General of the United States;
Kristl Noem, Secretary of the Department of Homeland Security;
Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement;
Mary De Anda-Ybarra, ICE Field Office Director, El Paso, TX;
County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 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)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC section 2241

Brief description of cause:
Immigrant respondent held by ICE without bond and without any court date

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

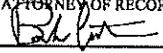
JUDGE _____

DOCKET NUMBER _____

DATE

12/31/2025

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

VICENTE PEREZ ROJAS,
Petitioner,

v.

PAMELA BONDI,
Attorney General of the United States;

KRISTI NOEM,
Secretary of the Department of Homeland Security;

TODD M. LYONS,
Acting Director of U.S. Immigration and Customs Enforcement;

MARY DE ANDA-YBARRA,
ICE Field Office Director, El Paso, Texas;

Respondents.

Case number: 3:25-cv-761

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

Petitioner Vicente Perez Rojas ("Mr. Perez") respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his unlawful and prolonged civil immigration detention by U.S. Immigration and Customs Enforcement ("ICE").

Mr. Perez has been present in the United States for nearly three decades, with documentary proof establishing his physical presence in the United States no later than June 19, 1996, when he graduated from Roberto Clemente Community Academy High School in Chicago, Illinois. He has continuously resided in the United States since that time, raising and supporting a large family of United States citizen children and contributing meaningfully to his community.

Mr. Perez is the father of the following U.S. citizen children:

- P [REDACTED], born [REDACTED]
- V [REDACTED] born [REDACTED]
- V [REDACTED] 2005
- V [REDACTED] born [REDACTED] 2003
- A [REDACTED] 1998

Mr. Perez is also a long-term parental figure and caretaker to A [REDACTED], born [REDACTED] his partner's daughter, whom he has helped raise and support.

Critically, V [REDACTED] now five years old, has been diagnosed with autism. Medical and psychological research overwhelmingly confirms that the sudden removal of a primary caregiver—particularly a parent—poses severe and lasting psychological harm to children on the autism spectrum. Mr. Perez's detention places his child at grave risk of regression, emotional distress, and developmental harm.

Mr. Perez has no criminal record, no pending criminal matters anywhere in the United States or abroad, and has never posed a danger to the community. At the time of his arrest, he was on his way to work at a restaurant owned by Rosebud Restaurants Inc., where he has maintained steady lawful employment and paid taxes.

ICE officers arrested Mr. Perez without a warrant, without probable cause, and without any individualized determination of flight risk or danger. He was seized during routine daily activity and placed into immigration custody without statutory or constitutional authority.

Habeas corpus relief is necessary and appropriate to remedy this unlawful detention.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and 5 U.S.C. § 702. Venue is proper under 28 U.S.C. § 1391(e) because the events giving rise to this petition occurred within the Western District of Texas and Petitioner is currently detained within this District.

PARTIES

Petitioner: Vicente Perez Rojas, a longtime resident of the United States who has resided continuously in this country since at least June 1996.

Respondents: Federal agencies and officials responsible for Petitioner's unlawful arrest, detention, and custody.

FACTUAL BACKGROUND

1. Mr. Perez has resided continuously in the United States for nearly 30 years.
2. He graduated from an American high school in Chicago, Illinois on June 19, 1996, conclusively establishing long-term presence.
3. He is the father of multiple United States citizen children, including a minor child diagnosed with autism.
4. He has no criminal history of any kind.
5. He has maintained steady employment with Rosebud Restaurants Inc. and has paid taxes.
6. ICE arrested Mr. Perez without a warrant and without individualized suspicion.
7. At the time of arrest, Mr. Perez was traveling to his place of employment.
8. ICE failed to conduct any meaningful assessment of flight risk or danger.
9. Mr. Perez poses no risk to the community and has overwhelming equities favoring release.
10. His detention interferes with his ability to pursue statutory immigration relief, including Cancellation of Removal under INA § 240A(b).
11. Mr. Perez has been detained for approximately a month and still has not received any court date before an immigration judge, a notice to appear before the immigration court, or even an A number which would assign a case to him. Without an A number not only will it be impossible to start any process before the immigration court, it will also be difficult to search for the current location of his detention.

CLAIMS FOR RELIEF

COUNT I

Detention Without Due Process – Fifth Amendment

Civil immigration detention must be grounded in statutory authority and meaningful procedural safeguards. Detention outside the INA's framework violates due process.

Zadvydas v. Davis, 533 U.S. 678, 690–92 (2001).
Santos v. Warden, FCI Oakdale, 965 F.3d 203, 210–11 (5th Cir. 2020).
Pierre-Paul v. Barr, 930 F.3d 684, 693–94 (5th Cir. 2019).

Mr. Perez’s warrantless arrest and detention violate the Fifth Amendment.

COUNT II

Detention Without Statutory Authority (Pre-NTA Detention)

Detention authority requires active removal proceedings.

- 8 U.S.C. § 1226(a)
- 8 U.S.C. § 1229(a)
- 8 C.F.R. § 1003.14(a)

Banos v. Asher, 388 F.3d 1189, 1191–92 (5th Cir. 2004).
Garcia v. Taylor, 40 F.3d 299, 303 (5th Cir. 1994).

District courts within Texas have repeatedly held such detention unlawful:

Mendoza v. Barr, 391 F. Supp. 3d 725 (W.D. Tex. 2019).
Castillo v. Barr, 441 F. Supp. 3d 626 (S.D. Tex. 2020).

COUNT III

Interference with the Right to Apply for Relief

The government may not administer detention in a manner that nullifies statutory rights.

Reno v. Flores, 507 U.S. 292, 306 (1993).
Abdel-Muhti v. Ashcroft, 314 F.3d 281, 286 (5th Cir. 2002).
Ponce-Osorio v. Johnson, 824 F.3d 502, 506–07 (5th Cir. 2016).

Texas courts further prohibit detention practices that undermine access to relief:

In **Ortega v. ICE Field Office Director**, 737 F. Supp. 2d 435 (W.D. Tex. 2010).
Santos-Alvarado v. Barr, 467 F. Supp. 3d 676 (S.D. Tex. 2020).

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a **Writ of Habeas Corpus** ordering Mr. Perez's immediate release;
2. Enjoin Respondents from transferring him outside the Western District of Texas;
3. Declare his arrest and detention unlawful;
4. Grant all further relief the Court deems just and proper.

RESPECTFULLY SUBMITTED,



Brandon Carter
Counsel for Petitioner
GPLLC
1010 Lake St., Suite 200
Oak Park, IL 60301
708-801-8159
BCarter@globalperiphery.com

CERTIFICATE OF SERVICE

On 12/31/2025, I, Brandon Carter, I certify that on this date, a true and correct copy of the foregoing Petition for Writ of Habeas Corpus was served via CM/ECF and U.S. Mail upon all Respondents.



Brandon Carter

Exhibit List

- A. Mexican Passport of Vicente Perez Rojas
 - B. Illinois Driver's License of Vicente Perez Rojas
 - C. U.S birth certificates of Vicente's children and one additional children that lives in the home but is not his biologically
 - D. Search results from ICE Detainee locator website
 - E. Medical documentation in regard to Mr. Perez's son's autism diagnosis
-