

**PETITION FOR WRIT OF HABEAS CORPUS**

**(28 U.S.C. § 2241)**

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**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF PENNSYLVANIA**

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ELOISIO MEDEIROS DE FREITAS,

Petitioner, by and through his Next Friend LARA CAMPOS DE FREITAS

v.

WARDEN, MOSHANNON VALLEY PROCESSING CENTER,

SECRETARY, DEPARTMENT OF HOMELAND SECURITY,

DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

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**Civil Action No.:** \_\_\_\_\_

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## **PETITION FOR WRIT OF HABEAS CORPUS**


**(28 U.S.C. § 2241)**

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### **I. JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is currently in federal immigration custody within the territorial jurisdiction of the United States District Court for the Middle District of Pennsylvania.
  2. Venue is proper because Petitioner is detained at Moshannon Valley Processing Center, located at 555 GEO Drive, Phillipsburg, Pennsylvania.
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### **II. PARTIES**

3. Petitioner is ELOISIO MEDEIROS DE FREITAS, A-Number [A-, currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at Moshannon Valley Processing Center.
4. Respondent Warden, Moshannon Valley Processing Center, is Petitioner’s immediate custodian and is a proper respondent.
5. Respondent Secretary of the Department of Homeland Security oversees immigration detention operations.
6. Respondent Director of U.S. Immigration and Customs Enforcement is responsible for enforcement of immigration custody policies.

### **III. FACTUAL BACKGROUND**

7. Petitioner has resided continuously in the United States for approximately twenty-one (21) years.
8. Petitioner has deep family, community, and economic ties to the United States, including long-term residence, ownership of a home, and consistent payment of taxes.
9. Petitioner is the parent of three children educated in the United States, including one daughter who is a United States citizen and who was recently admitted to and began attending a university in the United States. Petitioner has played an active and supportive role in her education and well-being.
10. Petitioner has no criminal record and has never been convicted of any criminal offense in the United States or elsewhere.
11. Throughout all immigration proceedings, Petitioner has fully complied with ICE supervision requirements, check-ins, and court appearances.
12. Petitioner has never absconded, is not a flight risk, and poses no danger to the community.
13. Petitioner has United States citizen family members and community members who are willing and able to act as custodians and sponsors upon his release from detention. These individuals are prepared to assume responsibility for Petitioner, provide support, and ensure full compliance with any conditions of release imposed by this Court or by ICE.
14. Petitioner is currently detained under a final order of removal.

15. Despite prolonged detention, Petitioner has not received an individualized custody or bond hearing before a neutral decision-maker at which the government bears the burden of justifying continued detention.

16. Petitioner's detention has become prolonged, excessive, and punitive in nature, with no reasonably foreseeable removal, resulting in ongoing and irreparable deprivation of liberty without due process of law.

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#### **IV. LEGAL ARGUMENT**

##### **A. Prolonged Immigration Detention Without Individualized Review Violates Due Process**

17. The Fifth Amendment Due Process Clause applies to all persons within the United States, including non-citizens.

18. Civil immigration detention is constitutionally permissible only when it is reasonably related to its purpose and accompanied by adequate procedural safeguards.

19. Prolonged detention without a meaningful, individualized custody determination violates due process.

20. Because Petitioner has no criminal history, strong family ties, a U.S. citizen daughter currently enrolled in university, and available U.S. citizen custodial sponsors, the government cannot meet its burden of demonstrating that continued detention is necessary to prevent danger or flight.

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**B. Authority of This Court Under 28 U.S.C. § 2241**

21. Under 28 U.S.C. § 2241, this Court has authority to order Petitioner's immediate release from custody or, in the alternative, to order a prompt and constitutionally adequate custody/bond hearing.
  22. The availability of less restrictive alternatives to detention, including release to U.S. citizen custodians and sponsors, further demonstrates that continued detention is unnecessary and unconstitutional.
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**V. RELIEF REQUESTED**

**NEXT FRIEND STATEMENT**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this Petition for Writ of Habeas Corpus;
  - B. Order Petitioner's immediate release from ICE custody, subject to reasonable conditions of supervision;
- OR, IN THE ALTERNATIVE,
- C. Order Respondents to provide a prompt, individualized custody (bond) hearing before a neutral adjudicator, at which the government bears the burden of proof;
  - D. Grant such other and further relief as this Court deems just and proper.

**\*\*NEXT FRIEND STATEMENT\*\***

Petitioner is currently detained and unable to access this Court directly. This Petition is therefore submitted by his daughter, LARA CAMPOS DE FREITAS, a United States citizen, acting as his Next Friend pursuant to 28 U.S.C. § 2241. She has a significant familial relationship with Petitioner and holds a valid Power of Attorney authorizing her to act on his behalf.

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**VI - VERIFICATION**

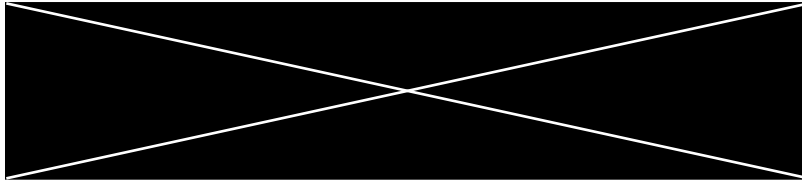
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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Date: 01/05/2026

Signature: Lara De Freitas

LARA CAMPOS DE FREITAS - Next Friend for Petitioner



ELOISIO MEDEIROS DE FREITAS

A-Number: 

Moshannon Valley Processing Center

**LIST OF EXHIBITS**

Exhibit A – Proof of Petitioner’s long-term residence in the United States

Exhibit B – Birth certificate of Petitioner’s United States citizen daughter

Exhibit C – Proof of Petitioner’s daughter’s recent university enrollment

Exhibit D – Declaration(s) of custodial sponsor(s)

Exhibit E – Additional documentation demonstrating family and community ties

Exhibit F – Power of Attorney authorizing Petitioner’s daughter to act on his behalf

Exhibit G – Declaration of Next Friend

Exhibit H - Proof of Petitioner’s compliance with ICE Check-ins and supervision requirements and others documents