

UNITED STATES DISTRICT COURT

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. § 2241)

FILED
U.S. DISTRICT COURT
JAN 5 2026
A 11:46

Petitioner, by and through the undersigned Next Friend, respectfully submits this Petition ^{MM} for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate judicial review of the unlawful detention of José Fabián Guaman Chogllo by U.S. Immigration and Customs Enforcement (ICE). This Petition challenges the constitutionality, legality, and conditions of Petitioner's detention, which violate the United States Constitution, federal statutes, and controlling Supreme Court and federal appellate precedent.

I. PARTIES

1. Detainee (Petitioner): José Fabián Guaman Chogllo, A-Number [REDACTED] date of birth [REDACTED] a native and citizen of Ecuador. He entered the United States on or about February 17, 2017, and is currently detained at the Folkston D. Ray ICE Processing Center.

2. Next Friend: Gloria L. Guaman Chogllo, date of birth [REDACTED] is the sister of the detainee. She is a naturalized citizen of the United States residing at [REDACTED]. She brings this Petition as Next Friend due to the detainee's limited access to legal resources, restricted communication, and severe emotional and physical distress.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in federal custody under the authority of the Department of Homeland Security and ICE.

4. Venue is proper in this District because Petitioner is detained within the jurisdiction of this Court and his immediate custodian is subject to this Court's authority.

III. STATEMENT OF FACTS

5. On December 4, 2025, José Fabián Guaman Chogllo was arrested while on his way to work. During the arrest, ICE officers exercised excessive and unreasonable force, throwing him to the ground and causing visible injuries to his face.

6. Since his arrest, Petitioner has been transferred between detention facilities on two occasions, disrupting family contact, legal preparation, and access to counsel.

7. Petitioner is the primary emotional and financial support for three minor children. One of his children was born in the United States, and two reside in Ecuador. All three children have suffered severe emotional distress due to the sudden and prolonged separation from their father.

Rept # 40002976 Pol.

8. Petitioner has deep ties to the United States, including long-term residence since 2017, steady employment, family connections, and community integration. He has always been a hardworking, responsible individual and has never been a public charge.

9. Conditions of confinement at the detention center severely restrict Petitioner's ability to communicate with his family, causing extreme emotional harm to both Petitioner and his loved ones.

IV. LEGAL ARGUMENTS

A. Unlawful Detention Under the Fifth Amendment

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. Civil immigration detention must bear a reasonable relation to its purpose and cannot be punitive. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). Here, detention has become arbitrary and excessive.

B. Excessive Force and Abuse of Power

The use of physical force during Petitioner's arrest constitutes an unreasonable seizure in violation of the Fourth Amendment. See *Graham v. Connor*, 490 U.S. 386 (1989). Such conduct further supports habeas relief.

C. Prolonged and Indefinite Detention

Prolonged detention without individualized review violates due process. See *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015).

D. Family Unity and Humanitarian Considerations

The Supreme Court has repeatedly recognized the fundamental importance of family unity. See *Moore v. City of East Cleveland*, 431 U.S. 494 (1977). Petitioner's detention unjustly interferes with the well-being of his minor children.

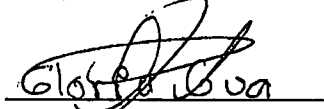
V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Grant this Petition for Writ of Habeas Corpus;
- b. Order Petitioner's immediate release, or in the alternative, order a prompt bond hearing;
- c. Enjoin Respondents from further unlawful transfers;
- d. Grant any other relief this Court deems just and proper.

VI. VERIFICATION AND SIGNATURE

I, Gloria L. Guaman Choglo, declare under penalty of perjury that I am the Next Friend of José Fabián Guaman Choglo and that the facts stated herein are true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Gloria L. Guaman Choglo", is written over a horizontal line.

Gloria L. Guaman Choglo

Next Friend

Date: 12-29-2025

DECLARATION / EXPLANATORY LETTER OF NEXT FRIEND

I, Gloria L. Guaman Chogllo, hereby submit this declaration in support of the Petition for Writ of Habeas Corpus filed on behalf of my brother, José Fabián Guaman Chogllo, A-Number [REDACTED]. I make this statement based on my personal knowledge and understanding of the facts described herein.

PERSONAL INFORMATION

Name: Gloria L. Guaman Chogllo

Date of Birth: [REDACTED]

Nationality: Ecuadorian

Status: Naturalized Citizen of the United States

Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

RELATIONSHIP TO THE DETAINEE

José Fabián Guaman Chogllo is my biological brother. We have maintained a close family relationship throughout our lives, and I am fully familiar with his character, work history, family responsibilities, and the severe hardship caused by his current detention.

ARREST AND USE OF FORCE

On December 4, 2025, my brother was arrested by ICE officers while he was on his way to work. During this arrest, officers used excessive physical force, throwing him to the ground. As a result, he sustained visible injuries to his face. This incident deeply alarmed our family and caused immediate fear for his physical safety.

DETENTION AND TRANSFERS

Since his arrest, my brother has been transferred between detention facilities on at least two occasions. These repeated transfers have made it extremely difficult for our family to locate him, communicate with him, and assist in preparing his legal defense. Each transfer has caused additional emotional distress.

FAMILY HARDSHIP AND MINOR CHILDREN

José is the father of three minor children who depend on him emotionally and financially. One of his children was born in the United States, and two reside in

Ecuador. All three children have been deeply affected by his sudden detention. They are experiencing anxiety, sadness, and emotional instability due to the separation from their father.

EMOTIONAL AND MENTAL IMPACT

My brother's emotional and mental health has significantly deteriorated during his detention. He feels powerless, distressed, and overwhelmed by the uncertainty of his situation, the physical abuse he suffered, and the limited ability to communicate with his family. Our entire family is suffering alongside him.

GOOD MORAL CHARACTER AND COMMUNITY TIES

José has lived in the United States since 2017 and has established strong ties to this country. He is a hardworking, responsible, and honest individual. He has always supported his family through lawful employment and has never been a public charge. He represents no danger to the community and has consistently demonstrated good moral character.

RESTRICTIONS ON COMMUNICATION

Communication with my brother while he is detained has been extremely limited. At times, he is unable to make phone calls or maintain regular contact with his family. This lack of communication has caused extreme emotional suffering for his children and for all of us who depend on hearing from him.

CONCLUSION

I respectfully ask this Honorable Court to consider the severe emotional, physical, and humanitarian impact of my brother's detention. His continued detention is causing irreparable harm to him and to his children. I firmly believe that his release, or at minimum a bond hearing, is both just and necessary.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



Gloria L. Guaman Chogillo

Next Friend

Date: 12-29-2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

PROOF OF SERVICE

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

Detainee: José Fabián Guaman Chogollo

A-Number: 

I, Gloria L. Guaman Chogollo, hereby certify under penalty of perjury that on the date indicated below, I served a true and correct copy of the Petition for Writ of Habeas Corpus and all supporting documents upon the parties listed below by depositing said documents in the United States Mail, first-class postage prepaid, or by certified mail, return receipt requested, as required by law.

PARTIES SERVED:

1. Clerk of Court

United States District Court
Southern District of Georgia
125 Bull Street, Savannah, GA 31401

2. United States Attorney

United States Attorney's Office
Southern District of Georgia
22 Barnard Street, Suite 300
Savannah, GA 31401

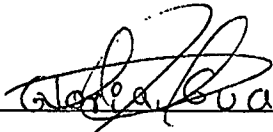
3. Department of Homeland Security

U.S. Immigration and Customs Enforcement (ICE)
Office of the Principal Legal Advisor (OPLA)
Atlanta Field Office
77 Forsyth Street SW, Suite 590
Atlanta, GA 30303

4. Warden / Facility Director

Folkston D. Ray ICE Processing Center
6999 Springfield Road
Folkston, GA 31537

I declare under penalty of perjury under the laws of the United States of America that the foregoing Proof of Service is true and correct.



Gloria L. Guaman Chogllo

Next Friend of José Fabián Guaman Chogllo

Address: 

Email: 

Phone: 

Date: 12-29-2025

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Dec 8, 2025
EAD Clock:

TO:

GUAMAN CHOGLLO, JOSE FABIAN
DELANEY HALL FACILITY
451 DOREMUS AVENUE
NEWARK, NJ 07105

529-05L

RE:  GUAMAN CHOGLLO, JOSE FABIAN

Notice of Internet-Based Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Your hearing is not in person. You will access
your hearing by using the web page below.
URL: <https://eoir.webex.com/meet/IJ.Rastegar>

Date: Dec 17, 2025
Time: 1:30 P.M. ET
Court Address: 625 EVANS STREET, ELIZABETH, NJ 07201

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Mercy Patricia Paz Barragan



December 15, 2025

To Whom It May Concern,

My name is **Mercy Patricia Paz Barragan**, and I am writing this letter in strong support of **Mr. Jose Fabian Guaman Choglo**, who is currently detained. I respectfully submit this letter as a personal and professional recommendation on his behalf.

I have known Jose Fabian for a significant period of time, both as a close friend and as my employer/boss, and I can confidently attest to his character, work ethic, and integrity. He is a hardworking, responsible, and respectful individual who has always conducted himself with honesty and professionalism.

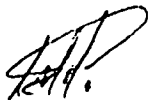
Throughout the time I have known him, Jose Fabian has consistently demonstrated leadership, kindness, and a genuine concern for the well-being of others. He is someone who provides support, guidance, and opportunities to those around him. In both personal and professional settings, he has shown himself to be dependable, trustworthy, and dedicated to doing what is right.

Jose Fabian is not a danger to the community. On the contrary, he is a positive influence who contributes through his work and relationships. His detention has had a significant emotional and practical impact on those who rely on him, including friends, colleagues, and family members.

I firmly believe that Jose Fabian deserves compassion and a fair opportunity to continue his life and contributions. I respectfully ask that his character, history, and the positive role he plays in the lives of others be taken into consideration during the review of his case.

Thank you for your time and consideration. Should you require any additional information, I am willing to provide it.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Paz', written over a horizontal line.

Mercy Patricia Paz Barragan

Hirsch Reichman



Re: Jose Fabian Guaman Choglo

Dec. 15, 2025

To whom it may concern,

This letter is a letter of recommendation for the above person. I hereby acknowledge that I have known Jose Guaman for close to 3 years to date. I know him as an upstanding and honest individual that is a motivated, hardworking person and always very helpful to anyone around him.

In addition, I have observed him doing many construction jobs as well. His skilled work is done with dedication and with honesty. He is a good person to have among us.

I hope this letter finds favor in whoever reads it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hirsch Reichman'.

Hirsch Reichman



December 15, 2025

To Whom It May Concern:

My name is M [REDACTED] I am 19 years old and I currently live at [REDACTED] United States.

I am writing this letter with great respect to express my support for my father, José Fabián Guaman Chogollo (A-Number: A [REDACTED]), and to respectfully ask that his case be considered with compassion.

My father has always taken care of me and has been a fundamental part of my entire childhood and adolescence. He has always been a loving, responsible, and present father, providing emotional and financial support to our family. He has taught us important values such as respect, honesty, and hard work.

As his daughter, I can sincerely say that my father is a good man and a devoted parent who has always put his family first. His detention has caused significant emotional and mental hardship for our family, especially for us as his children.

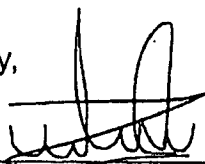
Our family also has a newborn baby who needs the presence, care, and support of our father. His absence has been extremely difficult for all of us.

My father does not represent any danger to the community. He is a hardworking person who only wishes to continue supporting his family and living an honest life. We depend on him both emotionally and financially, and his absence has deeply affected our family.

I respectfully ask that you please consider granting my father the opportunity to be released so that he may continue caring for and supporting his family. This opportunity would mean everything to us.

Thank you very much for your time and consideration.

Sincerely,



M
E

[REDACTED]

December 16, 2025

To Whom It May Concern,

My name is **Gloria Guaman Choglo**, and I am writing this letter in support of my brother, **Jose Fabian Guaman Choglo**, who is currently detained. I respectfully submit this letter to share my personal knowledge of his character, his values, and the important role he plays as a father and family member.

Jose Fabian is not only my brother, but also a loving and devoted father. He has always placed his children and family above everything else, working hard to provide for them and ensure they are supported emotionally, financially, and morally. His absence has caused deep hardship and pain to his children and our entire family.

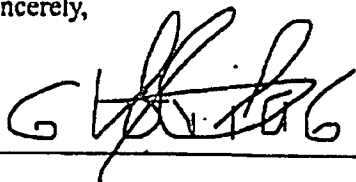
As a brother, he has always been responsible, respectful, and supportive. He is someone our family relies on in difficult moments. He leads by example and teaches his children the importance of honesty, hard work, and respect for others. He has never been a threat to the community; instead, he is a positive presence who contributes through his work and his dedication to family.

Jose Fabian has strong ties to his family and community. He is deeply loved and needed by his children, and his continued detention has had a serious emotional impact on them. I firmly believe that keeping him with his family is in the best interest of his children and those who depend on him.

I respectfully ask that you consider Jose Fabian's good moral character, his role as a caring father, and the hardship his detention has caused when reviewing his immigration case. I sincerely hope he is granted compassion and the opportunity to remain with his family.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Choglo', written over a horizontal line.

Gloria Guaman Choglo

Phone: 