

JUDGE DAVID BRIONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

BY 

EP 26 CV 0007

ROBERTO JOSÉ JOSÉ,



Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);
WARDEN, EL PASO PROCESSING CENTER,
Respondents.

ULTRA EXTENSIVE PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241

INTRODUCTION

This is an ultra-extensive Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 on behalf of Roberto José José ("Petitioner"), who is currently detained by Immigration and Customs Enforcement ("ICE") at the El Paso Processing Center. His detention is unlawful, unconstitutional, punitive, medically dangerous, and in violation of clearly established Supreme Court precedent.

This Petition is submitted by his lawful wife and Next Friend, Reyna Serrano Fierro, who has a significant relationship with the Petitioner and whose interests are fully aligned with the protection of his liberty and constitutional rights.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, Article I, Section 9 of the United States Constitution (Suspension Clause), and Article III. Venue is proper in the Western District of Texas, El Paso Division, because Petitioner is detained within this judicial district.

PARTIES

Petitioner:

Roberto José José

[REDACTED]

Date of Birth: [REDACTED]

Nationality: Mexican

Date of Entry: 2005

Date of Detention: November 10, 2025

Detention Facility: El Paso Processing Center

Next Friend:

Reyna Serrano Fierro

[REDACTED]

Date of Birth: [REDACTED]

Nationality: Mexican

Phone: [REDACTED]

Email: serranoreyna92@gmail.com

STATEMENT OF FACTS

Petitioner entered the United States in 2005 and has resided continuously for approximately twenty (20) years. He has deep roots in the United States, including U.S.-based children, long-term employment, and extensive community ties.

On November 10, 2025, ICE detained Petitioner without a judicial warrant issued by a neutral magistrate. No probable cause determination was made by a judge. This arrest violated the Fourth Amendment.

Petitioner has no serious criminal history. His only conviction is a DWI, which is not an aggravated felony, not a crime of violence, and does not mandate detention under the INA.

At the time of detention, Petitioner possessed valid employment authorization and was lawfully working. He has never relied on public benefits and is not a public charge.

While detained, Petitioner was diagnosed with diabetes. He also suffers from injured feet and an active dental infection. ICE has failed to provide adequate medical care, constituting deliberate indifference to serious medical needs.

Petitioner has reported ongoing physical and psychological abuse. His wife attests that when Petitioner describes mistreatment, detention staff terminate phone calls. Petitioner fears retaliation and is afraid to speak openly.

LEGAL ARGUMENTS

I. UNLAWFUL WARRANTLESS DETENTION – FOURTH AMENDMENT

Warrantless detention without judicial oversight violates the Fourth Amendment. *Gerstein v. Pugh*, 420 U.S. 103 (1975); *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973).

II. VIOLATION OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS

Civil immigration detention requires individualized justification. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

III. PUNITIVE AND EXCESSIVE CIVIL DETENTION

Civil detention may not be punitive. *Wong Wing v. United States*, 163 U.S. 228 (1896).

IV. MEDICAL NEGLECT – DELIBERATE INDIFFERENCE

Failure to treat serious medical conditions violates due process. *Farmer v. Brennan*, 511 U.S. 825 (1994); *Estelle v. Gamble*, 429 U.S. 97 (1976).

V. UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT

Psychological abuse and intimidation violate due process. *Bell v. Wolfish*, 441 U.S. 520 (1979).

VI. PROLONGED DETENTION WITHOUT BOND HEARING

Prolonged detention without a bond hearing violates due process. *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

VII. FAMILY UNITY AND HUMANITARIAN FACTORS

Family unity is a fundamental liberty interest. *Moore v. City of East Cleveland*, 431 U.S. 494 (1977).

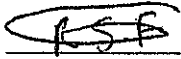
RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order immediate release;
3. Alternatively, order an individualized bond hearing;
4. Order adequate medical treatment;
5. Grant any other relief deemed just and proper.

VERIFICATION

I, Reyna Serrano Fierro, declare under penalty of perjury that I am the lawful wife and Next Friend of the Petitioner and that the foregoing is true and correct.



Reyna Serrano Fierro

Next Friend

Date: 12/29/2025

