

PETITION FOR WRIT OF HABEAS CORPUS (NEXT FRIEND)

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

JAN 09 2026

THALIA MARIE CASTILLO,
as Next Friend of
PABLO CESAR BANEGAS LOBO,
A# [REDACTED]
Petitioner,

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA
BY [REDACTED], DEPUTY

CIV-26-40-G

v.

WARDEN, DIAMONDBACK CORRECTIONAL FACILITY,
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS
(28 U.S.C. §§ 2241 & 2242)
NEXT FRIEND FILING

I. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in federal custody under the authority of U.S. Immigration and Customs Enforcement ("ICE") and challenges the legality of his detention. Venue is proper in this District because Petitioner is detained at Diamondback Correctional Facility, located within this Court's jurisdiction.

II. PARTIES

Petitioner, Pablo Cesar Banegas Lobo, is a native and citizen of Honduras and is currently detained by ICE. His A-number is [REDACTED]

Next Friend is Thalia Marie Castillo, Petitioner's friend, who brings this action pursuant to 28 U.S.C. § 2242.

Respondent is the Warden of Diamondback Correctional Facility, the immediate custodian.

III. NEXT FRIEND STANDING

Petitioner brings this action through his friend, Thalia Marie Castillo, as Next Friend, pursuant to 28 U.S.C. § 2242.

The detainee is currently unable to sign or file this Petition on his own due to conditions of immigration detention, lack of visitation access, language barriers, and limited access to legal materials.

Thalia Marie Castillo has a close familial relationship with Petitioner and has been actively involved in supporting him and his family during his immigration proceedings. She acts solely in Petitioner's best interests and without any conflict of interest.

In addition, The Healthy Planet Foundation, a nonprofit organization dedicated to migrant advocacy, has been assisting Petitioner and his family with coordination, information, and procedural support related to this matter.

These circumstances satisfy the requirements for Next Friend standing as set forth in *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

IV. FACTUAL BACKGROUND

Petitioner was detained by ICE on or about January 6, 2025, and remains in custody at Diamondback Correctional Facility. His immigration proceedings are pending before the Immigration Court of Dallas, Texas.

A Motion for Bond Hearing and Request for Release was filed on January 6 and January 7, 2025. No bond hearing has been scheduled, and ICE has provided no clear statutory authority for continued detention.

Petitioner has an active immigration case pending before the Immigration Court and has complied with all reporting and appearance requirements. He has appeared at all scheduled hearings and has not evaded immigration authorities. These facts demonstrate that continued detention is unnecessary and that an individualized bond hearing is constitutionally required.

V. LEGAL CLAIMS

Petitioner's continued detention without a prompt and individualized bond hearing violates the Due Process Clause of the Fifth Amendment. Immigration detention is civil in nature and must include meaningful review. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v.*

Kim, 538 U.S. 510 (2003); Jennings v. Rodriguez, 583 U.S. 513 (2018).

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Court:

- A. Order an immediate and constitutionally adequate bond hearing; or
- B. In the alternative, order Petitioner's release under reasonable conditions;
- C. Grant any other relief the Court deems just and proper.

VII. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Date: 1/9/26

Thalia Marie Castillo

Thalia Marie Castillo

Next Friend of Pablo Cesar Banegas Lobo



Sherman, Texas 75090