

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

1:26-cv-018-H

MOTION FOR IMMEDIATE RELEASE  
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS  
28 U.S.C. § 2241

NOW COMES Petitioner, JOSE LEONARDO MORILLO GONZÁLEZ ("Petitioner"), by and through his Next Friend, LESLI PAMELA GUTARRA OSORIO ("Next Friend"), and respectfully moves this Honorable Court for an Order of Immediate Release from Immigration and Customs Enforcement ("ICE") custody pending adjudication of the Petition for Writ of Habeas Corpus, and in support thereof states as follows:

I. INTRODUCTION

1. This Motion seeks Petitioner's immediate release due to ongoing constitutional violations, inhumane conditions of confinement, denial of medical care, and the absence of any lawful basis justifying continued civil detention.

II. FACTUAL BASIS

2. Petitioner is currently detained at the Bluebonnet Detention Facility in Anson, Texas.
3. Petitioner was arrested by local police, all criminal charges were dismissed, and bond was posted by his brother.
4. Despite the lack of criminal charges, Petitioner was transferred to ICE custody.
5. Petitioner has endured severe and unconstitutional conditions, including:
  - a. Restricted access to potable water and nutritionally adequate food;
  - b. Consumption of spoiled food resulting in gastrointestinal illness;
  - c. Repeated denial of medical treatment and medications;
  - d. Punitive placement in solitary confinement without due process on December 30, 2025;
  - e. Physical abuse of detainees and failure of supervisory staff to intervene.

III. LEGAL STANDARD

6. Federal courts possess inherent authority to order immediate release when continued detention violates constitutional protections. See *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001).

7. Civil immigration detention may not be punitive. *Bell v. Wolfish*, 441 U.S. 520 (1979).
8. Deliberate indifference to serious medical needs warrants immediate injunctive relief. *Estelle v. Gamble*, 429 U.S. 97 (1976).

#### IV. ARGUMENT

9. Petitioner's continued detention constitutes punishment without adjudication in violation of the Fifth Amendment Due Process Clause.
10. The denial of medical care presents an immediate and irreparable risk to Petitioner's health.
11. Solitary confinement without procedural safeguards further demonstrates the unlawfulness of Petitioner's detention.
12. No legitimate governmental interest justifies Petitioner's continued confinement, as he poses no danger and is not a flight risk.

#### V. IRREPARABLE HARM

13. Petitioner faces ongoing physical pain, untreated medical conditions, and psychological trauma.
14. Monetary damages cannot remedy the continued violation of Petitioner's constitutional rights.

#### VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Order Petitioner's immediate release from ICE custody;
- B. Alternatively, order release under appropriate conditions of supervision;
- C. Grant any further relief the Court deems just and proper.

Respectfully submitted,



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LESLI PAMELA GUTARRA OSORIO  
Next Friend for Petitioner