

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Courts
Southern District of Texas
FILED

JAN 09 2026

Nathan Ochsner, Clerk of Court

ERIS JOEL SOSA GARCÍA,
A# [REDACTED]
Petitioner,

v.

THOMAS HOMAN, Acting Director, U.S. Immigration and Customs Enforcement;
MERRICK B. GARLAND, Attorney General of the United States;
ALEJANDRO MAYORKAS, Secretary of Homeland Security;
WARDEN, SOUTH TEXAS DETENTION FACILITY,
Respondents.

EMERGENCY MOTION FOR IMMEDIATE RELEASE
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner, through his Next Friend, respectfully moves this Honorable Court for an Order of Immediate Release pending adjudication of his Petition for Writ of Habeas Corpus. Continued detention is unconstitutional, causes irreparable harm, and lacks any lawful justification.

II. LEGAL STANDARD

Federal courts possess inherent authority to order release where detention violates constitutional guarantees. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001).

III. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner was seized without a judicial warrant or probable cause in violation of the Fourth Amendment. Administrative ICE detainers do not satisfy constitutional requirements.

Almeida-Sanchez v. United States, 413 U.S. 266 (1973).

B. Irreparable Harm

Continued detention inflicts irreparable harm on Petitioner and his minor children, including severe emotional distress and deprivation of family unity.

C. Balance of Equities and Public Interest

Petitioner poses no danger and no flight risk. Release serves the public interest by upholding constitutional protections. United States v. Salerno, 481 U.S. 739 (1987).

IV. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court order his immediate release from custody or, alternatively, release under reasonable conditions pending resolution of the Habeas Petition.

V. CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Motion was served upon Respondents through their counsel.

Respectfully submitted,

D.E.J.S

Dionisia Elvira Jiménez Sánchez
Next Friend