

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

**PETITION FOR WRIT OF HABEAS CORPUS**

**28 U.S.C. § 2241**

6:26-cv-00008

**WITH MOTION FOR IMMEDIATE RELEASE**

TO THE HONORABLE COURT:

This Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is respectfully submitted on behalf of the detained Petitioner, Frederi Ochoa Tito, by his wife and lawful permanent resident of the United States, Yerlys L. Fernández Barreiro, acting as Next Friend, due to Petitioner's continued unlawful and unconstitutional detention by Immigration and Customs Enforcement (ICE).

**I. JURISDICTION AND VENUE**

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within the Northern District of Texas, San Angelo Division at the Eden Detention Center in Eden, Texas. Venue is proper because the immediate custodian is located within this judicial district.

**II. PARTIES**

Petitioner: Frederi Ochoa Tito, A [REDACTED] born [REDACTED] a native and citizen of Cuba, who entered the United States on August 4, 2022, and has been detained since November 10, 2025, at Eden Detention Center, 702 E Broadway, Eden, TX 76837.

Next Friend: Yerlys L. Fernández Barreiro, born [REDACTED] a Cuban national and Lawful Permanent Resident of the United States, residing at [REDACTED] Dallas, Texas 75231. She is Petitioner's wife, has a significant relationship with him, and is dedicated to his best interests.

**III. STATEMENT OF FACTS**

Petitioner was arrested by ICE while responsibly appearing at a regularly scheduled ICE check-in. He was not arrested in connection with any criminal conduct, nor does he possess any criminal record. His detention is therefore civil in nature and intended solely for immigration purposes.

Since his detention, Petitioner has suffered multiple medical emergencies. On at least two occasions, he experienced serious health issues for which medical attention was delayed for days. When care was eventually provided, it was cursory and inadequate, exacerbating his suffering and placing his life at risk.

Petitioner further reports severe overcrowding, insufficient food, and limited access to potable water within the detention facility. These conditions violate basic standards of human dignity and constitutional protections.

The emotional and financial impact of Petitioner's detention has been devastating. He was the primary emotional and economic support for his wife. His arbitrary detention has caused severe hardship, anxiety, and instability to his family.

#### **IV. LEGAL ARGUMENTS**

##### **A. Unlawful and Arbitrary Detention – Fifth Amendment Due Process**

Civil immigration detention must comply with substantive and procedural due process under the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678 (2001), establishes that detention may not be indefinite or arbitrary. Petitioner's continued detention, despite lack of criminal history and clear compliance with ICE requirements, is unconstitutional.

##### **B. No Danger to the Community or Risk of Flight**

Petitioner has no criminal record, has consistently complied with ICE requirements, and was arrested only because he responsibly attended a scheduled ICE appointment. Under *Demore v. Kim*, 538 U.S. 510 (2003), detention is only justified where risk factors exist. None are present here.

##### **C. Denial of Bond Based on Alleged Lack of Jurisdiction Violates Due Process**

The Immigration Judge denied bond citing lack of jurisdiction, effectively depriving Petitioner of any meaningful custody determination. Such denial violates due process where detention becomes prolonged and punitive.

##### **D. Deliberate Indifference to Serious Medical Needs**

The Fifth Amendment prohibits deliberate indifference to serious medical needs of detainees. See *Estelle v. Gamble*, 429 U.S. 97 (1976); *Gordon v. County of Orange*, 888 F.3d 1118 (9th Cir. 2018). Delayed and inadequate medical care constitutes unconstitutional punishment.

##### **E. Conditions of Confinement Amount to Punishment**

Overcrowding, lack of adequate nutrition, and insufficient water violate due process protections applicable to civil detainees. See *Bell v. Wolfish*, 441 U.S. 520 (1979).

#### **V. REQUEST FOR RELIEF**

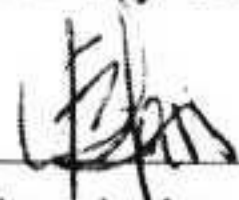
Petitioner respectfully requests that this Honorable Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release, or alternatively, a prompt individualized bond hearing;
3. Order appropriate medical evaluation and treatment;
4. Grant any other relief the Court deems just and proper.

#### **VI. VERIFICATION AND NEXT FRIEND DECLARATION**

I, Yerlys L. Fernández Barreiro, declare under penalty of perjury that I am the lawful wife of Frederi Ochoa Tito, that I have a significant relationship with him, that he is unable to adequately litigate this matter due to detention and medical condition, and that I am acting solely in his best interests.

Executed this day under penalty of perjury.

 01/07/2026  
\_\_\_\_\_  
Yerlys L. Fernández Barreiro  
Next Friend

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

**DECLARATION OF SPOUSE AND NEXT FRIEND**

**IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

**AND EMERGENCY MOTION FOR IMMEDIATE RELEASE**

I, Yerlys L. Fernández Barreiro, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am the lawful wife of Frederi Ochoa Tito, A# [REDACTED]. I am a native and citizen of Cuba and a Lawful Permanent Resident of the United States. I reside at [REDACTED] Dallas, Texas 75231.

2. I submit this declaration as the Next Friend of my husband in support of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and his Emergency Motion for Immediate Release.

3. My husband entered the United States on August 4, 2022. Since that time, he has worked continuously, has never been arrested or convicted of any crime, and has always complied with all immigration requirements.

4. On November 10, 2025, my husband was arrested by ICE while responsibly attending a scheduled ICE check-in. He was not fleeing, hiding, or evading authorities in any way.

5. Since his detention at Eden Detention Center, my husband has suffered serious medical issues on at least two occasions. On each occasion, he informed detention staff of his symptoms, yet medical attention was delayed for days until his condition worsened. When he was finally seen, the care provided was minimal and inadequate.

6. My husband has informed me that conditions inside the detention center are extremely poor. He reports severe overcrowding, insufficient food portions, and limited access to clean drinking water.

7. Prior to his detention, my husband was the primary emotional and financial support of our household. His detention has caused me severe emotional distress, financial hardship, anxiety, and instability.


8. My husband is not a danger to the community. He has no criminal history, is a peaceful individual, and has strong family ties in the United States. He is also not a flight risk, as demonstrated by his voluntary compliance with ICE appointments.

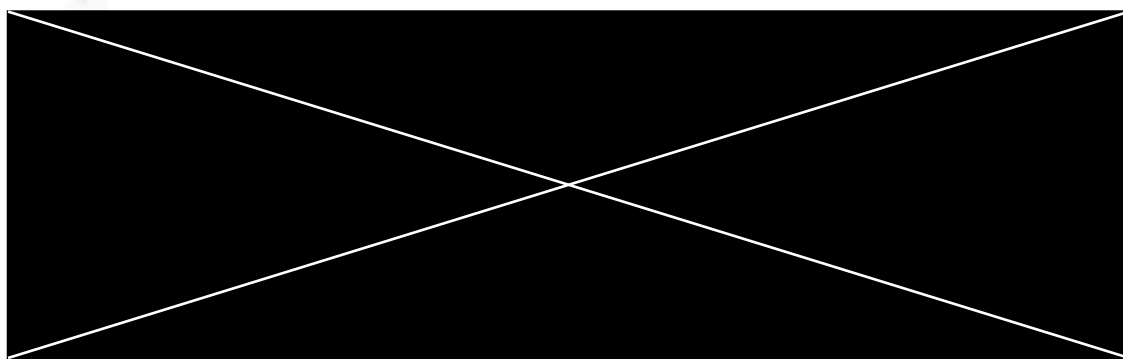
9. I fear for my husband's health and safety if he remains detained. I truly believe that his continued detention places him at serious risk of irreparable harm.

10. I am acting as Next Friend because my husband is detained, has limited access to legal resources, and is unable to fully advocate for himself. I am acting solely in his best interests.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this date.

 01/07/2026  
\_\_\_\_\_  
Yerlys L. Fernandez Barreiro  
Spouse and Next Friend



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

**PROOF OF SERVICE**

**(HABEAS CORPUS & EMERGENCY MOTION FOR IMMEDIATE  
RELEASE)**

I, Yerlys L. Fernández Barreiro, hereby certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on this date I caused to be served true and correct copies of the following documents:

- Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241
- Emergency Motion for Immediate Release
- Declaration of Spouse and Next Friend
- Any exhibits attached thereto

Service was made by U.S. Mail, First-Class Mail, postage prepaid, to the following parties:

1. Warden / Administrator  
Eden Detention Center  
702 E Broadway  
Eden, TX 76837

2. Immigration and Customs Enforcement (ICE)  
Dallas Field Office  
8101 N. Stemmons Freeway  
Dallas, TX 75247

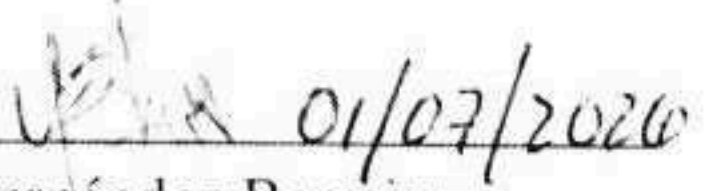
3. U.S. Department of Homeland Security (DHS)  
Office of the Chief Counsel (OCC)  
8101 N. Stemmons Freeway  
Dallas, TX 75247

4. United States Attorney  
Northern District of Texas  
1100 Commerce Street, Third Floor  
Dallas, TX 75242

5. Clerk of Court  
United States District Court  
Northern District of Texas  
San Angelo Division  
Angelo McCall Federal Building  
113 West Beauregard Avenue  
San Angelo, TX 76903

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

Executed on this date.

  
\_\_\_\_\_  
Yerlys L. Fernández Barreiro  
Spouse and Next Friend

