

FILED - USDC - NDTX - SA
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

6:26-cv-00008

EMERGENCY MOTION FOR IMMEDIATE RELEASE

**(RELATED TO PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241)**

TO THE HONORABLE COURT:

COMES NOW Petitioner, Frederi Ochoa Tito, by and through his Next Friend, Yerlys L. Fernández Barreiro, and respectfully moves this Honorable Court for an Order of Immediate Release from ICE custody, or in the alternative, for any other relief the Court deems just and proper. This Emergency Motion is based on the continuing unconstitutional detention of Petitioner, his deteriorating medical condition, and the urgent need for judicial intervention.

I. PROCEDURAL POSTURE

Petitioner is currently detained at the Eden Detention Center in Eden, Texas, under the authority of Immigration and Customs Enforcement (ICE). A Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 has been filed contemporaneously, challenging the legality and constitutionality of his detention.

II. FACTUAL BASIS FOR EMERGENCY RELIEF

Petitioner was arrested by ICE on November 10, 2025, while responsibly appearing for a routine ICE check-in. He has no criminal record, has consistently complied with all immigration requirements, and has never posed a danger to the community or a risk of flight.

Since his detention, Petitioner has suffered multiple medical episodes. On at least two occasions, he experienced serious medical symptoms, yet medical attention was delayed for days. When treatment was finally provided, it was minimal and insufficient. Such delays have placed Petitioner at significant risk of serious harm or death.

Additionally, conditions of confinement at Eden Detention Center are unconstitutional. Petitioner reports severe overcrowding, insufficient food, and limited access to potable

water. These conditions are incompatible with civil detention standards and amount to punitive confinement.

III. LEGAL STANDARD

Federal courts possess inherent authority under 28 U.S.C. § 2241 to order the immediate release of a detainee where continued custody violates the Constitution or federal law. See *Zadvydas v. Davis*, 533 U.S. 678 (2001). Emergency release is particularly appropriate where detention poses a serious risk to health or life.

IV. ARGUMENT

A. Continued Detention Violates Substantive Due Process

Immigration detention is civil, not punitive. *Bell v. Wolfish*, 441 U.S. 520 (1979). Where detention becomes arbitrary, prolonged, or dangerous to health, it violates substantive due process under the Fifth Amendment. Petitioner's continued detention, despite his medical condition and lack of flight risk, is unconstitutional.

B. Deliberate Indifference to Serious Medical Needs

The Fifth Amendment prohibits deliberate indifference to a detainee's serious medical needs. *Estelle v. Gamble*, 429 U.S. 97 (1976). Repeated delays in medical treatment constitute deliberate indifference and warrant immediate judicial intervention.

C. No Legitimate Governmental Interest Justifies Continued Detention

Petitioner has no criminal history, was arrested during voluntary compliance with ICE, and has a stable residence with his lawful permanent resident spouse. The government cannot demonstrate that detention is necessary to serve any legitimate immigration purpose.

V. IRREPARABLE HARM

Absent immediate release, Petitioner faces irreparable harm, including deterioration of his health, psychological trauma, and continued exposure to inhumane detention conditions. Monetary damages cannot remedy these harms.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Grant this Emergency Motion for Immediate Release;
2. Order Petitioner's immediate release from ICE custody under appropriate conditions, if any;

3. In the alternative, order an expedited individualized bond hearing;
4. Grant any further relief the Court deems just and proper.

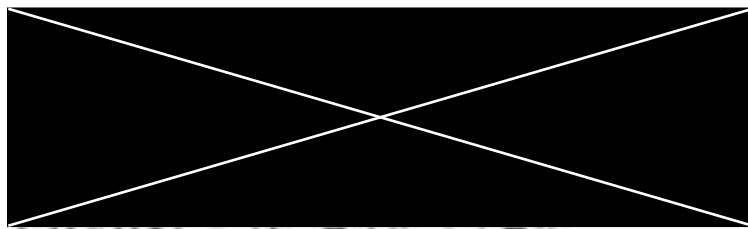
VII. DECLARATION OF NEXT FRIEND

I, Yerlys L. Fernández Barreiro, declare under penalty of perjury that I am the lawful wife of Frederi Ochoa Tito, that the facts stated herein are true and correct to the best of my knowledge, 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



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