

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jorge Carcamo Rodriguez

(b) County of Residence of First Listed Plaintiff Karnes, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Law Office of Rudy Castillo, 2621 Rockgate, San Antonio, TX 78227

DEFENDANTS

Warden, Karnes county immigration processing center

County of Residence of First Listed Defendant Karnes, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241

Brief description of cause:

Petition for Writ of Habeas Corpus challenging unlawful and prolonged immigration detention.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE NONE

DOCKET NUMBER

DATE
01/13/2026SIGNATURE OF ATTORNEY OF RECORD
/s/ Rodolfo Castillo

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

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- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jorge Carcamo Rodriguez
Petitioner-Plaintiff,

v.

MIGUEL VERGARA,
Field Office Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Facility Warden
Karnes County Immigration Processing Center,

Respondents-Defendants

Civ. No. 5:26-cv-00146

DHS File Number:



**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. §2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

I. INTRODUCTION

Petitioner Jorge Carcamo respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has been civilly detained by U.S. Immigration and Customs Enforcement (“ICE”) since January 7, 2026, without any individualized determination that he is a danger to the community or a flight risk.

Petitioner entered the United States without inspection in or around the year **2000** and has **continuously resided** in this country for approximately **twenty-five (25) years**. He has no criminal history, has complied with his tax obligations, and has deep family and community ties in the United States, including two United States citizen minor daughters.

Requesting a bond hearing before the Immigration Court would be futile. Immigration Judges in this jurisdiction routinely deny custody review for similarly situated detainees based on asserted jurisdictional limitations, resulting in prolonged detention without meaningful review. Petitioner

therefore seeks immediate release or, in the alternative, a prompt and constitutionally adequate custody hearing with the burden on the government.

II. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.
2. Jurisdiction is also proper under 28 U.S.C. § 1331 and 28 U.S.C. §§ 2201–2202.
3. Venue lies in this District pursuant to 28 U.S.C. § 1391(e) and *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), because Petitioner is detained within this District and Respondents exercise custody and control over him here.

III. PARTIES

1. **Petitioner Jorge Carcamo** is a noncitizen and native and citizen of Mexico currently detained by ICE at the Karnes County Immigration Processing Center in Karnes City, Texas.
2. **Respondent Miguel Vergara** is the **ICE Field Office Director** responsible for detention operations in this District.
3. **Respondent Rose Thompson** is the Warden of the Karnes County Immigration Processing Center and Petitioner's immediate custodian.

IV. FACTUAL BACKGROUND

1. Petitioner was born on  and is a **citizen of Mexico**.
2. Petitioner entered the United States without inspection in or around the year **2000** and has **continuously resided** in the United States since that time.
3. Petitioner has **no criminal record** and has never been convicted of any offense.
4. Petitioner has **filed income tax returns** since at least 2006, demonstrating **long-term residence and compliance with U.S. laws**.

5. Petitioner is the father of **two United States citizen daughters**, ages seventeen (17) and fifteen (15), who depend on him emotionally and financially.
6. On **January 7, 2026**, Petitioner was stopped by local law enforcement while driving home due to an alleged taillight issue. After providing Mexican identification, law enforcement contacted ICE, and Petitioner was taken into immigration custody.
7. Petitioner is currently detained pending removal proceedings. His first Master Calendar Hearing is anticipated to take place on or about **February 4, 2026**.
8. Petitioner is statutorily **eligible to apply for Cancellation of Removal for Certain Nonpermanent Residents under INA § 240A(b) (42B)**, based on more than ten years of continuous physical presence, good moral character, lack of disqualifying criminal convictions, and qualifying United States citizen children who would suffer exceptional and extremely unusual hardship.
9. Despite these significant equities, ICE continues to detain Petitioner **without** any individualized determination that he poses a **danger or flight risk**.

V. STATUTORY AND CONSTITUTIONAL FRAMEWORK

1. Civil immigration detention under INA § 236(a), 8 U.S.C. § 1226(a), is discretionary and requires individualized determinations justifying continued detention.
2. Prolonged civil detention is constrained by the Due Process Clause of the Fifth Amendment, which prohibits detention that is excessive, arbitrary, or punitive in nature. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

VI. ARGUMENT

A. Requesting a Bond Hearing Before the Immigration Court Would Be Futile

1. Immigration Judges in this jurisdiction routinely deny bond jurisdiction for similarly situated detainees based on asserted statutory and jurisdictional limitations, resulting in automatic and prolonged detention without meaningful custody review.
2. The futility doctrine excuses exhaustion where administrative remedies are unavailable, inadequate, or incapable of providing meaningful relief. Requiring Petitioner to seek a

bond hearing that is functionally foreclosed would serve no purpose and would only prolong unconstitutional detention.

B. Petitioner's Continued Detention Is Unlawful Under INA § 236(a)

1. Petitioner is detained under INA § 236(a), which permits discretionary detention only when supported by **individualized findings of danger or flight risk**.
2. Petitioner has no criminal history, has resided in the United States for over two decades, has consistently paid taxes, and has strong family ties through his United States citizen children. ICE has made no individualized findings justifying continued detention.
3. Absent such findings, Petitioner's continued detention exceeds statutory authority and is unlawful.

C. Petitioner Is Not a Danger or Flight Risk

1. Petitioner has no criminal record, no history of violence, and no history of immigration violations beyond his manner of entry.
2. Petitioner's long-term residence, tax compliance, marriage, and United States citizen children establish that he is not a flight risk and has every incentive to appear for immigration proceedings and pursue available relief.

D. Petitioner's Continued Detention Violates Due Process

1. The Fifth Amendment requires that civil detention bear a reasonable relationship to a legitimate government purpose. Detention without individualized findings of danger or flight risk becomes punitive and unconstitutional.
2. ICE's continued detention of Petitioner, despite his strong equities and eligibility for relief violates substantive and procedural due process.

E. Petitioner Is Entitled to Immediate Release or a Constitutionally Adequate Custody Hearing

1. Where detention is not justified, this Court may order immediate release. In the alternative, due process requires a prompt custody hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary.

VII. CLAIMS FOR RELIEF

COUNT I – Unlawful Detention (28 U.S.C. § 2241)

1. Petitioner incorporates all preceding paragraphs.
2. Respondents are detaining Petitioner in violation of the Constitution and laws of the United States.

COUNT II – Declaratory Relief

1. A declaration is warranted that Petitioner's continued detention is unlawful and violates the Due Process Clause of the Fifth Amendment.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Grant this Petition** for Writ of Habeas Corpus;
2. **Order** Respondents to **immediately release** Petitioner **from ICE custody**; or
3. In the alternative, **order a prompt, constitutionally adequate custody hearing with the burden on DHS**;
4. **Declare** that Petitioner's continued detention **violates the Constitution**; and
5. **Grant any other relief** the Court deems just and proper.

Respectfully submitted,

/s/ Rodolfo Castillo
Rodolfo Castillo
Attorney for Petitioner
Texas Bar No. 24000489
Rudy Castillo Law Firm
2621 Rockgate Dr.
San Antonio, TX 78227
Phone: (210) 777-1111
Email: rc@rudycastillolaw.com

IX. SIGNATURE & VERIFICATION

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

Executed on 01/13/2026

/s/ Rodolfo Castillo
Rodolfo A. Castillo
Attorney for Petitioner

EXHIBITS

1. Exhibit A – ICE Detainee Locator record confirming that Petitioner Jorge Carcamo is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas.
2. Exhibit B – Copy of Jorge Carcamo’s Mexican passport.
3. Exhibit C – Evidence of Qualifying Relationship, US Birth Certificates of daughters,  Carcamo and  Carcamo.
4. Exhibit D – Copy of Jorge Carcamo’s federal Income tax from years 2006, 2007 and 2024.
5. Exhibit E – Attorney Declaration Authenticating Exhibits A–D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jorge Carcamo Rodriguez

Petitioner-Plaintiff,

v.

MIGUEL VERGARA,

Field Office Director

U.S. Immigration and Customs Enforcement;

Rose Thompson,

Facility Warden

Karnes County Immigration Processing Center,

Respondents-Defendants.

Civ. No. :26-cv-00146

DHS File Number: 

MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

Petitioner **Jorge Carcamo** respectfully submits this Memorandum of Law in support of his Emergency Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking immediate release or, in the alternative, a prompt custody hearing that comports with due process. Petitioner entered the United States without inspection in or around the year **2000** and has continuously resided in this country for approximately **twenty-five (26) years**. He has no criminal history, has strong family and community ties, and is the father of **two United States citizen minor daughters**.

Despite these significant equities and despite being **statutorily eligible to apply for Cancellation of Removal for Certain Non-Permanent Residents under INA § 240A(b)**, Petitioner remains detained by Immigration and Customs Enforcement (“ICE”). A bond hearing has not been requested because doing so would be **futile**, as Immigration Judges in this jurisdiction routinely deny custody review for similarly situated detainees based on asserted jurisdictional limitations. Petitioner’s continued detention without individualized findings of danger or flight risk violates statutory authority and the Fifth Amendment’s Due Process Clause.

II. LEGAL STANDARD

Under 28 U.S.C. § 2241, federal district courts have jurisdiction to review the legality of immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). A writ of habeas corpus may issue where a person is “in custody in violation of the Constitution or laws or treaties of the United States.”

Civil immigration detention under INA § 236(a), 8 U.S.C. § 1226(a), is discretionary and subject to both procedural and substantive due process limitations. See *Demore v. Kim*, 538 U.S. 510, 527 (2003); *Zadvydas*, 533 U.S. at 690. Prolonged detention must be justified by individualized findings demonstrating that detention is necessary to serve a legitimate government interest.

III. ARGUMENT

A. Petitioner’s Continued Detention Is Statutorily Unauthorized Under INA § 236(a)

Petitioner’s detention is governed by INA § 236(a), which permits discretionary detention only when supported by individualized determinations. Petitioner has **no criminal record**, has resided in the United States for over two decades, has consistently filed taxes since 2006, and has **two qualifying United States citizen children**.

ICE has failed to articulate any legitimate statutory basis for continuing to detain Petitioner. No individualized findings of danger or flight risk have been made. Courts have consistently held that civil detention without individualized justification exceeds statutory authority. See *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016); *Rodriguez v. Robbins*, 715 F.3d 1127, 1135 (9th Cir. 2013).

B. Immigration Court Jurisdictional Limitations Do Not Preclude Federal Habeas Review

Petitioner has not sought a bond hearing before the Immigration Court because doing so would be futile. Immigration Judges in this jurisdiction routinely deny custody jurisdiction for similarly situated detainees, resulting in automatic and prolonged detention without meaningful review.

However, any limitations on the Immigration Court’s bond authority do not constrain this Court’s habeas jurisdiction. Federal courts possess independent authority under 28 U.S.C. § 2241 to review and remedy unlawful detention. *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Whether the

Immigration Court believes bond jurisdiction exists is irrelevant to the constitutional inquiry before this Court.

C. Petitioner's Continued Detention Violates Due Process

Petitioner's detention has become excessive and arbitrary. He has demonstrated eligibility for relief, has substantial ties to the community, and poses **no danger or flight risk**. Continued detention under these circumstances does not reasonably relate to any legitimate government objective.

The Fifth Amendment requires that civil detention be justified by the government through clear and convincing evidence. *Zadvydas*, 533 U.S. at 690; *Clark v. Martinez*, 543 U.S. 371 (2005). ICE's continued detention of Petitioner without such findings violates due process.

D. Due Process Requires Immediate Release or a Constitutionally Adequate Custody Hearing

If this Court does not order Petitioner's immediate release, due process requires a prompt custody hearing at which the government bears the burden of proving that continued detention is necessary due to danger or flight risk. See *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017); *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762 (N.D. Cal. 2019).

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

- Issue the writ of habeas corpus and order Petitioner's immediate release; or
- In the alternative, order a prompt, constitutionally adequate bond hearing, with the burden on the government to justify continued detention.

Respectfully submitted,

/s/ Rodolfo Castillo

Rodolfo Castillo

Attorney for Petitioner

Texas Bar No. 24000489

Rudy Castillo Law Firm

2621 Rockgate Dr.

San Antonio, TX 78227

(210) 777-1111

Email: rc@rudycastillolaw.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Jorge Carcamo Rodriguez
Petitioner-Plaintiff,

v.

MIGUEL VERGARA,
Field Office Director
U.S. Immigration and Customs Enforcement;

Rose Thompson,
Facility Warden
Karnes County Immigration Processing Center,
Respondents-Defendants.

Civ. No. _____

DHS File Number: 

ORDER GRANTING WRIT OF HABEAS CORPUS AND ORDERING IMMEDIATE
RELEASE

Upon consideration of the **Emergency Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241**, and Complaint for Declaratory and Injunctive Relief filed by Petitioner **Jorge Carcamo Rodriguez**, and it appearing to the Court that Petitioner is in custody in violation of the Constitution or laws of the United States,

IT IS HEREBY ORDERED that:

1. The Petition for Writ of Habeas Corpus is GRANTED
2. The Respondents shall IMMEDIATELY RELEASE Petitioner from immigration custody, no later than _____, by _____;
3. Alternatively, Respondents may provide Petitioner a custody redetermination hearing before an immigration judge within 7 days of this Order, consistent with the requirements of Matter of Guerra;
4. Respondents are ENJOINED from detaining Petitioner under 8 U.S.C. § 1226 is determined by a neutral adjudicator.

IT IS SO ORDERED.

Signed this ____ day of _____, 2026.

Hon.
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of January 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, using the CM/ECF system which automatically serves counsel for the Respondents.

In addition, a copy of this Petition was served by U.S. Mail upon:

Warden, Karnes County Immigration Processing Center
409 FM 1144
Karnes City, TX 78118

and

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

and

U.S. Attorney's Office
Western District of Texas – San Antonio Division
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

Respectfully submitted,

/s/ Rodolfo Castillo
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EXHIBIT F