

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Western District of Texas

Amauri Chavez Lopez

Petitioner

v.

PAMELA JO BONDI, Attorney General of the United
States, et al.

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 3:26-cv-115

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Amauri Chavez Lopez
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: ERO El Paso Camp East Montana
(b) Address: 6920 Digital Road
El Paso, Texas 79936
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
U.S. DHS/ICE
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. DHS/ICE, 8915 MONTANA AVE EL PASO, TX 79925

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):Detention with no legal authority to do so after bond was granted by Immigration Judge on 12/19/2025.(d) Date of the decision or action: 12/19/2025**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not appeal: The Futility Doctrine applies

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: No conviction or sentence imposed. This involves ICE keeping a person in custody after bond has been granted by the Immigration Judge.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12/04/2025
(b) Date of the removal or reinstatement order:
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Date of filing:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised:

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court:
(2) Date of filing:
(3) Case number:

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Violation of the Fifth Amendment of the U.S. Constitution Right to Due Process

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Bond was issued by the IJ, but the payment system at ICE will not permit payment likely because of the government's filing of the Intent to Appeal.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Assume jurisdiction over this matter; Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days; Declare that Petitioner's detention is unlawful; Issue a Writ of Habeas Corpus ordering Respondents to release him from custody or order ICE to correct its system to provide a way to post bond; Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and Grant him any further relief.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 01/20/2026

Signature of Petitioner

A handwritten signature in black ink, appearing to read "Robert Carr", is written over a horizontal line.

Signature of Attorney or other authorized person, if any

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Amauri Chavez Lopez,	)	
	)	
Petitioner,	)	3:26-cv-115
v.	)	
	)	
Angel Garite, <i>in his official capacity</i> as	)	PETITION FOR WRIT OF HABEAS CORPUS
Warden of the ERO El Paso Processing	)	
Center, El Paso, TX,	)	
	)	
Mary De Anda-Ybarra, <i>in her official</i>	)	
<i>capacity</i> as ICE Field Office Director of	)	
Enforcement and Removal Operations,	)	
El Paso, U.S. Immigrations and Customs	)	
Enforcement; U.S. Department of	)	
Homeland Security;	)	
	)	
TODD M. LYONS, <i>in his official capacity</i>	)	
as Acting Director, Immigration and	)	
Customs Enforcement, U.S. Department	)	
of Homeland Security;	)	
	)	
KRISTI NOEM, <i>in her official capacity</i> as	)	
Secretary, U.S. Department of Homeland	)	
Security; and	)	
	)	
PAMELA JO BONDI, <i>in her official</i>	)	
<i>capacity</i> as Attorney General of the	)	
United States;	)	
	)	
Respondents.	)	
	)	

Introduction

1. Petitioner-Plaintiff ("Petitioner") is a citizen of Mexico who has resided in the U.S. for over ten (10) years. He is married to Maribella Sandoval, a U.S. citizen, who filed a Form I-130 immigrant visa petition, which USCIS approved on December 4, 2025. *See* Ex A, Approved I-130 Petition. Mr. Chavez Lopez and his wife have a three-year old U.S.

citizen daughter,  Chavez Lopez. Respondent and his wife attended the interview in Chicago in connection with that petition shortly before ICE detained Respondent on December 4, 2025, and moved him to the El Paso Camp East Montana, in El Paso, Texas. *See* ICE Detainee Locator Results, Exhibit B.

2. ICE issued a Notice to Appear, alleging Amauri Chavez Lopez is an alien present in the US who has not been admitted or paroled. *See* Exhibit C, Notice to Appear.
3. Petitioner sought a custody redetermination hearing, and the Court set a bond at \$5,500 on December 19, 2025. ICE filed a Notice of Intent to Appeal the Custody Redetermination and a Motion to Stay on December 23, 2025. The automatic stay under 8 C.F.R. § 1003.19(i)(2) states that, “In any case in which DHS has determined that an alien should not be released, or has set a bond of \$10,000 or more, any order of the immigration judge authorizing release (on bond or otherwise) shall be stayed upon DHS’s filing of a notice of intent to appeal the custody redetermination with the immigration court.” The Immigration Judge set bond at \$5,500; therefore, the automatic stay was not triggered. The Immigration Clerk rejected the government’s Motion to Stay because it should have been filed with the Board rather than with the Immigration Court. The rejection notice is attached as Ex. D. No Motion to Stay is currently pending.
4. Petitioner has therefore remained in detention despite the bond grant. Petitioner’s continued detention contravenes both his Fifth Amendment rights and the plain language of the relevant statute, 8 U.S.C. § 1226.
5. Respondent lacks a lawful entry and therefore cannot pursue adjustment of status before the Court. Respondent nonetheless maintains a viable path to relief through Administrative Closure to pursue visa issuance and an I-601A waiver with US CIS, and

by then procuring voluntary departure. He will leave and visa process at the US Consulate in Ciudad Juárez, Mexico. *See Ex A, Approved I-130 Petition.*

6. Petitioner need not pursue further bond requests or administrative appeal because he has already been granted bond; therefore, doing so would be futile. Further, the Immigration Judge is a creature of statute and enjoys no equitable power to direct U.S. DHS or U.S. ICE to change the coding of the government payment portal to allow bond payments.
7. Petitioner seeks declaratory relief to release him from custody or order ICE to correct their system to provide a way to post bond.

Custody

8. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at the El Paso Camp East Montana, in El Paso, Texas. *See Exhibit B, ICE Detainee Locator Results.* He is therefore in "'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

Jurisdiction

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
10. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

12. The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241. 12. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *see also A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025).

Venue

13. Venue is properly before this Court pursuant to 28 U.S.C. §1391(e) because Respondents are employees or officers of the United States acting in their official capacity and because Petitioner is currently detained at the El Paso Camp East Montana, in El Paso, Texas. *See Exhibit B*.

Requirements of 28 U.S.C. §§2241, 2243

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. The Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed,” if an Order to Show Cause is issued. *Id.*
15. Petitioner is “in custody” for the purpose of § 2241 because Petitioner was arrested and detained by Respondents, and the government has refused to allow the payment of bond online at its portal – the only option for paying bond as of 2025.

Exhaustion of Administrative Remedies

16. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999). It would be futile for Petitioner to seek a custody redetermination hearing before an IJ because the IJ has already granted bond on December 23, 2025. Further, the Immigration Judge is a creature of statute and enjoys no power to direct U.S. DHS or U.S. ICE to change the coding of the government payment portal to allow bond payments.
17. The agency does not have jurisdiction to review Petitioner’s claim of unlawful custody in violation of his due process rights, and it would therefore be futile for him to pursue administrative remedies. *Reno v. Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims).

Parties

18. Petitioner is from Mexico and has resided in the U.S. for over 10 years. He is currently detained in the El Paso Camp East Montana, in El Paso, Texas, and has been since he was apprehended in Chicago on December 4, 2025, after attending an interview related to his family-based immigration petition.
19. Respondent Warden is sued in his official capacity as Warden of the El Paso Processing Center. Respondent Warden is Petitioner’s immediate custodian in his official capacity.
20. Respondent Mary De Anda-Ybarra is sued in her official capacity as the Director of the El Paso Field Office, Enforcement and Removal Operations, ICE. Respondent is the legal custodian of Petitioner in her official capacity.
21. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE.

Respondent Lyons is a legal custodian of Petitioner as the Acting Director of ICE.

22. Respondent Kristi Noem is sued in her official capacity as Secretary of Homeland Security. Secretary Noem is Petitioner's ultimate legal custodian as the head of the U.S. Department of Homeland Security, the agency responsible for enforcing the Immigration and Nationality Act.
23. Respondent Pamela Jo Bondi is sued in her official capacity as the Attorney General of the United States. Bondi has authority over the Department of Justice and is charged with faithfully administering the United States' immigration laws as Attorney General.

Legal Background and Argument

24. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.
25. First, individuals detained pursuant to 8 U.S.C. §1226(a) are generally entitled to a bond hearing, unless they have been arrested, charged with, or convicted of certain crimes and are subject to mandatory detention. *See* 8 U.S.C. §§1226(a), 1226(c) (listing grounds for mandatory detention); *see also* 8 C.F.R. §§1003.19(a) (immigration judges may review custody determinations made by DHS), 1236.1(d) (same).
26. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) as well as other recent arrivals deemed to be "seeking admission" under § 1225(b)(2).
27. Third, the INA authorizes detention of noncitizens who have received a final order of removal, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)-(b).
28. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub.

L. No. 104-208. Div. C, §§ 302-03, 110 Stat. 3009-546, 300-582 to 3009-583, 3009-585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

29. The filing of a Notice of Intent to Appeal Custody Redetermination, invokes an automatic stay on the Immigration Judge's custody redetermination decision. 8 C.F.R. § 1003.19(i)(1) ("The Board of Immigration Appeals (Board) has the authority to stay the order of an IJ redetermining the conditions of custody of an alien when the Department of Homeland Security appeals the custody decision or on its own motion").
30. The filing of a Notice of Intent to Appeal Custody Redetermination invokes an automatic stay on the Immigration Judge's custody redetermination decision. 8 C.F.R. § 1003.19(i)(2) ("In any case in which DHS has determined that an alien should not be released, or has set a bond of \$10,000 or more., any order of the immigration judge authorizing release (on bond or otherwise) shall be stayed upon DHS's filing of a notice of intent to appeal the custody redetermination with the immigration court").
31. The IJ set Petitioner's bond below \$10,000; therefore, the automatic stay did not take effect. ICE filed both the Notice of Intent to Appeal and a motion to stay; however, the motion was rejected because it was improperly filed with the IJ instead of the Board. Consequently, Petitioner's ongoing detention disregards the IJ's bond determination and violates the statutory framework governing detention under 8 U.S.C. §1226, infringing on his Fifth Amendment rights to liberty and due process.

Statement of Facts

32. Petitioner is a citizen of Mexico.

33. Upon information and belief, Petitioner has resided in the U.S. for over ten (10) years. Petitioner Mr. Chavez Lopez's criminal history does not establish that he poses a danger to the community. He has no recent criminal history and has complied with all prior court orders. The IJ took his flight risk and danger to the community into account in issuing a bond of \$5,500 on December 19, 2025. Both were discussed at length at his bond hearing when the immigration set bond at \$5,500.00.
34. Petitioner is still detained – nearly a month later - at El Paso Camp East Montana, in El Paso, Texas. *See* ICE Detainee Locator Results, Exhibit B.
35. ICE filed a Notice of Intent to Appeal the Custody Redetermination and a Motion to Stay on December 23, 2025.. No Motion to Stay is currently pending; Petitioner has remained in detention despite the bond grant.

**Count I:
Violation of the Fifth Amendment of the U.S. Constitution
Right to Due Process**

36. Petitioner restates and realleges paragraphs 1 to 35 as if fully set forth here.
37. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V.
38. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).
39. The balance of interests under the *Mathews v. Eldridge* framework strongly favors Petitioner's release. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private

interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

40. The first factor, the private interest at issue, favors petitioner. Petitioner's private interest in freedom from detention is significant. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.").
41. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, is exceptionally high. Bond was issued by the IJ, but the payment system at ICE will not permit payment, likely because of the government's filing of the Intent to Appeal. No automatic stay under 8 C.F.R. § 1003.19(i)(2) has vested, and no stay is on file. ICE has routinely appealed the IJ's grant of bond and invoked the "automatic stay" regulation, 8 C.F.R. § 1003.19(i)(2), as it attempted here. Dozens of habeas courts have found that the automatic stay violates due process and have ordered Respondents to allow a petitioner to post their bond.¹ Respondent has

¹ Numerous courts nationwide have sided with Petitioner on these points. *See Martinez-Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772, at *13 (W.D. Ky. Oct. 27, 2025) ("The Court further finds that [p]etitioner's detention pursuant to the automatic stay . . . violates his Fifth Amendment due process rights under *Mathews*."); *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521, at *8 (S.D. Tex. Nov. 14, 2025) (same); *Sampiao v. Hyde*, --- F. Supp. 3d ---, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025) (same); *Campos Leon v. Forestal*, No. 1:25-CV-01774-SEB-MJD, 2025 WL 2694763, at *5 (S.D. Ind. Sept. 22, 2025) (finding the unilateral invocation of the automatic stay to be an ultra vires exercise of the Department of Homeland Security's authority); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025, at *13–15 (D. Md. Aug. 24, 2025) (determining the automatic stay violated the petitioner's substantive and procedural due process rights as applied to him and was *ultra vires*); *Hasan v. Crawford*, --- F. Supp. 3d ---, 2025 WL

offered no meaningful procedural safeguard to mitigate this risk, rendering continued detention an unconstitutional deprivation of liberty without adequate due process.

42. The third factor, the government's interest, also favors Petitioner. The government's interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. The government is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous.
43. Furthermore, the "fiscal and administrative burdens" of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.
44. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody or order ICE to correct its system to provide a way to post bond.

Prayer for Relief

WHEREFORE, Petitioner prays that this Court will:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three days;
- (3) Declare that Petitioner's detention is unlawful;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release him from

2682255, at *9–10 (E.D. Va. Sept. 19, 2025) (as applied, the automatic stay violated the petitioner's substantive and procedural due process rights).

custody or order ICE to correct its system to provide a way to post bond;

(5) Award him his attorney's fees and costs under the Equal Access to Justice

Act, and on any other basis justified under law; and

(6) Grant him any further relief this Court deems just and proper.

Date: January 20, 2026

Respectfully,



/s/Robert Carpenter

Carpenter & Capt, Chtd.

3073 W. John Beers Rd.

Stevensville, MI 49127

t (312) 803-5110

rcarpenter@carpenterandcapt.com

Submitted,

Attorney for the Petitioner

Verification Pursuant to 28 U.S.C. § 2242

I represent the Petitioner, Amauri Chavez Lopez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 20th day of Jan, 2026.

/s/Robert Carpenter

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

Amauri Chavez Lopez,	)	
	)	
Petitioner,	)	3:26 – cv – 115
v.	)	
	)	
Angel Garite, <i>in his official capacity</i> as Warden of the ERO El Paso Processing Center, El Paso, TX,	)	PETITION FOR WRIT OF HABEAS CORPUS
	)	
Mary De Anda-Ybarra, <i>in her official capacity</i> as ICE Field Office Director of Enforcement and Removal Operations, El Paso, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security;	)	
	)	
TODD M. LYONS, <i>in his official capacity</i> as Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;	)	
	)	
KRISTI NOEM, <i>in her official capacity</i> as Secretary, U.S. Department of Homeland Security; and	)	
	)	
PAMELA JO BONDI, <i>in her official capacity</i> as Attorney General of the United States;	)	
	)	
Respondents.	)	
	)	

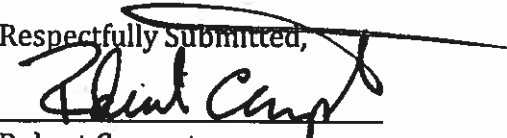
Petition for a Writ of Habeas Corpus – Index

<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
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C.	Notice to Appear	15 – 20
D.	Rejection Notice for ICE's Motion to Stay	21

Certificate of Service

Respectfully Submitted,


Robert Carpenter

CARPENTER & CAPT, CHTD.
3073 W. John Beers Road
Stevensville, MI 49127
t (269) 469-9557
e rcarpenter@carpenterandcapt.com
Chicago Office:
53 W. Jackson, Ste. 1515
Chicago, IL 60604
t (312) 803-5110
ARDC #: IL 6210049

Exhibit D



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

Respondent Name:
CHAVEZ LOPEZ, AMAURI

A-Number:



Address:
PROCESSING CENTER
8915 MONTANA AVE
EL PASO, TX 79925

REJECTION NOTICE

Date: 12/29/2025

REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE

This notice is to inform you that the document(s) received by the Immigration Court on 12/23/2025 is/are being rejected for the reasons given below. When re-filing the corrected document(s) other than initiation documents, please attach this rejection notice. A copy of the corrected filing must also be served on the opposing party.

Document(s) being rejected:
MTN - STAY.pdf

Rejection Reason(s)

1. Rejection Reason Not Found (Other)

Rejection Explanation:

MOTION SHOULD BE FILED WITH THE BOARD AND NOT THE COURT.

Certificate of Service

This document was served:

Via: ☐ Mail ☐ Personal Service ☒ Electronic Service
To: ☒ Alien ☐ Alien c/o custodial officer ☐ Alien's atty/rep. ☒ DHS
By: Quinonez, ☐ Court Staff ☐ Immigration Judge
Date: 12/29/2025

