

JUDGE KATHLEEN CARDONE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO, TEXAS

FILED

JAN 30 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

JOSE V. PINEDA-ROMERO,

Petitioner

vs.

SAMUEL OLSON, Field Office Director for
Detention and Removal, U.S. Immigration
and Customs Enforcement, Department of
Homeland Security and WARDEN of ERO
El Paso East Montana

Respondents

) Immigration No. A221-284-299

) GEN NO.

EP 26CV0257

PETITION FOR WRIT OF HABEUS CORPUS

1. This is a petition for a writ of habeas corpus filed on behalf of JOSE PINEDA-ROMERO ("JOSE") seeking relief to remedy his unlawful detention pursuant to 28 U.S.C. § 2241.
2. The Respondent entered the United States on or about September 30, 2019.
3. JOSE has one child with his long-time Paramour, Rosario Mendez-Castillo, a DACA recipient. That child is 2 years old and is a U.S. Citizen residing with both parents.
4. JOSE was arrested by agents of the Respondents on October 17, 2025 in the Chicago area as aprt of the ICE operation known as "Operation Midway Blitz."
5. JOSE and remains in custody at the ERO El Paso East Montana camp in El Paso, Texas.
6. Mr. PINEDA-ROMERO is not a flight risk or a danger to the community. The entirety of his criminal history is an arrest for driving under the influence of

alcohol in Lake County, Illinois on or about November 16, 2024 when JOSE was arrested by officers of Mundelein Police Department in Mundelein, Illinois. That case remains pending under Case No. 24DT1696 in Lake County, and is currently in warrant status due to JOSE's ICE arrest and detention.

7. Mr. PINEDA-ROMERO's detention is not justified under the Constitution or the Immigration and Nationality Act (INA).
8. Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to release Mr. PINEDA-ROMERO from their custody.

CUSTODY

9. Mr. PINEDA-ROMERO is in the physical custody of Respondent Samuel Olson, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Warden of ERO El Paso East Montana.
10. At the time of the filing of this petition, Petitioner is detained at the ERO El Paso East Montana Camp. The Camp contracts with or operated directly by DHS to detain aliens such as Petitioner. Mr. PINEDA-ROMERO is under the direct control of Respondents and their agents.

JURISDICTION

11. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570.

12. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

14. Venue lies in the United States District Court for the Western District of Kentucky, Bowling Green Division, the judicial district in which Respondent Jason Woosley resides and where Petitioner is detained, and which is under the direct immediate control and authority of Respondent Samuel Olson. 28 U.S.C. § 1391(e).

PARTIES

15. Petitioner JOSE PINEDA-ROMERO is a national and citizen of MEXICO.

16. Respondent Samuel Olson is the Field Office Director for Detention and Removal, USICE, DHS.

17. Respondent Warden of ERO El Paso East Montana is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Texas, El Paso Division. Pursuant to Respondents' orders, Petitioner remains detained.

18. Respondent Warden ERO El Paso East Montana is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Western District of Texas, El Paso Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

19. Mr. PINEDA-ROMERO has exhausted his administrative remedies to the extent required by law. He has fully cooperated with Respondents and has not delayed or obstructed any judicial remedy by way of this judicial action.

STATEMENT OF FACTS

20. Petitioner is a national and citizen of MEXICO.

21. Petitioner entered the United States on September 30, 2019.

22. A Notice to Appear was issued classifying JOSE as "an alien present in the United States who has not been admitted or paroled.

23. JOSE was detained by agents of the Respondents on or about October 17, 2025.

He was observed by agents of the Respondents while working, and without a warrant, reasonable suspicion of criminality or probable cause that JOSE had committed a crime, was in the process of committing a crime or was about to commit a crime, he was approached by agents of the Respondents, and detained when he could not prove citizenship.

24. JOSE's detention was part of ICE's Operation Midway Blitz in the Chicago area.

25. At the time of his detention, Mr. PINEDA-ROMERO lived in the jurisdiction of the Chicago Immigration Court.
26. At the time of his arrest, Mr. PINEDA-ROMERO was not the subject of any warrant, but was nonetheless detained without reasonable suspicion of criminality or probable cause.
27. Mr. PINEDA-ROMERO is not a danger to the community or a flight risk. She has no pending criminal cases or any criminal history at all.
28. Mr. PINEDA-ROMERO has deep roots in his community.
29. Prior to his arrest, Mr. PINEDA-ROMERO was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and financial support.
30. Bond was denied on the basis that the Court lacked jurisdiction due to *Matter of Yajire Hurtado*, 29 I&N Dec. 216 (BIA 2025).
31. Respondents' decision to detain Mr. PINEDA-ROMERO is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. PINEDA-ROMERO 's request for release.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

32. Petitioner alleges and incorporates by reference paragraphs 1 through 31 above.
33. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

34. Petitioner's detention violates the right against unlawful search and seizure guaranteed by the Fourth Amendment to the U.S. Constitution.

35. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT TWO

36. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief: (i) Assume jurisdiction over this matter, (ii) issue an order directing Respondents to show cause why the writ should not be granted, (iii) issue a writ of habeas corpus ordering Respondents to release Mr. PINEDA-ROMERO on his own recognizance or under parole, a low bond or reasonable conditions of supervision, (iv) award Petitioner reasonable costs and attorney's fees, and (v) grant any other relief which this Court deems just and proper.

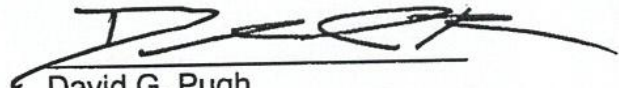
ATTORNEYS FOR PETITIONER

Respectfully submitted,
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By: 

VERIFICATION OF COUNSEL

I, David G. Pugh, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.



David G. Pugh