

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

LUIS DAVID TRAVIESO-RODRIGUEZ,
Petitioner, V.
Pamela J. Bondi, Attorney General of the United States
Warden of the El Paso Camp Detention Center;
Mary De Anda-Ybarra, Field Office Director, ICE;
Todd M. Lyons, Director, Ice;
Kristi Noem, Secretary, Department of Homeland Security.

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§ No. 3:26-cv-335
§ DHS No. 
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**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 AND
COMPLAINT FOR PRELIMINARY INJUNCTIVE RELIEF**

Petitioner Luis David Travieso-Rodriguez (“Petitioner”), by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and seeks preliminary and injunctive relief. This honorable Court has already decided multiple cases under this same exact fact-pattern. In support, Petitioner states as follows:

I. INTRODUCTION

1. Petitioner is a citizen and national of Cuba who was paroled into the United States as a young child in or around April 1969 and has lived continuously in this country for over five decades. He has built his life, family, and livelihood in the United States.
2. An Immigration Judge entered an order of removal against Petitioner more than twenty years ago, on May 8, 2003, in Orlando, Florida. For over two decades after that order, the Department of Homeland Security ("DHS") did not remove Petitioner. Instead, DHS and Immigration and Customs Enforcement ("ICE") placed him on an order of supervision and required him to report periodically. Petitioner complied with those requirements for many years.
3. In early October 2025, the Petitioner reported to the ICE ERO office for his routine check-in, as he had done on prior occasions. The officer advised him that everything was in order and

instructed him to return for his next check-in in April 2026. On October 27, 2025, ICE abruptly apprehended Petitioner as he was returning from work and placed him in civil immigration detention. ICE has since detained him without providing the minimal procedures required by its own regulations when revoking release under supervision and without any realistic, lawful plan to effectuate his removal in the reasonably foreseeable future. He did not commit any traffic infractions to justify the stop. He was detained in Alligator Alcatraz, then transferred to Texas.

4. Petitioner's continued detention violates the Fifth Amendment's Due Process Clause, exceeds the statutory authority for post-order detention in 8 U.S.C. § 1231(a)(6) as construed by binding Supreme Court precedent, and disregards mandatory procedures in 8 C.F.R. § 241.4(l). Petitioner seeks immediate release under reasonable conditions of supervision, no more restrictive than before, as well as preliminary injunctive relief to prevent irreparable harm to himself and his medically vulnerable spouse.

II. PARTIES

5. Petitioner **Luis David Travieso-Rodriguez**, Alien Number [REDACTED], is a citizen and national of Cuba, born [REDACTED]. He was paroled into the United States as a young child in or around April 1969 and has lived continuously in the United States for over five decades.

6. An Immigration Judge entered an order of removal against Petitioner on May 8, 2003, in Orlando, Florida. For more than twenty years after the removal order, ICE did not effectuate Petitioner's removal. Instead, ICE released Petitioner under an order of supervision and required him to report periodically. Petitioner consistently complied.

7. Petitioner is married to Maria Estella Travieso. They have been married for twenty-one years. Ms. Travieso suffers from breast cancer. She has undergone surgery, chemotherapy, and radiation, and she currently takes medication that causes dizziness. She is not working and relies on

Petitioner for emotional, physical, and financial support. Additionally, he is the one who drives her to the medical appointments and therapies.

8. Petitioner has diabetes and requires medication and regular monitoring. He is an electrician and has worked in that trade for approximately thirty years. He has operated his own company, Luis Travieso Enterprises, in the West Palm Beach, Florida, area. Petitioner has adult children in the United States. Ms. Travieso's adult children also reside in the United States.
9. Respondent **Warden** of the El Paso ICE Processing Center (or warden of Petitioner's current ICE detention facility in this District), is Petitioner's immediate custodian and has the power to produce Petitioner before this Court and to release him.
10. Respondent **Mary De Anda-Ybarra**, Field Office Director for the ICE ERO El Paso Field Office, is the ICE official responsible for the enforcement and administration of the immigration laws within this Field Office, including authority over Petitioner's custody and conditions of supervision. She exercises authority over Petitioner's detention and is sued in her official capacity. *Granados Cabarico v. Noem* (W.D. Tex. Dec. 22, 2025) (Page 3).
11. Respondent **Pamela J. Bondi** is the Attorney General of the United States and is responsible for the administration and enforcement of the immigration laws through the Executive Office for Immigration Review ("EOIR"). She is sued in her official capacity. Similar habeas petitions routinely name the Attorney General as a respondent in challenges to immigration-related detention. See *Patel v. Almodovar* (D.N.J. Oct. 28, 2025) (Page 4).
12. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security ("DHS") and is responsible for the administration and enforcement of the immigration laws, including detention and removal of noncitizens. She is sued in her official capacity. *Torres Maldonado v. Crowley* (N.D. Ill. Oct. 24, 2025) (Page 2); *Flores Pineda v. Simon* (E.D. Va. Oct. 21, 2025) (Page 4).

13. Respondent **Todd M. Lyons** is the Director of U.S. Immigration and Customs Enforcement (“ICE”), a component agency of DHS responsible for civil immigration enforcement, detention, and removal. He is sued in his official capacity. *Torres Maldonado*.

III. JURISDICTION AND VENUE

14. This action arises under the Constitution and laws of the United States, including 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, and 28 U.S.C. § 2241.

15. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331 because Petitioner is presently in custody under color of authority of the United States, and such custody violates the Constitution, laws, or treaties of the United States. Relief is further authorized under the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

16. Petitioner challenges the legality of his present detention and seeks release, or in the alternative, an individualized custody determination. Habeas corpus under 28 U.S.C. § 2241 is the appropriate and exclusive vehicle for this custody challenge.

17. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1391(e) because Petitioner is currently detained within this District, Respondents exercise custody and authority here, most Respondents reside within this jurisdiction, and a substantial part of the events or omissions giving rise to Petitioner’s claims occurred in this District. No real property is involved in this action.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. To the extent administrative remedies are required, Petitioner has exhausted them or such remedies are unavailable, futile, or inadequate to address the legality of his detention.

19. Petitioner has fully cooperated with ICE supervision for years and has not delayed or obstructed removal. He has not been provided meaningful notice of the basis for his present detention, the alleged revocation of his supervision, or an opportunity to be heard consistent with ICE's own regulations and the Due Process Clause.

20. No administrative process exists that can provide the relief sought here—namely, a judicial determination that his detention is unlawful and an order of release. Petitioner's only adequate remedy is this judicial action.

V. STATEMENT OF FACTS

21. Petitioner entered the United States as a child and has remained in the United States continuously for more than fifty years. He has lived openly, worked for decades, maintained community ties, and supported his family.

22. Petitioner has had no significant criminal issues since approximately 2000. To the extent he has any prior criminal history, it is remote in time and does not establish that he is presently dangerous. Moreover, he was released on Order of supervision and has appeared for his check-ins for 22 years. Nothing changed from 2003 to now, despite the DHS's administration.

23. An Immigration Judge entered a final order of removal on May 8, 2003. Despite the existence of that order, ICE did not remove Petitioner. Instead, ICE placed him under an order of supervision and required him to report periodically.

24. Over many years, Petitioner complied with ICE reporting and supervision. ICE repeatedly instructed him that he was in compliance and to continue reporting as directed. Petitioner relied on these representations and his long history of supervision.
25. On or about October 27, 2025, ICE apprehended Petitioner while he was coming home from work and driving his work truck. Petitioner believes that he was singled out because he was carrying a ladder, consistent with his occupation as an electrician. He committed no traffic violations and presented his driver's license. ICE agents arrived on scene shortly after the police contacted them. No tickets were received by the Petitioner. Since that date, Petitioner has remained in ICE custody.
26. When Petitioner entered ICE custody, officers attempted to deport him to Mexico and pressured him to sign paperwork. Petitioner did not sign the paperwork and was not told that Mexico had in fact accepted him to live there as a legal permanent resident. He has no ties to Mexico and was not offered an opportunity to establish his fear to be sent to Mexico.
27. ICE has not removed Petitioner to Cuba or any other country and has not provided a lawful, realistic, and imminent removal plan. Upon information and belief, ICE has not secured, and has not shown any meaningful progress toward securing, travel documents from Cuba or any third country willing to accept Petitioner.
28. ICE's own conduct over the past two decades—releasing Petitioner under supervision for more than twenty years rather than removing him—demonstrates that removal has not been, and is not now, significantly likely in the reasonably foreseeable future.
29. ICE has not provided Petitioner meaningful process regarding his current detention. He was not served with clear written notice explaining that his release under supervision was revoked, the reasons for revocation, or the evidence supporting any alleged violation of supervision conditions.

30. Petitioner was not promptly afforded an informal interview to respond to the stated reasons for detention and revocation, as required by ICE's regulations, and has not received any individualized, on-the-record determination that his continued detention is necessary to prevent flight or danger.

31. Petitioner's continued detention is causing severe hardship. His wife suffers from cancer-related limitations, dizziness, and an inability to work, and she depends on Petitioner for critical care and support. Petitioner's diabetes requires consistent medication and medical stability that detention jeopardizes.

32. Petitioner poses no danger to the community and is not a flight risk. His decades of compliance with ICE supervision, absence of recent criminal conduct, strong family and community ties, and lengthy residence in the United States demonstrate that detention is unnecessary to ensure his appearance or protect public safety.

33. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future. Petitioner can therefore show "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," and the burden shifts to the government to rebut that showing with evidence of such likelihood.

VI. LEGAL FRAMEWORK

34. The Fifth Amendment guarantees due process to noncitizens in detention and removal contexts. Freedom from arbitrary government detention lies at the core of the liberty the Due Process Clause protects.

35. Post-order detention authority is governed by 8 U.S.C. § 1231. While § 1231(a)(6) permits detention beyond the 90-day removal period in certain circumstances, the Supreme Court

has held that the statute must be read to contain constitutional limits. Once removal is no longer reasonably foreseeable, continued detention is not authorized by statute.

36. Under controlling precedent, after six months of post-removal-order detention, detention becomes presumptively unreasonable unless the government can demonstrate a significant likelihood of removal in the reasonably foreseeable future. The six-month period serves as a guideline; courts retain authority to intervene earlier where the record shows that removal is not reasonably foreseeable.

37. ICE's regulations provide procedures when ICE revokes release under supervision. Upon revocation, the person must be notified of the reasons for revocation, and the person must be afforded a prompt initial informal interview after return to custody to respond. 8 C.F.R. § 241.4(l)(1).

38. Civil immigration detention may serve only legitimate nonpunitive purposes such as preventing flight and mitigating danger, and it must be accompanied by adequate procedural protections. When detention no longer serves those purposes, or when it is imposed without required procedures, it violates both statutory and constitutional constraints.

39. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the post-order detention of noncitizens becomes presumptively unreasonable after six months unless the government can demonstrate a significant likelihood of removal in the reasonably foreseeable future¹. The Court was clear, however, that the six-month period is not a strict jurisdictional bar to judicial review—it is a guideline for reasonableness². As such, courts retain discretion to consider habeas petitions filed before the six-month period elapses if the facts show that removal is not reasonably foreseeable.

40. This principle has been reaffirmed by several courts. In *Bah v. Cangemi*, 489 F. Supp. 2d 905, 920 (D. Minn. 2007), the court held that “while six months marks the beginning of the

¹ See also *Rodriguez v. Robbins* (9th Circuit 2015) (Page 31).

² *Zadvydas v. Davis*, 533 US 678 (2001) (Page 3).

presumptively unreasonable period, it does not mark the beginning of federal court jurisdiction.” Similarly, in *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002), the Eleventh Circuit emphasized that the six-month period under *Zadvydas* is merely a guideline, not a jurisdictional requirement.

41. Petitioner’s situation closely aligns with the facts in *Zadvydas* and similar cases, such as *Sopo v. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016), and *Singh v. Att’y Gen.*, 945 F.3d 1310 (11th Cir. 2019), where detention without a viable removal plan was held to be unconstitutional.

42. Moreover, the circumstances surrounding Petitioner’s detention—namely, his sudden arrest after more than a decade of full compliance with ICE supervision and his ongoing separation from his U.S. citizen wife and children—strongly suggest that the detention is punitive, not administrative. Detention under § 241 of the INA must be tethered to the purpose of effectuating removal. Where, as here, that purpose is illusory or nonexistent, continued detention violates substantive due process³.

43. In light of the government’s failure to provide any legitimate path toward removal, and considering Petitioner’s extensive equities and compliance history, judicial intervention is warranted now. Courts are empowered to act where removal is not reasonably foreseeable, even if six months have not yet passed since the initial detention.

VII. CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE FIFTH AMENDMENT

(SUBSTANTIVE AND PROCEDURAL DUE PROCESS)

44. Petitioner realleges and incorporates the paragraphs above.

45. Petitioner has a constitutionally protected liberty interest in freedom from arbitrary civil detention. His continued detention is arbitrary and punitive, untethered to any legitimate civil

³ See also: *Clark v. Martinez* (1/12/05, 543 U.S. 371) (Page 17) and *Johnson, et al. v. Guzman Chavez, et al.* [6/29/21, 594 U.S.] (Page 8).

purpose, and grossly disproportionate given his decades of supervision and compliance, absence of recent criminal conduct, and lack of individualized justification.

46. Substantive due process. Because removal is not significantly likely in the reasonably foreseeable future, continued detention does not further the purported civil goals of ensuring removal or protecting the community. Detention based on speculative or remote removal is unreasonable and excessive in relation to any legitimate governmental objective.

47. The government cannot justify Petitioner's detention as necessary to prevent flight where he has a lengthy record of reporting and compliance, strong family and community ties, and no incentive to abscond. Detention based on "flight risk" is weak or nonexistent where removal is not reasonably foreseeable.

48. Nor can the government justify his detention based on dangerousness, as Petitioner has no recent criminal issues and the government has made no individualized finding of danger supported by evidence or adequate procedures.

49. Procedural due process. ICE has failed to provide Petitioner with basic procedural protections. He was not given timely written notice of any alleged violations or the basis for revoking his supervision; he was not promptly afforded an informal interview to respond; and he has not received a meaningful, individualized custody determination with an opportunity to be heard. *See Garcia-Aleman v. Thompson*, SA-25-CV-886-OLG (HJB).

50. ICE's failure to follow its own mandatory regulations governing revocation of release under supervision further violates procedural due process by depriving Petitioner of the procedures that create and protect his liberty interest in conditional release.

51. Because ICE has not followed legally required procedures and has not shown a legitimate basis for Petitioner's detention, his continued confinement violates the Due Process Clause of the Fifth Amendment.

COUNT II
UNLAWFUL DETENTION UNDER 8 U.S.C. § 1231(a)(6)
AS CONSTRUED BY SUPREME COURT PRECEDENT

52. Petitioner realleges and incorporates the paragraphs above.

53. Under controlling Supreme Court precedent, detention under 8 U.S.C. § 1231(a)(6) beyond the removal period is limited to the time reasonably necessary to effectuate removal. Once there is no significant likelihood of removal in the reasonably foreseeable future, continued detention is not authorized by the statute.

54. Petitioner has shown good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. ICE maintained him on supervision for more than twenty years rather than removing him, attempted to coerce him into signing paperwork for removal to a country that is not his own, and has not identified a viable receiving country or secured travel documents.

55. Upon information and belief, the government cannot rebut Petitioner's showing with evidence that there is a significant likelihood of removal in the reasonably foreseeable future.

56. Because Petitioner's removal is not significantly likely in the reasonably foreseeable future, his continued detention exceeds the statutory authority of 8 U.S.C. § 1231(a)(6) as properly construed and violates due process.

COUNT III
VIOLATION OF 8 C.F.R. § 241.4(l)
(REVOCATION OF RELEASE WITHOUT REQUIRED PROCEDURES)

57. Petitioner realleges and incorporates the paragraphs above.

58. ICE regulations governing post-order detention and supervision require that when ICE revokes a noncitizen's release under an order of supervision and returns the person to custody, ICE

must provide written notice of the reasons for revocation and afford a prompt initial informal interview to allow the person to respond. 8 C.F.R. § 241.4(l)(1).

59. ICE failed to provide Petitioner with timely written notice of the revocation of his supervision, failed to set forth reasons supported by evidence, and failed to afford him the prompt informal interview required by regulation.

60. ICE's failure to follow its own binding regulations renders Petitioner's continued detention unlawful and, because these procedures protect a liberty interest in conditional release, independently violates the Due Process Clause.

61. To the extent applicable, ICE's noncompliance is also arbitrary, capricious, an abuse of discretion, and "not in accordance with law" and "without observance of procedure required by law" within the meaning of the Administrative Procedure Act.

VIII. REQUEST FOR PRELIMINARY AND INJUNCTIVE RELIEF

62. Petitioner seeks preliminary injunctive relief, including, as appropriate, a temporary restraining order, to prevent ongoing irreparable harm while this Court adjudicates his claims.

63. Likelihood of success on the merits. For the reasons set forth above, Petitioner is likely to succeed on his claims that his continued detention violates the Fifth Amendment, exceeds statutory authority under 8 U.S.C. § 1231(a)(6) as construed by the Supreme Court, and contravenes mandatory regulations at 8 C.F.R. § 241.4(l).

64. Irreparable harm. Petitioner suffers from diabetes requiring continuous medication and monitoring. Detention threatens his medical stability and exposes him to conditions that risk serious deterioration in his health. His spouse is battling breast cancer, cannot work, and depends on Petitioner for essential care and support. Continued detention inflicts severe, ongoing harm on

both Petitioner and his medically vulnerable spouse that cannot be adequately remedied by money damages.

65. The ongoing deprivation of constitutional rights, including the right to be free from unlawful detention without due process, constitutes irreparable harm as a matter of law.

66. Balance of equities. The equities strongly favor Petitioner. His release under reasonable conditions of supervision would not harm the government, particularly in light of his decades of compliance and strong community ties. By contrast, detention imposes profound human and medical costs on Petitioner and his family.

67. Public interest. The public interest is served by adherence to constitutional and statutory limits on detention, government compliance with its **own** regulations, and the use of the least restrictive means necessary to ensure appearance and community safety. Release under supervision of a long-time resident who poses no danger accords with these interests.

68. Petitioner therefore respectfully requests that this Court (1) restrain Respondents from transferring him outside the Western District of Texas or removing him from the United States while this action is pending; and (2) order his immediate release under reasonable conditions of supervision, no more restrictive than those in place before his recent ICE detention.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Issue an order directing Respondents to show cause why the writ should not be granted pursuant to 28 U.S.C. § 2243;
- C. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from ICE custody under the same conditions of supervision or parole;

- D. Enjoin Respondents from continuing Petitioner's detention absent a lawful, realistic removal plan and full compliance with 8 C.F.R. § 241.4(l) and applicable due process requirements;
- E. Enjoin Respondents from transferring Petitioner outside the Western District of Texas or removing him from the United States during the pendency of this action;
- F. Alternatively, request that Respondents explain why this case should be treated differently from other cases in this District and in other federal districts involving alleged violations of Orders of Supervision, prolonged detention, and the absence of a viable removal plan;
- G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on February 4th, 2026.

/s/ Georgia Santos Laurent
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VERIFICATION OF COUNSEL

I, Georgia Santos Laurent, 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.

February 4th, 2026.

/s/ Georgia Santos Laurent
Georgia Santos Laurent
Attorney for Petitioner
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CERTIFICATE OF SERVICE

I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF system, which will send notice to all registered counsel of record.

February 4th, 2026.

/s/ Georgia Santos Laurent

Georgia Santos Laurent

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