

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

LUIS ALBERTO DE LA CRUZ MORA,
Petitioner,

v.

4-26 CV-122-P

WARDEN, PRAIRIELAND DETENTION CENTER,
Respondent.

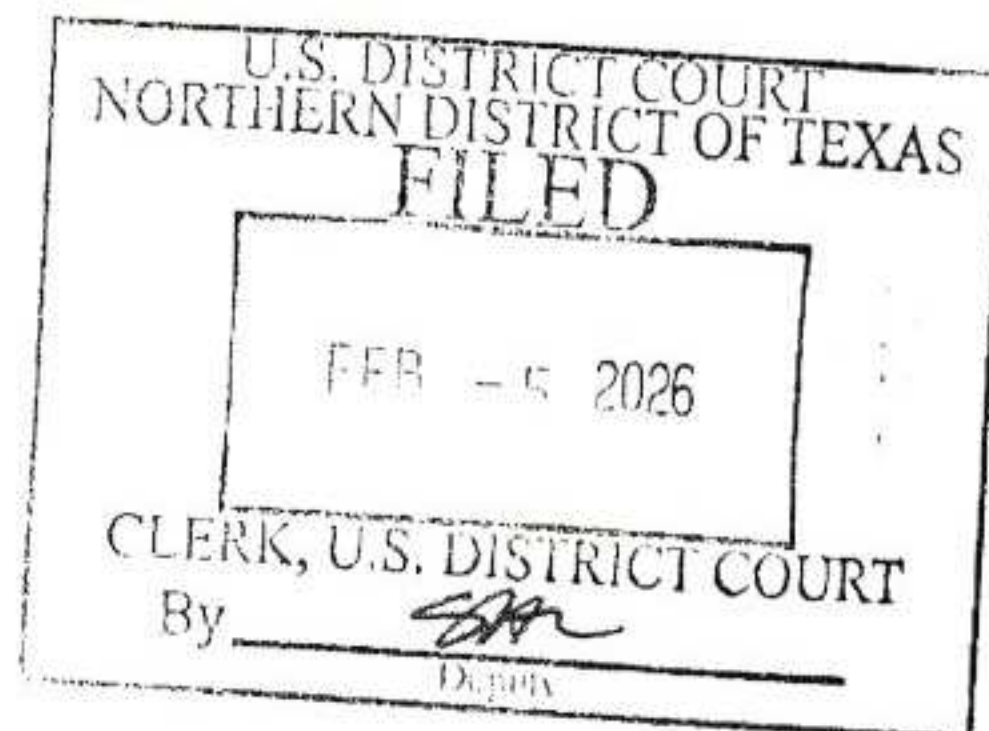
EMERGENCY MOTION FOR IMMEDIATE RELEASE

(ULTRA EXTENSIVE – FEDERAL JUDGE LEVEL)

COMES NOW Petitioner, LUIS ALBERTO DE LA CRUZ MORA, by and through his Next Friend, MELISSA GONZÁLEZ OLIVERA, and respectfully moves this Honorable Court for an Order of IMMEDIATE RELEASE from unlawful civil immigration detention pursuant to 28 U.S.C. § 2241 and the Court's inherent equitable powers.

I. AUTHORITY AND LEGAL BASIS

Federal courts possess broad authority to order immediate release where detention violates the Constitution or federal law. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Continued detention that is punitive, medically dangerous, or unsupported by individualized findings violates the Due Process Clause of the Fifth Amendment.



II. EMERGENCY NATURE OF THIS MOTION

Petitioner is a 56-year-old Cuban national with serious circulatory and vascular conditions that are not being adequately treated in detention. Each day of continued confinement places Petitioner at substantial risk of permanent injury or death and constitutes irreparable harm.

III. RELEVANT FACTS SUPPORTING IMMEDIATE RELEASE

Petitioner was arrested on November 10, 2025, when he voluntarily appeared for his scheduled ICE check-in. He was detained without a judicial warrant or probable cause.

Petitioner has been denied adequate medical care, medications, and specialist treatment. He has suffered severe weight loss, infections, and worsening circulatory problems.

During transfers, Petitioner was shackled at the hands, waist, and feet and deprived of food and water for over twenty hours. Upon arrival at Prairieland Detention Center, he was forced to sleep on the floor due to extreme overcrowding.

Petitioner has been subjected to racial and xenophobic verbal abuse and threatened with removal or third-country deportation.

IV. LEGAL STANDARD FOR IMMEDIATE RELEASE

Immediate release is warranted where detention is unconstitutional, where conditions are punitive, or where continued custody poses a serious threat to health or life. *Bell v. Wolfish*, 441 U.S. 520 (1979); *Estelle v. Gamble*, 429 U.S. 97 (1976).

V. ARGUMENT

A. Continued Detention Violates Due Process

Detention following a voluntary ICE check-in without individualized findings is arbitrary and unconstitutional.

B. Deliberate Indifference to Serious Medical Needs Requires Release

Failure to provide adequate medical care constitutes deliberate indifference under *Estelle v. Gamble*.

C. Conditions of Confinement Are Punitive

Extreme deprivation of food, water, and humane treatment violates *Bell v. Wolfish*.

D. No Danger or Flight Risk Exists

Petitioner has no criminal record, strong family ties, and a history of full compliance.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

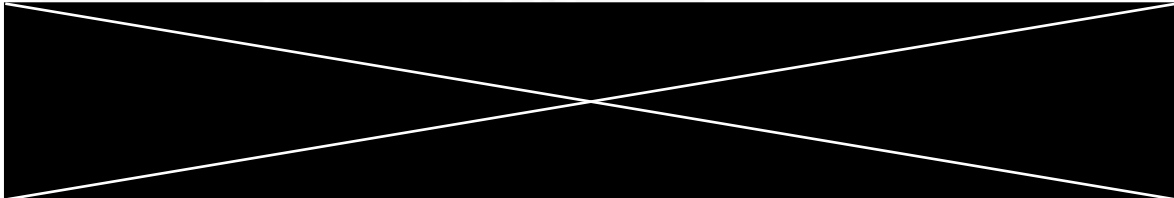
1. Order Petitioner's immediate release from ICE custody;
2. In the alternative, order release under appropriate conditions;
3. Grant any further relief deemed just and proper.

VII. SIGNATURE

Respectfully submitted,



MELISSA GONZÁLEZ OLIVERA
Next Friend for Petitioner



Date: February, 2, 2026