

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED
FEB 05 2026
JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY ada DEPUTY

HENRY MIGUEL ECHENIQUE PACHECO,
Petitioner,)

v.)

Case No. CIV-26-204-JD

MERRICK B. GARLAND, Attorney General of the United States;)
TAE D. JOHNSON, Acting Director, ICE;)
WARDEN, DIAMONDBACK CORRECTIONAL FACILITY,)
Respondents.)

ULTRA-EXTENSIVE FEDERAL PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241

Petitioner Henry Miguel Echenique Pacheco, by and through his Next Friend, Esther Nohemi Gómez Barrios, respectfully submits this ULTRA-EXTENSIVE Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. This Petition seeks immediate judicial intervention due to unconstitutional immigration detention, deliberate indifference to serious medical needs, inhumane conditions of confinement, violations of substantive and procedural due process, and irreparable harm to minor children including a United States citizen.

I. INTRODUCTION

This case presents extraordinary and urgent circumstances warranting immediate habeas relief. Petitioner is a non-criminal immigration detainee suffering from severe and documented cardiac disease, subjected to punitive and degrading detention conditions, racial discrimination, food deprivation, and psychological abuse. Continued detention constitutes punishment without trial and creates a substantial risk of death.

II. PARTIES

1. Petitioner: Henry Miguel Echenique Pacheco, A# [REDACTED] Venezuelan national, born [REDACTED]
2. Place of Detention: Diamondback Correctional Facility, Route 2, [REDACTED] Watonga, Oklahoma 73772.
3. Next Friend: Esther Nohemi Gómez Barrios, A# [REDACTED] Venezuelan national, born [REDACTED]

[REDACTED] residing at [REDACTED]

4. Respondents: Merrick B. Garland (Attorney General), Acting ICE Director, and the Warden of Diamondback Correctional Facility.

III. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 and Article III of the United States Constitution. Venue is proper in this District because Petitioner is physically confined within the Western District of Oklahoma. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

IV. STATEMENT OF FACTS

Petitioner lawfully entered the United States on July 14, 2022. On December 22, 2025, Petitioner voluntarily appeared for his routine ICE appointment and was taken into custody without a judicial warrant, individualized assessment, or probable cause.

Petitioner has no criminal history. His detention is purely civil and administrative in nature. Nevertheless, he is subjected to punitive conditions comparable to criminal incarceration.

Petitioner suffers from severe cardiovascular disease and has survived two prior myocardial infarctions. Detention-related stress, inadequate nutrition, dehydration, and denial of appropriate medical monitoring have dangerously weakened his heart and place him at imminent risk of sudden cardiac death.

Petitioner reports systemic racial discrimination and psychological abuse by facility staff, including mockery and demeaning statements suggesting he deserves mistreatment due to his immigration status.

Meals are frequently spoiled, rotten, or nutritionally inadequate. Potable water is rationed and often served hot, contributing to dehydration and weight loss. Petitioner has experienced severe weight loss, depression, anxiety, panic attacks, and emotional deterioration.

Petitioner is the father of two minor children: J [REDACTED] (born [REDACTED])

[REDACTED] and **[REDACTED]** a United States citizen born **[REDACTED]** Detention and potential transfer or removal have caused profound family separation and irreparable emotional harm.

V. LEGAL STANDARD

Habeas relief is appropriate where detention violates the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2241(c)(3).

VI. ARGUMENT

A. Immigration Detention Is Civil and Cannot Be Punitive

Immigration detention is civil, not criminal. Punitive conditions violate due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Bell v. Wolfish*, 441 U.S. 520 (1979).

B. Prolonged Detention Without Individualized Bond Hearing Violates Due Process

The Fifth Amendment requires meaningful individualized review of detention. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018); *Rodriguez v. Marin*, 909 F.3d 252 (9th Cir. 2018).

C. Deliberate Indifference to Serious Medical Needs

Failure to provide adequate medical care violates constitutional protections. *Estelle v. Gamble*, 429 U.S. 97 (1976); *Farmer v. Brennan*, 511 U.S. 825 (1994).

D. Conditions of Confinement Violate Substantive Due Process

Spoiled food, water deprivation, discrimination, and psychological abuse constitute punishment. *Kingsley v. Hendrickson*, 576 U.S. 389 (2015).

E. Irreparable Harm to Minor Children and Family Unity

Government actions that separate families without necessity violate constitutional protections and international norms. *Ms. L. v. ICE*, 310 F. Supp. 3d 1133 (S.D. Cal. 2018).

F. Transfer or Removal Would Cause Irreparable Harm

Courts routinely enjoin transfer or removal during pending habeas proceedings. *Nken v.*

Holder, 556 U.S. 418 (2009).

VII. REQUEST FOR EMERGENCY RELIEF

Petitioner respectfully requests:

1. Immediate release from ICE custody;
2. Alternatively, an immediate individualized bond hearing;
3. Temporary restraining order prohibiting transfer or removal;
4. Medical evaluation by independent cardiology specialists;
5. Any other relief deemed just and equitable.

VIII. VERIFICATION AND SIGNATURE

I, Esther Nohemi Gómez Barrios, as Next Friend of Petitioner, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Esther GB

Esther Nohemi Gómez Barrios

Next Friend of Petitioner

Date: 01/31/2026