

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 05 2026

HENRY MIGUEL ECHENIQUE PACHECO,
Petitioner,)

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY naa, DEPUTY

v.) Case No. _____
)

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

EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner Henry Miguel Echenique Pacheco, by and through his Next Friend, Esther Nohemi Gómez Barrios, respectfully moves this Honorable Court for an Order granting his Immediate Release from immigration detention. This Motion is filed in conjunction with Petitioner's pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

I. INTRODUCTION AND EMERGENCY NATURE

This is an emergency motion. Petitioner is a non-criminal civil immigration detainee with a documented history of severe cardiac disease, including two prior myocardial infarctions. Continued detention under current conditions presents a substantial and imminent risk of serious injury or death.

II. RELEVANT FACTS

Petitioner voluntarily appeared at his regular ICE appointment on December 22, 2025, and was taken into custody without a judicial warrant or individualized determination of necessity.

Petitioner has no criminal record and does not pose a danger to the community or a flight risk.

Petitioner suffers from severe heart disease aggravated by detention stress, malnutrition, dehydration, and lack of adequate medical monitoring. He has experienced significant weight loss, anxiety, depression, and panic attacks.

Conditions at Diamondback Correctional Facility include spoiled or nutritionally inadequate food, rationed and non-potable water, racial discrimination, and psychological abuse.

III. LEGAL STANDARD

Federal courts possess inherent authority to order release where continued detention violates constitutional protections. See 28 U.S.C. § 2241; *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001).

IV. ARGUMENT

A. Continued Detention Violates Due Process

Immigration detention is civil in nature and cannot be punitive. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner's detention has become excessive and punitive.

B. Deliberate Indifference to Serious Medical Needs

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

C. Immediate Release Is the Only Adequate Remedy

No conditions of confinement can mitigate the substantial risk to Petitioner's life. Courts routinely grant release where detention threatens serious medical harm. See *Basank v. Decker*, 449 F. Supp. 3d 205 (S.D.N.Y. 2020).

V. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Order Petitioner's immediate release from ICE custody;
2. Alternatively, order release under reasonable conditions of supervision;
3. Grant any other relief deemed just and proper.

VI. VERIFICATION AND SIGNATURE

I, Esther Nohemi Gómez Barrios, 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.