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PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)
PRO SE – NEXT FRIEND
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

ELIESER ORTA BOLAÑOS, Petitioner, as Next Friend of LÁZARO ELIESMEL ORTA BOLAÑOS (A#  v.	Case No: _____ 1:26-cv-058-H Judge: _____
WARDEN / SUPERINTENDENT, Bluebonnet Detention Facility U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) ICE FIELD OFFICE DIRECTOR (ERO)	

VI. GROUNDS FOR RELIEF

A. Improper Classification Under Mandatory Detention (INA §236(c))

ICE has classified Petitioner under mandatory detention without a proper legal basis. Petitioner's criminal disposition — unlawful restraint with deferred adjudication — does not categorically qualify as an offense requiring mandatory detention under INA §236(c). Mandatory detention statutes must be narrowly interpreted. When the offense does not clearly fall within the statutory categories of a crime of violence or crime involving moral turpitude (CIMT), detention without a bond hearing is unlawful. ICE's refusal to permit a bond hearing based solely on this classification constitutes legal error.

B. Violation of the Fifth Amendment – Lack of Due Process

The Fifth Amendment guarantees procedural protections in civil immigration detention. Petitioner has no final order of removal, has a pending asylum application, and has not received an individualized bond hearing. Detention without review by a neutral decision-maker violates procedural due process. Civil detention cannot be automatic or indefinite without an opportunity to contest custody.

C. Civil Detention Has Become Punitive

Immigration detention is civil, not criminal. However, when detention is automatic, lacks individualized review, and occurs without a final order, it becomes punitive in effect, exceeding the government's civil authority. Petitioner is pursuing lawful relief and is not serving a criminal sentence.

D. Lack of Individualized Custody Determination

Petitioner has never had the opportunity to show he is not a flight risk and not a danger to the community. He has a U.S. citizen child, a U.S. citizen brother sponsor, stable housing, and a pending asylum claim. Yet ICE denied any meaningful custody review.

E. Equities Weigh in Favor of Release

Petitioner is father of a U.S. citizen child, has strong family support, has no violent conviction, and is pursuing asylum. Humanitarian and equitable factors support release under supervision.

VII. PRAYER FOR RELIEF


Petitioner respectfully requests an individualized bond hearing before a neutral decision-maker, OR release under reasonable supervision, and any further relief the Court deems just and proper.

Executed: January 24, 2026



Eliaser Orta Bolaños - Petitioner (Next Friend)

CERTIFICATE OF SERVICE
PRO SE - NEXT FRIEND
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

ELIESER ORTA BOLAÑOS, Petitioner, as Next Friend of LÁZARO ELIESMEL ORTA BOLAÑOS (A )	Case No:
v. WARDEN, BLUEBONNET DETENTION FACILITY; DHS; ICE; ICE FIELD OFFICE DIRECTOR (ERO)	Judge:

I hereby certify that a true and correct copy of the Petition for Writ of Habeas Corpus, Motion for Order to Show Cause, and all supporting documents were served on the following: U.S. Attorney's Office Northern District of Texas Office of Chief Counsel U.S. Immigration and Customs Enforcement (ICE) Service was made by mail or electronic service in accordance with court rules.

Executed, January 24, 2026



Elieser Orta Bolaños - Petitioner (Next Friend)