

JUDGE KATHLEEN CARDONE

United States District Court
Western District of Texas

LEÓN ALFREDO GUTIÉRREZ RUBIO

A-Number: 

Petitioner,

v.

WARDEN, ERO EL PASO CAMP EAST – MONTANA,

and

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. §2241)

I. JURISDICTION

This Court has jurisdiction under 28 U.S.C. §2241 because the Petitioner is currently in federal immigration detention.

II. FACTUAL BACKGROUND

Petitioner has been detained for five (5) months.

Seven (7) immigration court hearings have been scheduled and not a single one was held because ICE failed to transport him.

His hearings scheduled for February 3 and February 4, 2026 were also not honored.

The next hearing is far in the future, creating prolonged and indefinite detention.

III. FAMILY AND HUMANITARIAN FACTORS

Filed by Heimary Hernández, wife and next friend, mother of four minor children suffering severe hardship.

IV. LEGAL GROUNDS

This prolonged and indefinite detention violates the Fifth Amendment Due Process Clause.

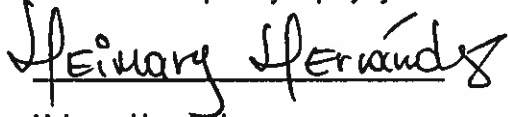
V. REQUEST FOR RELIEF

FILED
FEB 06 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

EP 26CV0369

Petitioner respectfully requests immediate release or, in the alternative, an immediate bond hearing.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, reading "Heimary Hernández", written over a horizontal line.

Heimary Hernández

Wife and Next Friend of Petitioner

Mother of four (4) minor children

United States District Court

Western District of Texas – El Paso Division

Re: León Alfredo Gutiérrez Rubio

A-Number: 

DECLARATION IN SUPPORT OF HABEAS CORPUS

My name is Heimary Hernández, wife of León Alfredo Gutiérrez Rubio, and mother of our four (4) minor children.

My husband has been detained by ICE for almost five months.

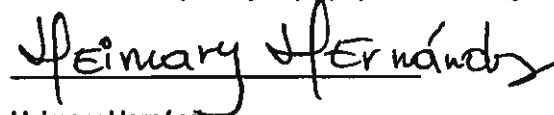
Seven immigration hearings have been scheduled and none have been held because ICE failed to transport him.

We have sent multiple letters and emails asking for help and never received any response.

Our children are suffering without their father.

We ask the Court to order his immediate release or, at a minimum, an immediate bond hearing.

I declare under penalty of perjury that the foregoing is true and correct.



Heimary Hernández

Wife and Next Friend of Petitioner

Mother of four (4) minor children