

**EMERGENCY PETITION FOR WRIT OF HABEAS
CORPUS**

(28 U.S.C. § 2241)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 06 2026

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA
BY _____ *JK* _____ DEPUTY

JOHANNA AMESTY-ARRIETA

A-Number: A 

Petitioner,

v.

Warden, Diamondback Correctional Facility;
Director, U.S. Immigration and Customs Enforcement (ICE);
Secretary, Department of Homeland Security (DHS),
Respondents.

**EMERGENCY HABEAS CORPUS – DETAINEE
IMMEDIATE JUDICIAL REVIEW REQUESTED**

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I. JURISDICTION

1. This Court has jurisdiction pursuant to **28 U.S.C. § 2241** because Petitioner is in federal custody under the authority of U.S. Immigration and Customs Enforcement (“ICE”) and is currently detained at **Diamondback Correctional Facility**.
2. This Petition challenges the **legality and constitutionality** of Petitioner’s continued civil immigration detention in violation of the **Fifth Amendment** to the United States Constitution.

II. PARTIES

3. Petitioner, **Johanna Amesty-Arrieta** (A ) is a non-citizen currently detained by ICE.

4. Respondents are federal officials responsible for Petitioner's custody and detention, including the Warden of Diamondback Correctional Facility, the Director of ICE, and the Secretary of DHS.

III. STATEMENT OF FACTS

5. Petitioner has been in ICE custody since **December 13, 2025**.
6. Since her detention, Petitioner has been **transferred between two different detention facilities**, causing instability, emotional distress, and interference with family unity.
7. Prior to this detention, Petitioner had been **released under ICE supervision and fully complied** with all reporting requirements and conditions imposed upon her.
8. Petitioner **never violated** the terms of her prior release. Her current detention constitutes a **re-detention**, imposed without any individualized finding of danger or flight risk.
9. Petitioner is the **mother of a 12-year-old minor child**, who was left without her primary caregiver as a direct result of Petitioner's detention.
10. Since Petitioner's detention, her minor daughter has been under the care of her **adult older sister**, who has assumed responsibility for the child while also being required to work to provide for household expenses and the child's educational needs.
11. This arrangement has placed an **extraordinary burden** on the older sister and has caused **significant emotional distress, instability, and hardship** for the minor child, who is suffering emotionally and academically due to the sudden separation from her mother.
12. Petitioner poses **no danger to the community and no risk of flight**, as demonstrated by her full compliance with ICE supervision prior to detention.

IV. TPS ALLIANCE MEMBERSHIP AND FEDERAL COURT PROTECTION

13. Petitioner is a documented member of the **National TPS Alliance**.

14. Petitioner was **approved for Temporary Protected Status (TPS) in 2023**, which qualifies her for protection under the federal court order issued by the Honorable Edward M. Chen on **December 10, 2025**.
15. Judge Chen's order expressly **prohibits the detention and removal of covered TPS beneficiaries** while the order remains in effect.
16. ICE has **actual and constructive notice** of Petitioner's TPS status and TPS Alliance membership.
17. ICE's continued detention of Petitioner **directly violates** Judge Chen's binding federal court order and is therefore **unlawful, arbitrary, and ultra vires**.

V. FAMILY UNITY AND HUMANITARIAN CONSIDERATIONS

18. Petitioner is the **sole primary caregiver** of her 12-year-old daughter.
19. Petitioner's continued detention has caused **irreparable harm** to her child, who has been deprived of parental care, emotional stability, and consistent supervision.
20. The minor child is currently dependent on her **older sister**, who is not the child's legal parent and who faces significant financial and personal strain as a result of Petitioner's detention.
21. The government has failed to consider the **best interests of the minor child**, despite the availability of less restrictive alternatives to detention.
22. Family unity and humanitarian considerations strongly favor Petitioner's **immediate release**.

VI. LEGAL CLAIMS

23. Petitioner's continued detention violates the **Due Process Clause of the Fifth Amendment** because it is arbitrary, excessive, and not reasonably related to any legitimate governmental purpose.
24. Re-detention after full compliance with prior supervision, without individualized findings, is unconstitutional.
25. ICE's failure to comply with the **binding federal court order issued by Judge Edward M. Chen on December 10, 2025**, independently renders Petitioner's detention unlawful.
26. Less restrictive alternatives to detention were and remain available, including continued release under supervision.

27. Civil immigration detention is non-punitive in nature; under these circumstances, Petitioner's detention has become **punitive, excessive, and unconstitutional**.

VII. IRREPARABLE HARM AND EMERGENCY NATURE

28. Petitioner and her minor child face **ongoing and irreparable harm** each day Petitioner remains detained.

29. Monetary damages cannot remedy the constitutional violations, the trauma to the child, or the destruction of family unity.

30. This Petition therefore presents an **emergency** requiring immediate judicial intervention.

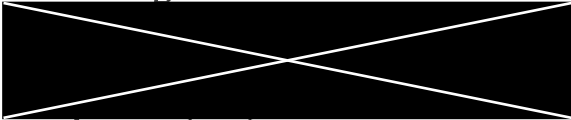
VIII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant this **Emergency Petition for Writ of Habeas Corpus**;
- B. Order Petitioner's **immediate release from ICE custody**, under appropriate conditions if deemed necessary;
- C. Enjoin Respondents from continuing to unlawfully detain Petitioner; and
- D. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

ANGEL CELESTE CALZADILLA
Older Daughter of the Petitioner – Pro Se

A black rectangular box with a white 'X' drawn across it, used to redact the signature of the petitioner.

On behalf of: **Johanna Amesty-Arrieta**

JAN 22 2026

Date: Angel Celeste Calzadilla