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PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

KM

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

CARLOS LEANDRO DÍAZ FUENMAYOR,
A# [REDACTED]
Petitioner,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),
Respondent.

3-26CV0341-S

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's detention.
2. Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) at the Limestone Detention Center in Groesbeck, Texas, which is within the jurisdiction of this Court.
3. Petitioner challenges the legality and constitutionality of his prolonged immigration detention.

II. PARTIES

4. Petitioner, Carlos Leandro Díaz Fuenmayor, is a citizen of Venezuela currently detained by ICE while his immigration proceedings remain pending.
5. Petitioner has no criminal convictions and is not subject to mandatory detention under INA § 236(c).
6. This Petition is submitted by María José Martell, a non-attorney, acting solely as "Next Friend" for Petitioner pursuant to his written authorization, for purposes of filing this

habeas corpus petition only, due to Petitioner's current detention which limits his ability to access this Court directly.

7. Respondent is U.S. Immigration and Customs Enforcement (ICE), the federal agency responsible for Petitioner's custody.

III. FACTS

8. Petitioner entered the United States seeking asylum and protection.

9. Petitioner's asylum case is currently pending before the Immigration Court, and no final decision has been issued.

10. Despite the lack of a final decision in his immigration case, ICE continues to detain Petitioner.

11. Petitioner has been detained for a prolonged and unreasonable period of time without a meaningful individualized review of his custody status.

12. ICE has failed to provide sufficient justification for Petitioner's continued detention.

13. Petitioner does not pose a danger to the community and is not a flight risk.

IV. LEGAL ARGUMENT

14. Prolonged civil immigration detention without adequate procedural safeguards violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

15. Immigration detention must be reasonable in duration and supported by individualized findings, not automatic or indefinite confinement.

16. Continued detention without a meaningful opportunity for release on bond or judicial review is unlawful and unconstitutional.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a Writ of Habeas Corpus ordering Respondent to show cause why Petitioner should remain detained;

B. Order Petitioner's immediate release from custody; or, in the alternative,

C. Order a prompt and individualized bond hearing before an Immigration Judge;

D. Grant any other relief the Court deems just and proper.

Respectfully submitted,

Submitted by Next Friend (non-attorney):

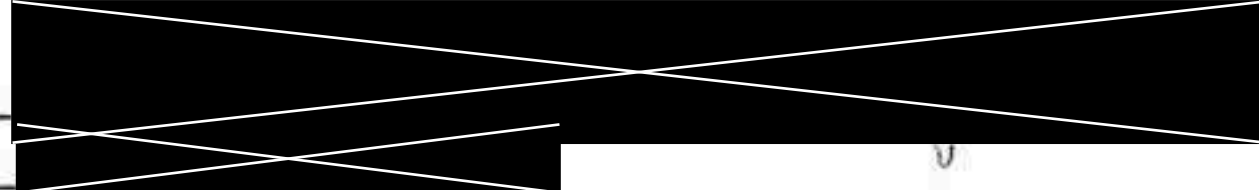
María José Martell
Next Friend for Carlos Leandro Díaz Fuenmayor

Martell

Address: _____

Phone: _____

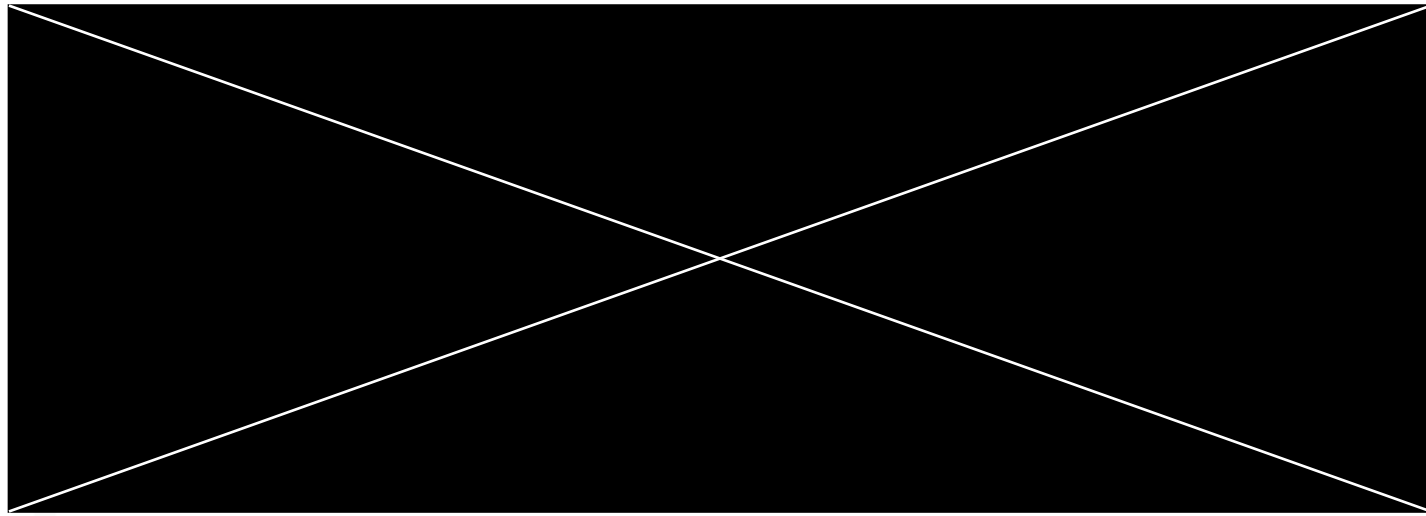
Email: _____



Texas 75025

Date: 2-9-26

Carlos Leandro Díaz Fuenmayor



Casa

STATEMENT AND AUTHORIZATION OF DETAINEE

(NEXT FRIEND AUTHORIZATION)

I, Carlos Leandro Díaz Fuenmayor, a Venezuelan national, identified by alien number A# [REDACTED] currently detained at the Limestone Detention Center, located in Groesbeck, Texas, declare under penalty of perjury the following:


1. I am currently in the custody of U.S. Immigration and Customs Enforcement (ICE) while my immigration proceedings and application for political asylum remain pending before the United States Immigration Court.
2. To date, no final decision has been issued on my political asylum case.
3. I confirm that I have no criminal record or any other record that would make me ineligible for a review of my detention or for a bond hearing.
4. I hereby expressly, voluntarily, and knowingly authorize Maria José Martell to act on my behalf as my "Next Friend," and to prepare, sign, and file a Petition for Writ of Habeas Corpus (28 U.S.C. § 2241) before a United States Federal Court, in order to request a review of the legality of my current detention.
5. I grant this authorization due to my detention status, which limits my ability to freely access the federal court on my own.

I declare that I sign this authorization freely, with full knowledge of its contents, and that everything stated herein is true and correct to the best of my knowledge and belief.

—
Signed at: Limestone Detention Center, Groesbeck, Texas
Date: 01-26-26

Signature of Detainee: Carlos Díaz
Full Name: Carlos Leandro Díaz Fuenmayor
Alien Number: A# [REDACTED]

AFFIDAVIT

I, **Carlos Leandro Diaz Fuenmayor**, Alien Number A  hereby declare under oath the following:

1. I am a citizen of Venezuela and I entered the United States in December 2023.
2. From the time of my entry into the United States until October 2025, I fully complied with all required check-ins and appointments with U.S. Immigration and Customs Enforcement (ICE).
3. On **October 6, 2025**, at approximately **6:00 a.m.**, I appeared as required for my ICE check-in appointment. At that time, I was taken into custody and detained without eligibility for bond.
4. Since that date, I have remained detained at **Limestone Detention Center** in Groesbeck, Texas, resulting in a period of prolonged detention exceeding four months.
5. During my detention, I have experienced serious psychological harm, including severe anxiety and depression. Due to the stress of this situation, I have required medication in order to sleep and manage my mental health.
6. My detention has caused significant hardship to my family, both emotionally and financially. I am the primary financial provider for my household and I also provide financial support to my elderly and ill parents.
7. I have no criminal record, I do not pose a danger to the community, and I am not a flight risk. I respectfully seek release from detention while my immigration proceedings continue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 01-26-26

Signature: Carlos Diaz
Carlos Leandro Diaz Fuenmayor

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: CARLOS LEANDRO DIAZ FUENMAYOR

A-File Number: [REDACTED]

Date: 12/28/2023

Event ID: [REDACTED]

Subject ID: [REDACTED]

FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- Detained by the Department of Homeland Security.
- Released (check all that apply):
 - Under bond in the amount of \$ _____
 - On your own recognizance.
 - Under other conditions. [Additional document(s) will be provided.]

ARMANDO GUTIERREZ
Name and Signature of Authorized Officer

ARMANDO GUTIERREZ JR
Date: 2023.12.28 16:39 -07:00
0061344314 CBP

12/28/2023 1609
Date and Time of Custody Determination

Acting/Patrol Agent in Charge
Title

El Paso, Texas
Office Location/Address

You may request a review of this custody determination by an immigration judge.

- I acknowledge receipt of this notification, and
 - I do request an immigration judge review of this custody determination.
 - I do not request an immigration judge review of this custody determination.

Carlos Diaz
Signature of Alien

12/28/2023
Date

The contents of this notice were read to CARLOS LEANDRO DIAZ FUENMAYOR in the SPANISH language.
(Name of Alien) (Name of Language)

GONZALEZ, ERIKA
Name and Signature of Officer

ERIKA I GONZALEZ
Date: 2023.12.28 18:12:57 -07:00
0090314707 CBP

Name or Number of Interpreter (if applicable)

Border Patrol Agent
Title

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: Respondent: CARLOS LEANDRO DIAZ FUENMAYOR currently residing at:

[REDACTED] (Number, street, city, state and ZIP code) [REDACTED] (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near EL PASO, TX , on or about December 23, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

970 BROAD STREET, ROOM 1200 NEWARK NJ 07102

(Complete Address of Immigration Court, including Room Number, if any)

on June 25, 2024 at 04:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

ARMANDO GUTIERREZ
Acting/Patrol Agent in Charge

ARMANDO GUTIERREZ JR
Date: 2023.12.28 19:23:31 -07:00
0061344314.CBP.1

(Signature and Title of Issuing Officer)

Date: December 28, 2023

El Paso, Texas

(City and State)

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [Redacted]
Date: D [Redacted]
Event: [Redacted]

Name: CARLOS LEANDRO DIAZ FUENMAYOR

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.
- You must surrender for removal from the United States if so ordered.
- You must report in (~~writing~~) (person) to AS INDICATED ON THE ATTACHED OREC G-56
(Name and Title of Case Officer)
at _____ on _____ at _____
(Location of DHS Office) (Day of each week or month) (Time)
- You must not change your place of residence without first securing written permission from the immigration officer listed above.
- You must not violate any local, State, or Federal laws or ordinances.
- You must assist the Department of Homeland Security in obtaining any necessary travel documents.
- Other: Employment not authorized

See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

ARMANDO GUTIERREZ JR
Date: 2023.12.28 19:26:56 -07:00
0061344314 CBP.1

(Signature of DHS Official)
ARMANDO GUTIERREZ
Acting/Patrol Agent in Charge
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

ERIKA I. GONZALEZ ERIKA I. GONZALEZ Carlos Diaz 12/28/2023
Date: 2023.12.28 16:07:00
0090314707 CBP
(Signature of Immigration Officer Serving Order) (Signature of Alien) (Date)

Cancellation of Order

I hereby cancel this order of release because: The alien failed to comply with the conditions of release.

The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order) (Date)



DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

OREC G-56

Subject ID: [REDACTED]

File Number: [REDACTED]

Name: CARLOS LEANDRO DIAZ FUENMAYOR

Date: 12/28/2023

Home Address: [REDACTED]

NEW JERSEY 089043327





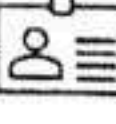
Please present this notice to your local ICE office upon request

OFFICE LOCATION	Find ICE reporting locations by visiting our website at www.ice.gov/check-in or by scanning the below provided QR Code. If you need additional assistance with finding an ICE office location, please contact us at 1-888-351-4024.
DEADLINE	Within 60 days of your release, you must schedule a date to report to your local ICE office using the ICE Appointment Scheduler. Instructions for accessing this Scheduler are listed below.
REQUEST	ICE Deportation Officer for continued processing and consideration for enrollment in ATD.
REASON FOR APPOINTMENT	You have been released into the United States at the discretion of the U.S. Customs and Border Protection and are now subject to certain reporting requirements. Once you schedule a report date with ICE, you will then be required to report in person, as indicated through the scheduler. Once you report to ICE, ICE will evaluate and advise you of future reporting requirements.
BRING WITH YOU	Identification document (birth certificate, government-issued identity documents such as a driver's license or cédula) and all immigration documents.


One Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

FAILURE TO CONTACT THE LOCAL ICE OFFICE AS INSTRUCTED MAY RESULT IN YOUR ARREST AND/OR A LOSS OF THE RIGHT TO ANY POSSIBLE RELIEF. THANK YOU FOR YOUR COOPERATION.

Navigate the ICE Check-in page

-  To find information about ICE office locations, scheduling appointments to appear at an ICE office, check court dates with EOIR and registering a change of address, visit: www.ice.gov/check-in
-  To schedule an appointment (if needed), visit: www.ice.gov/check-in and select "Schedule or Change Appointment"
-  Address changes must be made within 5 business days of moving. To change your address, visit: www.ice.gov/check-in and follow instructions for "Update Address"
-  Bring all your immigration documents to your appointment. 1-94, I-862, or I-385 if you have them.
-  Bring a form of identification to your appointment. Driver's license, passport, or birth certificate if you have them.

Scan for
ICE ERO
Check-In Page



Next Reporting Date:

January 22, 2025 between 11:00 AM and 12:00 PM

Participant reported on N/A. Identity verified through CART. System check show no new/derogatory information.
No wants, no warrants.

For information on an Immigration court case, please go to: <https://acis.coir.justice.gov> or call 800-898-7180.

Please keep this receipt with your records. Store receipt away from sunlight.



ICE



I-220R