

JUDGE DAVID BRIONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
FEB 09 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
CIVIL ACTION NO. DEPUTY CLERK

YENIER CRUZ GONZALEZ

Petitioner,

by and through

HERLIM CRUZ GONZALEZ

Next Friend for Petitioner

Authorized under Power of Attorney

U.S. Army, Active Duty

v.

KRISTI NOEM, Secretary, Department of Homeland Security;

PAMELA BONDI, Attorney General of the United States;

TODD M. LYONS, Acting Director, U.S. Immigration and
Customs Enforcement;

MARY DE ANDA YBARRA, Regional Director, ICE, El Paso,
Texas;

MICHAEL WATKINS, Warden, ERO El Paso East Camp
Montana Detention Center,
Respondents.

EP 26 CV 0390

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

NOTICE REGARDING SERVICE AND CORRESPONDENCE

Petitioner is detained and does not have reliable access to legal mail. Pursuant to a valid Power of Attorney, the undersigned Next Friend is authorized to receive information and correspondence related to this case. The undersigned respectfully requests that the Court send all notices, orders, and correspondence in this matter to the Next Friend at the address listed below. This request is for notice and service only and does not constitute an appearance by legal counsel.

Herlim Cruz Gonzalez (Next Friend for Petitioner)

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I. JURISDICTION AND VENUE

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States in violation of the Constitution and laws of the United States.

Jurisdiction is proper in this Court because Petitioner is physically detained within the Western District of Texas, at ERO El Paso East Camp Montana Detention Center, located in El Paso, Texas, and the immediate custodian responsible for Petitioner's detention is located within this District.

In habeas corpus proceedings under § 2241, jurisdiction lies in the district where the petitioner is confined and where the custodian can be reached by service of process. This Court therefore has jurisdiction to grant effective relief, including ordering Petitioner's release.

Venue is proper in the Western District of Texas, El Paso Division, pursuant to 28 U.S.C. § 1391(e) and traditional habeas principles, because Petitioner is detained in this District, the Warden and ICE officials responsible for Petitioner's custody exercise authority here, and a substantial part of the acts and omissions giving rise to this petition occurred within this District.

Accordingly, this Court has authority to adjudicate this petition and to grant all appropriate habeas relief, including immediate release or other relief necessary to remedy the unlawful detention.

II. INFORMATION ABOUT THE DETAINEE

Name: Yenier Cruz Gonzalez

Country of Origin: Cuba

Alien Registration Number (A-Number): 

Current Place of Detention: ERO El Paso Camp East Montana located at 6920 Digital Road, El Paso, TX 79936.

III. CUSTODY AUTHORITY

Petitioner is currently detained by U.S. Immigration and Customs Enforcement (ICE) under the authority of the ERO El Paso Camp East Montana.

IV. RELEVANT FACTS

A. Immigration History and Prior Release

Yenier Cruz Gonzalez entered the United States on June 16, 2016, under the "Wet Foot, Dry Foot" policy and was admitted into the country with parole at the port of entry in Laredo, Texas. In 2017 was detained for four months, eighteen days in Otero Processing Center by U.S.

Immigration and Customs Enforcement ("ICE") and ordered removed without any type of hearing from the United States on April 12, 2018. But he could not be physically removed to Cuba.

Although there was a 2017 repatriation agreement with Cuba, the United States continued to categorize Cuba as uncooperative following that agreement. However, ICE was unable to effectuate his removal to Cuba due to the Cuban government's refusal to accept him. As a result, ICE released Mr. Cruz Gonzalez from custody and placed him under an order of supervision, acknowledging that removal was not feasible at that time.

The judge credited that time as time served and ordered his release without any charges. Mr. Cruz was placed under supervision. Since then, Mr. Cruz has remained under supervision. He checked in with ICE every year without any missed check-ins.

B. Re-Detention in July 2025

In 2025 Mr. Cruz was victim of a false accusation of domestic violence made by his wife in the county of Hillsborough in FL, a few days after she retracted and wrote a letter to the court saying that it was a fake statement, but at that time Mr. Cruz was on hold by U.S. Immigration and Customs Enforcement ("ICE") on July 13, 2025, in Tampa, Florida.

He was initially transferred to the Alligator Detention Facility, where he remained until August 11, 2025. During his detention, Mr. Cruz suffered a fall from a detention bunk and, due to a recent back surgery performed prior to detention, required emergency hospitalization.

C. Transfers and Prolonged Detention

On August 13, 2025, Petitioner was transferred to the El Paso Processing Center in El Paso, Texas. Since then, Mr. Cruz has been transferred between multiple ICE facilities, including Florida, Arizona, and Texas, without adequate explanation, notice, or transparency regarding the legal basis or anticipated duration of his confinement. His detention has become prolonged, arbitrary, and effectively indefinite.

D. Removal Attempts

Mr. Cruz has been subjected to severe psychological distress caused by coercive, intimidating, and abusive practices by immigration authorities. On multiple occasions, ICE agents attempted to compel Mr. Cruz to cross into Mexico against his will, despite knowing that he is not a citizen of Mexico, does not possess legal status in that country, and has never been issued lawful documentation authorizing entry or residence there.

During at least one such incident, Mr. Cruz was physically transported to a remote border location and instructed to cross into Mexican territory. When he refused, asserting his lack of legal status and fear for his safety, he was threatened with indefinite detention. These actions were taken without due process and outside any lawful removal proceedings.

ICE agents further attempted to coerce Mr. Cruz into accepting removal to other countries, including Costa Rica and Spain, falsely representing that ICE could provide lawful documentation for such removal. These representations were untrue and were used as coercive tactics to compel unlawful self-removal.

Despite repeated inquiries, Mr. Cruz has never received a written decision or explanation regarding the outcome of his 90-day review and the 180-day review; he only remains detained without transparency or procedural safeguards. Mr. Cruz also had a credible fear interview related to be removed to Mexico on December 11, 2025. On December 18, he received a positive credible fear determination. This determination has never been withdrawn, vacated, or reversed.

E. Medical Harm and Health Risks

Petitioners have suffered significant medical harm during detention.

- He has a documented history of back surgery prior to detention.
- He suffered a fall from a detention bunk requiring emergency hospitalization.
- He experienced episodes of severe hypertension, with recorded blood pressure readings as high as 210/140, resulting in multiple canceled transfers due to medical unfitness to travel.
- He was transported on an aircraft carrying individuals suspected of having active tuberculosis without adequate protective measures.

On several occasions in January 2026, medical professionals ordered rest and supervision, and ICE transfer attempts were canceled due to the seriousness of Petitioner's condition. Despite these documented medical risks, he was transferred to a different detention center.

F. Interference with Court Access

On December 22, 2025, a habeas corpus petition was filed on Petitioner's behalf in the Western District of Washington (Case No. 2:25-cv-02663).

Due to frequent transfers, medical instability, and disrupted legal mail, Petitioner was unable to timely receive court correspondence or comply with procedural deadlines. As a direct result, the habeas petition was dismissed **without prejudice**, not on the merits, but due to circumstances beyond Petitioner's control.

These actions materially interfered with Petitioner's right of access to the courts.

After that document was submitted, Mr. Cruz was transferred to Krome North Service Processing Center. On December 29, Mr. Cruz was transferred to the County Police Department in Tampa, Florida. On December 30, 2025, while he was in the process of release, ICE was contacted again and Mr. Cruz was returned to ICE custody and transferred to an ICE facility in Cypress, Tampa, Florida. From there, Mr. Cruz was transferred to the facility commonly known as "Alligator Alcatraz," where he was processed as if newly detained.

Due to the mistreatment and deterioration of health during detention at that facility, Mr. Cruz was subjected to conditions that worsened his physical health, including chest pain and extremely high blood pressure. He required emergency medical evaluation and treatment.

After returning to Krome North SPC on January 5, 2026, ICE attempted twice to transfer Mr. Cruz to Texas; both attempts failed because he was medically unfit to travel. Due to chest pain and high blood pressure, he was sent to Kendall Hospital (U#001174340) where he gets the order of two days of total rest and five under medical supervision. Even in that situation, they made another attempt; medical personnel recorded blood pressure readings as high as 210/140 and canceled the transfer.

Due to repeated and unpredictable transfers, Mr. Cruz has not reliably received legal mail or Court orders. Continued transfers made it impossible to receive Court correspondence on time. Petitioner could not comply with Court deadlines because of detention conditions, lack of stable mail access, and medical instability. For this reason, the last habeas corpus (case number 2:25-cv-02663) submitted was dismissed without prejudice.

On January 25, Mr. Cruz was transferred again to Alligator and from that place on January 26, to the current detention facility ERO El Paso Camp East Montana located at 6920 Digital Road, El Paso, TX 79936.

G. Custody Reviews Without Written Decisions

When Mr. Cruz was detained at El Paso Processing Center, he completed the mandatory ninety (90) day post-order custody review on September 8, 2025. Despite repeated inquiries, Petitioner never received a written decision or explanation.

Mr. Cruz also completed the mandatory one hundred eighty (180) day post-order custody review on December 10, 2025. ICE likewise failed to provide any written determination, explanation, or individualized findings justifying continued detention.

H. Family Separation and Financial Hardship

Petitioner has lived in the United States for over nine (9) years, owns and operates a business known as D' Cruz Electric Service (Document # L19000073254), and is the father of two children residing in the United States. Mr. Cruz is the father of two young children, ages two and five. Prior to his detention, he was the primary financial provider for his household. His continued detention has caused significant hardship to his children, who have been affected by the loss of their father's daily presence, care, and economic support.

Mr. Cruz's younger child has experienced medical issues related to kidney condition and remains under medical observation. While the child continues to receive appropriate care, Mr. Cruz's absence has placed additional strain on the family as they navigate these circumstances without his support. Mr. Cruz's release would allow him to resume his essential role as a caregiver and provider, helping to ensure the stability, care, and well-being of his children.

The undersigned Next Friend, Herlim Cruz Gonzalez, is an active-duty member of the United States Army. The prolonged and arbitrary detention of his brother has caused significant emotional distress and has interfered with his ability to fully perform his military duties.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Petitioner has exhausted all available administrative remedies, or, in the alternative, exhaustion should be excused. Petitioner completed both the ninety (90) day and one hundred eighty (180) day post-order custody reviews. ICE failed to issue any written custody determinations. Further exhaustion would be futile and inadequate under the circumstances.

VI. LEGAL CLAIMS

This Court should grant the petition for the reasons set forth below.

Claim One – Prolonged and Indefinite Detention in Violation of 8 U.S.C. § 1231(a)(1), 8 U.S.C. § 1231(a)(6), *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the Fifth Amendment Due Process Clause

A. Legal background

In *Zadvydas*, the Supreme Court addressed whether the government may lawfully detain a noncitizen subject to a final order of removal for an indefinite period when there is no significant likelihood of removal in the reasonably foreseeable future. The Court held that although 8 U.S.C. § 1231(a)(6) authorizes detention beyond the initial 90-day removal period, such authority is constitutionally limited. The statute must be interpreted to permit detention **only for a period reasonably necessary to secure the alien's removal, and not for indefinite or potentially permanent confinement.**

The Court emphasized that civil immigration detention is justified solely by its regulatory purpose, namely, to effectuate removal. Once that purpose can no longer be reasonably achieved, continued detention loses its legal justification and becomes arbitrary and punitive in nature. The Court expressly rejected the notion that the government may detain an individual based on speculative or remote possibilities of future removal.

To avoid serious constitutional concerns, the Supreme Court established a presumptively reasonable detention period of six months following the commencement of the post-removal period. After this six-month period, if the detainee can provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to rebut that showing sufficient evidence. Absent to such a showing, continued detention is unlawful and violates due process.

Here, Mr. Cruz's detention has exceeded the six-month presumptive period recognized in *Zadvydas*. Despite the passage of substantial time since the issuance of a final order of removal, there is no realistic or imminent prospect that Petitioner will be removed. The government has failed to identify a country willing to accept Petitioner or to demonstrate concrete steps that would make removal reasonably foreseeable. Repeated transfers between detention facilities, without progress toward deportation, further underscore the speculative nature of the government's asserted removal efforts.

The government's repeated attempts to coerce Petitioner into unlawfully crossing into Mexico or accepting removal to third countries where he has no legal status further confirm the absence of a lawful and realistic removal plan. Such coercive tactics underscore that removal is not reasonably foreseeable, and that continued detention serves no regulatory purpose.

B. The history of Cuba being uncooperative with repatriation provides very good reason to believe that Mr. Cruz will not likely be removed in the reasonably foreseeable future.

The repatriation agreement with Cuba allows it to use its discretion in accepting Cuban nationals that entered the United States prior to 2017 on a case-by-case basis.

Prior to 2017, there was no repatriation agreement between the United States and Cuba. *Clark v. Martinez*, 543 U.S. 371, 386 (2005). On January 12, 2017, the United States and Cuba signed a joint statement ("2017 Joint Statement") by which Cuba agreed to the repatriation of some Cuban nationals. Cuba (17-112) - Joint Statement Concerning Normalization of Migration Procedures, Jan. 12, 2017, available at <https://www.state.gov/17-112/>. The 2017 Joint Statement required Cuba to accept some Cuban nationals but allowed it to use its discretion to accept others on a case-by-case basis. Specifically, under the agreement Cuba "shall receive back all Cuban nationals who after the signing" of the 2017 Joint Statement "found by the competent authorities of the United States to have tried to irregularly enter or remain in that country in violation of United States law." *Id.* at 2.

Under the 2017 Joint Statement, Cuba agrees to "consider and decide on a case-by-case basis the return of other Cuban nationals presently in the United States of America who before the signing of this Joint Statement had been found by the competent authorities of the United States to have tried to irregularly enter or remain in that country in violation of United States law." *Id.*

Moreover, despite the 2017 Joint Statement, a 2019 report by the Office of Inspector General classified Cuba as an "uncooperative country" in 2017, 2018, and 2019 based on its failure to provide travel documents on a timely basis. Department of Homeland Security, Office of Inspector General, Report No. OIG-19-28, ICE Faces Barriers in Timely Repatriation of Detained Aliens (Mar. 11, Ill. 2019), available at <https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-28-Mar19.pdf> at pages 6-7, 10, 29. In May of 2018, Cuba was one of nine countries with the uncooperative categorization. *Id.* at 10. As of the filing of this petition, Petitioner cannot find available numbers of pre-2017 Cuban nationals who have been repatriated to Cuba.

Notably, Respondents previously attempted to remove Petitioner and failed. In 2018, ICE released Petitioner under an order of supervision after being unable to obtain travel documents from Cuba, demonstrating that removal has long been impracticable.

Because the six-month grace period has passed, this Court must evaluate Mr. Cruz's Zadvydas claim using the burden-shifting framework. At the first stage of the framework, Mr. Cruz must "provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." Zadvydas, 533 U.S. at 701. This standard can be broken down into three parts. Courts within the Fifth Circuit have held that speculative or indefinite prospects of removal are insufficient to justify continued detention under § 1231(a)(6).

1. "Good reason to believe."

The "good reason to believe" standard is a relatively forgiving one. "A petitioner need not establish that there exists no possibility of removal." Freeman v. Watkins, No. CV B:09-160, 2009 WL 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does "good reason to believe" place a burden upon the detainee to demonstrate no reasonably foreseeable, significant likelihood of removal or show that his detention is indefinite; it is something less than that." Rual v. Barr, No. 6:20-CV-06215 EAW, 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting Senor v. Barr, 401 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says: Petitioners need to only give a "good reason" not prove anything to a certainty.

2. "Significant likelihood of removal."

This component focuses on whether Mr. Cruz will likely be removed: Continued detention is permissible only if it is "significant likely" that ICE will be able to remove him. Zadvydas, 533 U.S. at 701. This inquiry targets "not only the existence of untapped possibilities, but also [the] probability of success in such possibilities." Elashi v. Sabol, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added). In other words, even if "there remains some possibility of removal," a petitioner can still meet its burden if there is good reason to believe that successful removal is not significantly likely. Kacanic v. Elwood, No. CIV.A. 02-8019, 2002 WL 31520362, at *4 (E.D. Pa. Nov. 8, 2002) (emphasis added). "In the reasonably foreseeable future." This component of the test focuses on when Mr. Cruz will likely be removed: Continued detention is permissible only if removal is likely to happen "in the reasonably foreseeable future." Zadvydas, 533 U.S. at 701.

This inquiry places a time limit on ICE's removal efforts. If the Court has "no idea of when it might reasonably expect petitioner to be repatriated, this Court certainly cannot conclude that his removal is likely to occur—or even that it might occur—in the

reasonably foreseeable future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3 (S.D. Miss. July 7, 2020), report and recommendation adopted, 2020 WL 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr. Cruz “would eventually receive” a travel document, he can still meet his burden by giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*, 2016 WL 6679830, at *2 (E.D. Mich. Nov. 14, 2016).

3. “In the reasonably foreseeable future.”

This component of the test focuses on when Mr. Cruz will likely be removed: Continued detention is permissible only if removal is likely to happen “in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s removal efforts. If the Court has “no idea of when it might reasonably expect *Zadvydas* unambiguously prohibits this Court from denying Mr. Cruz’s petition because of his criminal history.

If released under supervision, Mr. Cruz poses no risk of danger or flight. He has been under supervision for almost 7 years. During that time, he has checked in regularly with ICE. Moreover, during that time, he got married and worked hard to contribute to his new family.

As in *Zadvydas*, Mr. Cruz’s detention has become **effectively indefinite**, serving no legitimate immigration purpose. Continued confinement under these circumstances violates the fundamental liberty of interests protected by the Fifth Amendment and exceeds the statutory authority granted under § 1231(a)(6) as construed by the Supreme Court.

Based on the facts of Mr. Cruz’s individual case, it is evident that ICE has not obtained travel documents from Cuba. This is evident because ICE has had several years to obtain travel documents and has not done so. Although ICE previously released Mr. Cruz due to the impossibility of removal, respondents have again detained him without any materially changed circumstances regarding Cuba’s willingness to issue travel documents. What’s more, Mr. Cruz has now been in ICE custody for over six months and there is no indication that ICE anticipates receiving travel documents from Cuba any time in the reasonably foreseeable future.

Accordingly, Petitioner respectfully requests that this Court grant the writ of habeas corpus and order his immediate release under appropriate conditions of supervision, as detention beyond this point is unconstitutional and unlawful under controlling Supreme Court precedent.

Claim Two – Punitive and Excessive Detention in Violation of the Fifth Amendment Due Process Clause and *Bell v. Wolfish*, 441 U.S. 520 (1979)

A. Legal Standard Governing Civil Immigration Detention

Immigration detention is civil in nature and may not be used as punishment. In *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979), the Supreme Court held that civil detention violates due process when it amounts to punishment or is excessive in relation to its non-punitive purpose.

Under *Bell*, a condition or restriction of detention constitutes unconstitutional punishment if:

- (1) there is an express intent to punish, or
- (2) the restriction is not reasonably related to a legitimate governmental objective or is excessive in relation to that objective. *Id.* at 538–39.

Although *Bell* arose in the pretrial detention context, federal courts have repeatedly applied its framework to civil immigration detention under the Fifth Amendment Due Process Clause.

B. Immigration Detention Must Remain Non-Punitive and Reasonably Related to Its Purpose

The only legitimate purpose of immigration detention following a final order of removal is to facilitate removal. When detention no longer bears a reasonable relation to that purpose, or when the conditions of confinement become excessive or abusive, detention crosses the constitutional line from civil regulation to punishment.

Where detention is prolonged, coercive, or accompanied by harsh conditions unrelated to removal, due process is violated. *Bell*, 441 U.S. at 539.

C. Conditions and Treatment of Petitioner Demonstrate Punitive Detention

Petitioner's detention has been marked by conditions and treatment that exceed what is reasonably necessary to effectuate removal and instead reflect punitive intent and effect.

While in immigration custody, Petitioner has been subjected to repeated transfers between facilities, prolonged confinement without meaningful review, and coercive tactics related to removal. These actions have caused significant physical and psychological harm and are not reasonably related to any legitimate immigration objective.

D. Exposure to Serious Medical Risks and Denial of Adequate Medical Care

Petitioners have been exposed to serious health risks while in immigration detention, including exposure to tuberculosis and other communicable diseases. Petitioner has also experienced severe medical issues, including elevated blood pressure and complications related to prior back surgery, requiring hospitalization.

The failure to provide adequate medical care and the deliberate exposure of a civil detainee to serious health risks further demonstrates that Petitioner's detention has become punitive and excessive in violation of the **Fifth Amendment**. Conditions that endanger a detainee's health or safety cannot be justified as civil regulation. **Bell, 441 U.S. at 539.**

Under *Bell v. Wolfish*, when detention conditions are excessive, purposeless, or unrelated to a legitimate regulatory goal, a court may infer punitive intent. Here, the totality of the circumstances including medical neglect, psychological intimidation, and arbitrary transfers demonstrates that Petitioner's detention has become punitive in both purpose and effect.

E. Coercive Conduct and Threats Related to Removal

Respondents have used threats of removal to third countries and other coercive tactics while Petitioner remained detained. Such conduct serves no legitimate regulatory purpose and instead operates as a form of punishment and intimidation.

The conditions and conduct imposed on Petitioner go far beyond mere administrative inconvenience. Threats of indefinite detention and attempts to compel unlawful entry into foreign countries are not reasonably related to any legitimate governmental objective. Rather, they constitute coercive measures designed to break Mr. Cruz's will and compel self-removal outside lawful procedures.

Coercion designed to compel compliance or induce fear is incompatible with the civil nature of immigration detention and violates due process protections recognized in *Bell v. Wolfish*.

F. Prolonged Detention Without Meaningful Safeguards Is Excessive Under Bell

Even where detention begins as civil and lawful, prolonged detention without meaningful procedural safeguards renders confinement excessive in relation to its purpose. Petitioner continued detention despite the absence of a foreseeable removal, meaningful custody determination, or adequate medical protections—fails the constitutional test articulated in *Bell*.

At this stage, detention no longer serves as a regulatory function and instead operates as punishment prohibited by the Fifth Amendment Due Process Clause.

G. Relief Required Under Claim Two

Because the conditions, duration, and treatment associated with Petitioner's detention are punitive and excessive under *Bell v. Wolfish*, 441 U.S. 520, and violate the Fifth Amendment Due Process Clause, this Court should grant habeas relief under 28 U.S.C. § 2241.

The Court should order Petitioner's immediate release or, in the alternative, impose conditions sufficient to ensure that any continued custody is non-punitive, constitutionally permissible, and narrowly tailored to a legitimate governmental objective.

Claim Three – Unlawful Threats and Attempts at Third-Country Removal in Violation of 8 U.S.C. § 1231(b)(2), *Jama v. ICE*, and the Due Process Clause

A. Statutory Framework Governing the Country of Removal

The Immigration and Nationality Act establish a mandatory and sequential framework governing the country to which a noncitizen may be removed. Under 8 U.S.C. § 1231(b)(2), the Department of Homeland Security must first seek removal to the country designated by the noncitizen or, absent such designation, to the noncitizen's country of nationality. Only if removal to those countries is impracticable, inadvisable, or

impossible may the government consider alternate countries, and even then, only in strict compliance with the statutory sequence.

This statutory framework is not discretionary. Congress deliberately imposed a hierarchy of permissible removal countries, and DHS may not bypass that structure for reasons of administrative convenience or expediency.

B. Jama v. ICE Does Not Authorize Arbitrary Third-Country Removals

Respondents have repeatedly relied on *Jama v. Immigration and Customs Enforcement*, 543 U.S. 335 (2005) to justify threats of removal to third countries. However, *Jama* does not authorize arbitrary or coercive third-country removals, nor does it permit the government to disregard the statutory order set forth in § 1231(b)(2).

Jama merely held that advance acceptance by a receiving country is not always required in limited circumstances. It did not eliminate the statutory sequence, dispense with due process requirements, or authorize removals to third countries that were doing so would violate constitutional protections or international obligations.

C. Application of the Statute to Petitioner

Petitioner is a national of **Cuba**, which remains the primary and legally proper country of removal under § 1231(b)(2). Respondents have been unable to obtain valid travel documents from Cuba despite the passage of significant time. That inability does not authorize Respondents to skip the statutory sequence or to threaten removal to unrelated third countries.

Rather, the government's failure to secure travel documents underscores the lack of a lawful and reasonably foreseeable removal pathway.

D. Unlawful Threats and Attempts at Third- Country Removal

Despite the absence of statutory authority, Respondents have repeatedly threatened Petitioner with removal to third countries, including Mexico, and have used those threats as a coercive tactic while Petitioner remained in custody. These threats were made without written notice, without an opportunity to contest the proposed country of removal, and without any individualized assessment of risk.

Such conduct exceeds the authority granted by § 1231(b)(2) and constitutes an unlawful attempt to circumvent statutory and constitutional protections.

E. Violations of Due Process and Risk of Refoulement

The threats and attempted third-country removals described above violate Petitioner's rights under the Due Process Clause. Petitioner was provided with no notice, no hearing, and no meaningful opportunity to challenge removal to a third country. Moreover, removal to a third country without adequate safeguards raises serious concerns under the Convention Against Torture and principles of non-refoulement.

Federal courts have repeatedly recognized that third-country removal schemes implemented without procedural protections are constitutionally deficient.

F. Relief Under Claim Three

Accordingly, this Court should prohibit Respondents from removing or attempting to remove Petitioner to any third country absent strict compliance with 8 U.S.C. § 1231(b)(2) and the provision of meaningful notice and an opportunity to be heard.

Claim Four – Systemic Violations of Procedural Due Process, the Fifth Amendment, and the Convention Against Torture Arising from Third-Country Removal Practices, Lack of Notice, and Interference with Court Access

A. The Fifth Amendment Requires Notice, a Meaningful Opportunity to Be Heard, and Access to Protection Before Any Removal

The Fifth Amendment Due Process Clause guarantees that no person shall be deprived of liberty without due process of law. These protections apply to all persons within the United States, including noncitizens in immigration custody. Before effectuating removal particularly removal to a country other than a person's country of nationality the government must provide advance notice, a meaningful opportunity to be heard, and access to procedures that allow the individual to seek protection from removal to unsafe destinations.

Due process protections apply with heightened force where removal may expose an individual to serious harm, torture, or other irreparable injury.

B. ICE's Third-Country Removal Practices Lack Basic Procedural Safeguards

When individuals cannot be removed to their country of nationality, ICE has increasingly pursued third-country removals without providing adequate procedural safeguards. In July 2025, ICE rescinded prior internal guidance that had required officers to provide noncitizens a meaningful opportunity to assert fear-based claims or seek protection under the Convention Against Torture ("CAT") before removal to a third country.

Under the revised policy framework:

- ICE has asserted authority to remove noncitizens without additional procedures;
- Officers are not required to inquire whether the individual fears removal to the proposed country;
- Removal may proceed on accelerated timelines, sometimes within six to twenty-four hours of notice; and
- Any opportunity to raise CAT claims may occur only after truncated notice, if at all.

These practices substantially increase the risk of erroneous removal and deprive detainees of constitutionally required procedural protections.

Mr. Cruz affirmatively expressed a fear of return to Mexico and was found to have a credible fear of harm if returned there. Based on this determination, ICE did not remove him to Mexico. That credible fear determination has never been withdrawn, vacated, or superseded.

C. Third-Country Removal Practices Have Resulted in Deportations to Multiple Countries With Documented Human Rights Abuses

Public reporting has documented that the United States has negotiated with at least dozens of foreign governments to accept deportees who are not their nationals. Countries reported to have accepted or detained third-country deportees include Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, Rwanda, South Sudan, and Eswatini.

In several instances, deportees have been detained or imprisoned upon arrival. For example, the United States reportedly paid El Salvador approximately \$5 million to detain over 200 Venezuelan nationals at the maximum-security CECOT prison, a facility widely criticized for severe human rights abuses. Deportees sent to Panama and Costa Rica have been held in hotels, jungle camps, and detention facilities, while individuals deported to Eswatini have reportedly been placed in solitary confinement.

Conditions in certain receiving countries, including South Sudan, are so dangerous that the U.S. State Department advises U.S. citizens not to travel there. These practices demonstrate the grave risks posed by third-country removals carried out without adequate safeguards.

D. Judicial Findings Have Confirmed the Serious Due Process Deficiencies in Third-Country Removal Practices

In *D.V.D. v. U.S. Department of Homeland Security*, a federal district court issued a nationwide injunction prohibiting ICE from removing noncitizens to third countries without prior notice and an opportunity to seek protection under CAT. Although the Supreme Court later issued a stay of that injunction, the stay did not resolve the merits of the underlying due process claims.

Following the stay, ICE rescinded procedural safeguards and accelerated removal timelines, further exacerbating the constitutional deficiencies identified by the district court. The unresolved due process concerns recognized in *D.V.D.* remain ongoing.

E. Application to Petitioner: Immediate and Concrete Risk of Removal Without Process

Petitioner has already been subjected to repeated threats of removal to multiple countries, including Mexico, Costa Rica, and Spain, without written notice, hearings, or access to CAT protection procedures. ICE officers attempted to coerce Petitioner into unlawful self-removal and falsely represented that ICE could provide lawful documentation authorizing removal to third countries.

Given ICE's current policies and practices, Petitioner faces a real, immediate, and concrete risk of removal to a third country without constitutionally adequate notice, an opportunity to be heard, or access to protection mechanisms.

F. Interference With Court Access Aggravates the Due Process Violations

Petitioner's ability to seek judicial relief has been repeatedly obstructed by frequent transfers between detention facilities, medical instability, and disruptions to legal mail and communication. These actions directly interfered with Petitioner's ability to timely receive court correspondence and contributed to the prior dismissal of a habeas petition on procedural grounds.

Government actions that pursue removal while simultaneously obstructing access to the courts violate fundamental due process principles and undermine the integrity of judicial review.

G. Cumulative Due Process Violations Warrant Habeas Relief

Viewed cumulatively, Respondents' actions including repeated threats of removal to multiple countries, lack of written notice, denial of hearings, obstruction of access to CAT protections, and interference with court access constitute a systemic pattern of procedural due process violations.

These practices create an intolerable risk of erroneous removal and unlawful detention and cannot be reconciled with the Fifth Amendment Due Process Clause.

H. Relief Required Under Claim Four

Because Respondents' third-country removal practices violate the Fifth Amendment, the Convention Against Torture, and implementing regulations, this Court has authority under 28 U.S.C. § 2241 to grant habeas relief.

The Court should enjoin Respondents from removing Petitioner to any country without providing advance written notice, a meaningful opportunity to be heard, and full access to CAT protection procedures; prohibit removal based on informal or coercive practices; and grant such further relief as justice requires.

VII. NEXT FRIEND STANDING

This petition was brought by Herlim Cruz Gonzalez as Next Friend to Petitioner. Petitioner is unable to effectively litigate this matter on his own due to prolonged and indefinite detention, repeated transfers between ICE facilities, medical instability, and lack of reliable access to legal mail and court correspondence.

The Next Friend has a significant relationship with Petitioner as his sibling and is truly dedicated to Petitioner's best interests. The Next Friend is an active-duty member of the United States Army and has been directly impacted by the government's continued and unlawful detention of the Petitioner. Accordingly, Next Friend standing is proper under established habeas corpus principles, and this Court may properly consider this petition.

VIII. REQUEST FOR SERVICE UPON NEXT FRIEND

Petitioner is currently detained in immigration custody and does not have reliable or consistent access to legal mail, court correspondence, or electronic filing systems. Due to repeated transfers between detention facilities and restrictions on detainee mail, Petitioner is unable to timely receive notices, orders, or correspondence from this Court.

The undersigned submits and signs this petition as Next Friend because Petitioner is unable to effectively prepare, sign, or litigate this matter on his own while detained. Petitioner has authorized the undersigned to act as Next Friend and to assist with this matter, as reflected by a valid Power of Attorney.

Accordingly, the undersigned Next Friend respectfully requests that the Court direct all notices, orders, and correspondence in this matter to be served upon the Next Friend at the address listed below. This request is made solely for purposes of notice and service and does not constitute an appearance by legal counsel.

All correspondence may be directed to:

Herlim Cruz Gonzalez
Next Friend for Petitioner
Authorized under Power of Attorney
4726 Kellogg Drive
Woodbridge, VA 22193
Email: herlincruz95@gmail.com
Phone: (239) 308-3944

IX. RELIEF REQUEST

Petitioner respectfully requests that this Court apply the principles of *Zadvydas* with the leniency afforded to pro se litigants, particularly where detention conditions, repeated transfers, and medical instability have interfered with timely court access.

Petitioner respectfully requests that this Court:

(1) Declare that his continued detention violates the Fifth Amendment and exceeds statutory authority under 8 U.S.C. § 1231;

(2) Order Petitioner's immediate release under reasonable conditions of supervision;

(3) Alternatively, order an immediate individualized custody hearing before a neutral decision-maker with the burden placed on the government to justify continued detention.

(4) Enjoin Respondents from re-detaining Petitioner under 8 U.S.C. § 1231(a)(6) unless and until Respondents obtain valid travel documents necessary to effectuate his removal.

(5) Enjoin Respondents from removing Petitioner to any country other than Cuba, without first following the consecutive procedures of 8 U.S.C. § 1231(b)(2).

(6) Enjoin Respondents from removing Petitioner to any country other than Cuba, unless they provide the following process, see *D.V.D. v. U.S. Dep't of Homeland Sec* "(recognizing due process deficiencies, notwithstanding the subsequent stay)", No. CV 25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025):

- a. written notice to both Petitioner and Petitioner's counsel in a language Petitioner can understand;
- b. a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection prior to removal;
- c. if Petitioner is found to have demonstrated "reasonable fear" of removal the country, Respondents must move to reopen Petitioner's immigration proceedings;
- d. if Petitioner is not found to have demonstrated a "reasonable fear" of removal to the country, a meaningful opportunity, and a minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.

(7) Grant any other relief the Court deems just and proper.

Respectfully submitted,



Herlim Cruz Gonzalez (Next Friend for Petitioner)

Pursuant to a valid Power of Attorney, the undersigned Next Friend is authorized to receive information and correspondence related to this case. The undersigned respectfully requests that the Court send all notices, orders, and correspondence in this matter to the Next Friend at the address listed below. This request is for notice and service only and does not constitute an appearance by legal counsel. Petitioner is detained and does not have reliable access to legal mail.

Herlim Cruz Gonzalez
Next Friend for Petitioner
Authorized under Power of Attorney
4726 Kellogg Drive
Woodbridge, VA 22193
Email: herlincruz95@gmail.com
Phone: (239) 308-3944

Date: January 31, 2026

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
6. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Yenier Cruz Gonzalez

Petitioner

v.

Case No.

(Supplied by Clerk of Court)

Kristi Noem, Secretary, Department of Homeland Security
Pamela Bondi, Attorney General of the United States.
Todd M. Lyons, Acting Director U.S. ICE
Mary De Anda Yearra, Regional Director, ICE, El Paso, TX
Michael Watkins, Warden, ERO El Paso East Camp Montana

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Yenier Cruz Gonzalez
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: ERO El Paso East Camp Montana Detention Center
(b) Address: 6920 Digital Road, El Paso, TX 79936
(c) Your identification number: 
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☒ Being held on an immigration charge
☐ Other (explain): _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☒ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S. Department of Homeland Security (DHS)/ ICE
ERO El Paso, Texas

(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued ICE immigration detention for more than six months, without a proper response after the 90-day review and 180-day review.

(d) Date of the decision or action: 07/13/2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not appeal: Frequent transfers, lack of notice, and disrupted legal mail prevented timely administrative remedies.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: Same reason as above

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not file a third appeal: same reason as above.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 07/12/2025
(b) Date of the removal or reinstatement order: 04/12/2018
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Date of filing: _____
(2) Case number: _____
(3) Result: _____
(4) Date of result: _____
(5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court: _____
(2) Date of filing: _____
(3) Case number: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: Petition for Wrist Habeas Corpus (28 U.S.C. § 2241)
 (b) Name of the authority, agency, or court: U.S. District Court, Western District of Washington.

(c) Date of filing: 12/22/2025
 (d) Docket number, case number, or opinion number: 2:25-cv-02663
 (e) Result: Dismissed without prejudice.
 (f) Date of result: 01/27/2026
 (g) Issues raised: Unlawful prolonged detention, lack of foreseeable removal, failure to conduct custody reviews, and due process violations. The case was dismissed without prejudice due to procedural issues related to disrupted legal mail and transfers while in ICE custody, not on the merits of the claims.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Unlawful prolonged post-removal-order detention with no foreseeable removal.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

After been detained by ICE in 2017, I received a final order of removal on April 12, 2018. After that Cuba refused to accept me, and ICE was unable at that time to obtain travel documents. That previous removal attempt, failed and I was released under supervision, acknowledging removal was not feasible. I complied with supervision for years and was later re-detained without materially changed circumstances and without a realistic timeline for removal. ICE failed to provide written decisions following the required 90-day and 180-day custody reviews. I also have an affirmative interview of fear to return to Mexico.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Punitive and excessive civil immigration detention.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

Immigration detention is civil, but my detention has become punitive and excessive. I have been subjected to repeated transfers without explanation, prolonged confinement without meaningful review, serious medical harm including hospitalization and dangerously high blood pressure. Through this detention I have been subject to a continuous cycle of transfers between multiple immigration facilities across different states. These occurred without advance notice, letting my family unable to locate or communicate with me for days. I am the father of two minor children, ages two and four, my younger child suffers from kidney-related medical conditions requiring ongoing monitoring and care. This detention have directly impacted my children's stability, well-being and support.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: Unlawful threats and attempts at third -country removal.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

After multiple attempts to arbitrarily remove me to Mexico, ICE officers attempted to persuade me to accept removal to other countries, including Costa Rica and Spain. ICE did not provide me with lawful travel documents, did not guarantee any legal status or right to remain on those countries. Accepting such removal would have left me without legal protection, separated from my family, and unable to provide financial or emotional support to my minor children's.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Denial of due process and interference with access to the courts.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Throughout my detention, ICE has failed to provide clear, consistent or reliable information regarding the basis for my continued custody or any realistic plan for my release or removal. I have been left in a prolonged state of uncertainty, without knowing when or how my detention would end. This lack of transparency and predictability has rendered my detention arbitrary and has preventing me from effectively prepare legal challenges. All this repeated transfers, medical instability and disrupted legal mail interfered with my ability to receive court correspondence and cause a prior habeas corpus to be dismissed without prejudice on procedural grounds.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully request that this Court grant the writ of habeas corpus and order his immediate release from ICE custody under appropriate conditions of supervision, as ICE has no realistic prospect of effecting removal and continued detention is unlawful.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

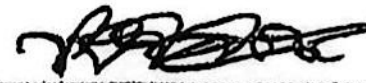
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

01/12/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 01/12/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any