

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION



GEOLFFREY RAMOS URBINA,
Petitioner,

Case No. 3:26-cv-399

v.

DIRECTOR,
EL PASO CAMP EAST MONTANA,
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner Geolffrey Ramos Urbina respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the constitutionality of his continued immigration detention by the Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”).

Petitioner is currently detained at the El Paso Service Processing Center in El Paso, Texas, despite having fully complied with all immigration supervision requirements for approximately two years prior to his detention, including reporting to ICE every two weeks without a single instance of noncompliance. Petitioner also has a pending appeal before the Board of Immigration Appeals (“BIA”), rendering his order of removal non-final for detention purposes.

Petitioner’s continued detention without access to a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment. Petitioner seeks immediate release from custody or, in the alternative, a prompt individualized bond hearing at which the Government bears the burden of justifying continued detention by clear and convincing evidence.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within the territorial jurisdiction of this Court.
2. Venue is proper in the Western District of Texas, El Paso Division, because Petitioner is detained in El Paso, Texas, and his immediate custodian is located within this District.

III. PARTIES

3. Petitioner Geolffrey Ramos Urbina is a noncitizen who was previously detained by ICE in Minnesota and is currently detained at El Paso Camp East Montana in El Paso, Texas, under the custody of Immigration and Customs Enforcement.
4. Respondent is the Director of the El Paso Camp East Montana, Petitioner's immediate custodian for purposes of habeas jurisdiction.

IV. FACTUAL BACKGROUND

5. Petitioner has resided in the United States for a significant period of time and has established strong ties to the community.
6. For approximately two years prior to his detention, Petitioner was under ICE supervision and complied fully with all reporting requirements, including mandatory in-person check-ins every two weeks.
7. During this entire period of supervision, Petitioner never missed a reporting appointment, never absconded, and never violated any condition imposed by ICE.
8. On or about 5/13/2024, an Immigration Judge entered an order of removal against Petitioner.
9. Petitioner timely appealed that decision on 6/12/2024 to the Board of Immigration Appeals, and that appeal remains pending.
10. Because Petitioner's administrative appeal is pending, the order of removal is not administratively final for execution purposes, and ICE is not authorized to effectuate Petitioner's removal at this time.
11. ICE asserts authority to detain Petitioner pursuant to the immigration detention provisions of the Immigration and Nationality Act. Regardless of the statutory provision invoked, Petitioner

remains subject to civil detention pending the resolution of removal proceedings.

12. After his detention, Petitioner submitted a request for a bond hearing before the Immigration Court.
13. The Immigration Judge denied Petitioner's bond request, concluding that the court lacked jurisdiction pursuant to *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and did so without conducting any individualized custody analysis.
14. Although the Immigration Judge relied on *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), to deny jurisdiction over Petitioner's bond request, that statutory interpretation (whether or not controlling) does not resolve the distinct constitutional question presented here: whether prolonged civil detention without any individualized custody determination violates the Due Process Clause of the Fifth Amendment.
15. As a result of the Immigration Judge's jurisdictional denial, Petitioner has been left without any administrative forum to challenge his continued detention, notwithstanding his prolonged confinement, two years of perfect compliance with ICE supervision, lack of flight risk or danger, and pending administrative appeal. This absence of any meaningful custody review renders Petitioner's continued detention constitutionally suspect.
16. Petitioner's detention has now become prolonged, unreasonable, and excessive, and is no longer reasonably related to any legitimate governmental purpose.

V. LEGAL STANDARD

17. The Due Process Clause of the Fifth Amendment limits the Government's authority to detain noncitizens without adequate procedural safeguards.
18. Even where Congress authorizes immigration detention by statute, prolonged civil detention without an individualized custody determination raises serious due process concerns under the Fifth Amendment.
19. When civil immigration detention becomes prolonged, due process requires an individualized custody determination at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary to prevent flight or danger to the community.
20. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the constitutionality of immigration detention, including detention during the pendency of a BIA appeal.

21. Petitioner acknowledges that the United States Court of Appeals for the Fifth Circuit has recently addressed the scope of detention authority under 8 U.S.C. § 1225(b)(2). See *Buenrostro-Mendez v. Bondi*, Nos. 25-20496 & 25-40701, (5th Cir. Feb. 6, 2026). However, that decision addressed statutory interpretation and did not foreclose habeas review of prolonged civil detention under the Due Process Clause of the Fifth Amendment, particularly where detention has become unreasonably prolonged and no individualized custody determination is available.

VI. CLAIM FOR RELIEF

Unlawful Prolonged Civil Detention – Fifth Amendment Due Process

22. Petitioner incorporates by reference all preceding paragraphs.
23. Petitioner's continued detention; now prolonged and indefinite in duration, without any individualized custody determination or meaningful opportunity to contest the necessity of confinement violates the Due Process Clause of the Fifth Amendment, regardless of the statutory provision invoked to justify detention.
24. The Government has failed to justify Petitioner's continued detention through individualized findings demonstrating that detention is necessary.
25. Given Petitioner's extensive compliance history, lack of flight risk, and absence of danger to the community, continued detention has become punitive and unconstitutional.

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus;
- B. Order Petitioner's immediate release from ICE custody; or, in the alternative,
- C. Order the Government to provide Petitioner with a prompt individualized bond hearing before an Immigration Judge at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified;
- D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/Brenda M. Villalpando

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