

6:26-cv-00045

EMERGENCY MOTION FOR IMMEDIATE RELEASE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

Cristian Javier Atehortua Ortiz,
Petitioner,

v.

Director of U.S. Immigration and Customs Enforcement (ICE), et al.,
Respondents.

EMERGENCY MOTION FOR IMMEDIATE RELEASE

Petitioner, Cristian Javier Atehortua Ortiz, proceeding pro se, respectfully moves this Honorable Court for an Order of Immediate Release from ICE custody due to ongoing constitutional violations and irreparable harm, and states as follows:

I. FACTUAL BACKGROUND

1. Petitioner is currently detained at Eden Detention Center in Eden, Texas, under the custody of U.S. Immigration and Customs Enforcement (ICE).
2. On November 7, 2025, Petitioner's wife attended a scheduled ICE appointment acting as a family representative. During that appointment, ICE officers indicated that Petitioner and his family did not appear under the same case and stated that Petitioner needed to enter the building to clarify an administrative issue.
3. Relying on that information, Petitioner voluntarily entered the ICE office. At no time prior to entering was he informed that he would be detained, that there was any legal issue with his case, or that an arrest warrant existed.
4. Once inside the building, ICE officers provided Petitioner with no explanation regarding the alleged administrative issue. Instead, they informed his wife that she could leave the building and instructed her to go to another address.
5. When Petitioner attempted to leave the building together with his wife, an ICE officer ordered Petitioner to re-enter the building and prevented him from leaving. From that moment forward, Petitioner was deprived of his liberty and informed he would be placed in detention.

AA
FILED - USDC - NDTX - SA
FEB 11 '26 PM 2:45

6. At the time of Petitioner's detention on November 7, 2025, no valid arrest warrant existed. The alleged arrest warrant was issued on November 8, 2025.
7. Petitioner has a pending asylum application, no final order of removal, and was lawfully admitted to the United States on October 14, 2022, under humanitarian parole pursuant to INA § 212(d)(5).
8. A bond hearing was requested but denied solely due to an alleged lack of jurisdiction.
9. Petitioner has no criminal history and poses no danger or flight risk.
10. Petitioner is the father of three minor children.
11. Prior to detention, Petitioner had valid employment authorization, a Social Security number, a driver's license, was employed, and filed and paid taxes.
12. Petitioner continues to suffer physical and emotional harm due to poor-quality food and conditions of confinement.
13. ICE did not provide documentation explaining the legal basis for detention until almost two months later.

II. REQUEST FOR RELIEF

Petitioner respectfully requests that this Honorable Court:

1. Order Petitioner's immediate release from ICE custody; and
2. Grant any other relief the Court deems just and proper.

III. DECLARATION

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

Date: 02/10/2026

Signature: [Handwritten Signature]

Cristian Javier Atehortua Ortiz

A-Number: 