

JUDGE DAVID BRIONES

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

FILED

FEB 11 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY CLERK

EL PASO DIVISION

EP 26CV0411

STANISLAV EM,

A-Number: 

Petitioner,

v.

ALEJANDRO MAYORKAS, Secretary,

U.S. Department of Homeland Security,

PATRICK J. LECHLEITNER, Acting Director,

U.S. Immigration and Customs Enforcement,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS AND
EMERGENCY MOTION FOR IMMEDIATE RELEASE**

(28 U.S.C. § 2241)

Petitioner Stanislav Em, proceeding pro se, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and moves for emergency release from immigration detention due to prolonged civil detention, serious medical risk, and violations of the Due Process Clause of the Fifth Amendment.

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241, because Petitioner is in federal custody under color of authority of the United States.
2. Venue is proper in this Court because Petitioner is detained at the El Paso Processing Center, located at 8915 Montana Ave., El Paso, Texas, within the Western District of Texas.

II. PARTIES

3. Petitioner: Stanislav Em is a noncitizen currently detained by ICE at the El Paso Processing Center.
4. Respondents are federal officials who have custody over Petitioner and the authority to effectuate his release.

III. FACTUAL BACKGROUND

A. Entry and Detention History

5. Petitioner entered the United States on or about August 28, 2024, through the Nogales Port of Entry, Arizona, using the CBP One process.
6. On August 29, 2024, Petitioner was taken into ICE custody and placed in detention.
7. Since that time, Petitioner has been continuously detained and transferred between multiple ICE facilities, including:
 - Florence Service Processing Center (Arizona)
 - Folkston ICE Processing Center (Georgia)
 - El Paso Processing Center (Texas)
- 8.
9. Petitioner has now been detained for over nine months, without release, despite the civil nature of his immigration proceedings.

B. Asylum Proceedings

9. Petitioner is actively pursuing protection-based relief.
10. An Immigration Judge vacated DHS's negative credible fear determination, finding that Petitioner established:
 - A reasonable possibility of persecution
 - Eligibility for asylum, withholding of removal, and protection under the Convention Against Torture (CAT)
11. Petitioner's detention is no longer tied to expedited removal and has become prolonged civil detention, triggering heightened constitutional scrutiny.

C. Serious Medical Conditions

12. While in ICE custody, Petitioner developed symptomatic bradycardia, a serious and potentially life-threatening cardiac condition.

13. On April 5, 2025, Petitioner was taken from detention to a hospital and underwent emergency heart surgery, during which a pacemaker was implanted.

14. ICE medical records confirm:

- Pacemaker placement
- Ongoing need for cardiology follow-up
- Pacemaker interrogation
- Continued monitoring and diagnostic testing

15. ICE detention facilities are not equipped to provide the specialized and consistent cardiology care required for a pacemaker patient.

16. Continued detention exposes Petitioner to substantial risk of serious harm or death, particularly due to:

- Stress
- Sleep deprivation
- Limited access to outside specialists
- Delays in medical follow-up

D. Family and Community Ties

17. Petitioner is married and has two minor children residing in the United States.
18. Petitioner also has a U.S. citizen sponsor, Timothy Scott Huey, who has submitted a sworn affidavit stating that:
 - Petitioner will reside at his home in Sacramento, California
 - He will provide housing and financial support
 - He will ensure Petitioner's appearance at all immigration proceedings
19. Petitioner has no criminal history, no history of violence, and poses no danger to the community.
20. Less restrictive alternatives to detention are readily available.

IV. CLAIMS FOR RELIEF

COUNT I

Prolonged Civil Detention Without Adequate Process

(Fifth Amendment – Due Process)

21. **Petitioner's prolonged detention without release or a meaningful bond determination violates the Due Process Clause.**
22. **Detention has become unreasonably prolonged, civil in nature, and punitive in effect.**

COUNT II

Unconstitutional Medical Detention

23. **Continued detention of a pacemaker-dependent detainee in an ICE facility constitutes deliberate indifference to serious medical needs.**
24. **ICE cannot provide constitutionally adequate care under these circumstances.**

COUNT III

Failure to Consider Less Restrictive Alternatives

25. Respondents have failed to justify continued detention despite the availability of:

- Release on recognizance
- Supervision
- Humanitarian or medical parole
- Bond

V. REQUEST FOR EMERGENCY RELIEF

26. Petitioner seeks immediate release, or alternatively, a prompt bond hearing with a presumption of release.

27. Each day of continued detention presents irreparable harm.

VI. PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

A. Grant the Petition for Writ of Habeas Corpus;

- B. Order Petitioner's immediate release from ICE custody;
- C. Alternatively, order a bond hearing within 7 days;
- D. Order release under supervision or humanitarian parole;
- E. Grant any other relief the Court deems just and proper.

VII. VERIFICATION

I, Stanislav Em, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: February 5, 2026

Place: El Paso, Texas

Stanislav Em 

Petitioner, Pro Se

A-Number: 