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Case 3:26-cv-00414-DB

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JUDGE DAVID BRIONES

FILED

February 12, 2026

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

BY: Elizabeth Y. Martinez
DEPUTY

FEB 11 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: Don
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

SUKRU TEMUCIN ASLAN

Petitioner

v.

W.D. of TX case No:

A# 219-013-092

EP 26CV0414

Warden ERO EL PASO E. MONTANA DETENTION FACILITY

OFFICE OF CHIEF COUNSEL, DHS/ICE

PAM BONDI Attorney General

KRISTI NOEM Secretary of Department of Homeland Security

Respondent(s)

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C § 2241,
AND DISCRETIONARY BOND PURSUANT TO 8 U.S.C. § 1226(a)

COMES NOW THE Petitioner SUKRU TEMUCIN ASLAN pro se' and files this Emergency Petition for a writ of Habeas Corpus to remedy petitioners unlawfull detention by respondents and to enjoynn Petitioners continued unlawful detention by respondents and states as follows :

Petitioner is a citizen of Turkey who entered the United States legally on 2-18-2018 and has lived in the U.S. continuously since then, and is not an arriving Alien. Petitioner has 2 Citizen children born in the United States and remains detained unlawfully w/o the opportunity to be released on Bond pending his Immigration Court proceedings. Petitioner applied for a Custody re-determination Hearing on 1-06-2026 so that he could continue with his Asylum and CAT claim from outside and is using these cases as reference Lazaro Maldonado Bautista v. Ernesto Santacruz Jr. 5:25-cv-01873-SSS-BFM, Dkt. 81, 82 (Nov. 25, 2025, Garcia v. Noem, 2025 U.S. Dist. LEXIS 214695 and J.A.M. v. Streeval, 2025 U.S. Dist. LEXIS 215437 No: 4:25-cv-342-CDL, 2025 WL 3050094.

The Immigration Judge and DHS improperly assume at the ERO El Paso E. Montana Detention Facility that the Petitioner poses a danger to society if he is released on bond and this is contrary to the Constituion of the United States and DHS/ICE own rules and regulations because the court

erroneously applied the Broad interpretation of **8 U.S.C. § 1225(b)(2) which do not apply to the Petitioner because he is not an arriving Alien.**

Petitioner is not an arriving alien as he has lived in the United States for 7+-years and is governed under §1226(a) which entitles him to a Bond and even granted in the cases listed above.

Petitioner was granted Bond and was released for 20 + months before he was sentenced to 8-months in the F.C.I. without any violation or mention of being a danger to society, on the contrary the Petitioner was granted removal of his ankle monitor and placed on phone monitoring after 2 -months because it was found that he poses no danger to the community, society or any individual.

Even if respondents continue to insist that he may pose a danger of any kind which he does not there are safeguards DHS takes such as monitoring devices to assure that he complies with any such requirement or future court proceedings.

Defendant does not have an Aggravated Felony, He is not a Flight risk, nor is he a Menace to Society. For this reason the Defendant Humbly ask's this Court to approve this Motion and allow him Habeas Relief or in the alternative order the Court at the ERO El Paso E. Montana Detention Facility to issue a Custody Re-determination Hearing so that he may be allowed the opportunity for a pre-removal release while the removal proceedings are pending.

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ER6 El Paso E. Montana Detention Facility
4950 E. Montana Ave.
El Paso, TX 79905

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

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U.S. District Court
For the Western District of Texas
El Paso Division
525 Magoffin Ave, Suite 105
El Paso, TX 79901



Legal Mail

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