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UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

FEB 17 2026

MITCHELL R. ELFERS
CLERK OF COURT

MANUEL ARIOLFO CHUCHUCA-CABRERA, A# 
Petitioner,

26-CU-449 MIS-DLM

v.

PAMELA BONDI, Attorney General of the United States;
KRISTI NOEM, Secretary, Department of Homeland Security;
TODD LYONS, Director, U.S. Immigration and Customs Enforcement;
MARY DE ANDA-YBARRA, Field Office Director, ICE ERO El Paso;
WARDEN, OTERO COUNTY PROCESSING CENTER,
Respondents.

MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This Memorandum of Law is submitted in support of Petitioner Manuel Ariolfo Chuchuca-Cabrera's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his prolonged and unlawful civil detention by U.S. Immigration and Customs Enforcement (ICE), which violates the United States Constitution.

II. HABEAS JURISDICTION AND STANDARD OF REVIEW

Federal district courts have jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention. Civil detention must be reasonably related to its purpose and accompanied by adequate procedural safeguards to satisfy due process requirements.

III. PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATES DUE PROCESS

Petitioner has been subjected to prolonged civil detention without an individualized bond hearing. The Supreme Court has recognized that such detention raises serious constitutional concerns. See *Zadvydas v. Davis*, 533 U.S. 678 (2001). Due process requires an individualized determination of flight risk and danger when detention becomes prolonged.

IV. WARRANTLESS ARREST AND UNLAWFUL SEIZURE

ICE agents arrested Petitioner without a warrant, probable cause, or exigent circumstances. Warrantless civil arrests violate the Fourth Amendment and undermine the legality of continued detention.

V. DETENTION WITHOUT STATUTORY AUTHORITY OR JURISDICTION

Petitioner was detained despite previously closed proceedings, no final order of removal, and systemic failures that prevented proper jurisdictional determination. Detention without clear statutory authority violates due process and exceeds the government's lawful power.

VI. PROCEDURAL DUE PROCESS VIOLATIONS

Petitioner was denied notice, timely custody determinations, and a meaningful opportunity to challenge his detention. These failures constitute independent violations of the Fifth Amendment.

VII. RELIEF REQUESTED

Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus, order immediate release or, in the alternative, an individualized bond hearing with the burden on the government, and grant all other relief the Court deems just and proper.

II. PARTIES

4. Petitioner, Manuel Ariolfo Chuchuca-Cabrera, is a native and citizen of Ecuador, born [REDACTED]. He has resided continuously in the United States since March 30, 1998.
5. Respondents are federal officials responsible for Petitioner's custody and detention.

III. FACTUAL BACKGROUND

A. Long-Term Residence and Prior ICE Proceedings

6. Petitioner has lived in the United States for over 26 years, establishing deep family, business, and community ties.
7. In 2012, Petitioner was arrested and detained by ICE. He was granted bond, which he paid, and was released from custody.
8. In 2014, Petitioner lawfully obtained a work permit and Social Security number and paid taxes for several years.
9. In 2020, Petitioner's attorney advised him that ICE had closed his immigration case, and Petitioner's bond funds were returned, confirming termination of proceedings.
10. Petitioner has never been ordered removed and has no criminal history since 2004.

B. Warrantless Arrest and Unlawful Seizure (August 2025)

11. On or about August 2025, Petitioner was pulled over by local police for a traffic stop.
12. Petitioner was instructed to wait for approximately 20 minutes, during which:
 - He was not questioned about his immigration status;
 - He was not informed that ICE had been contacted;
 - He was not advised that he was being detained for immigration purposes.
13. After approximately 20 minutes, ICE agents arrived and arrested Petitioner without a warrant, probable cause, or explanation, in violation of the Fourth and Fifth Amendments.

14. Petitioner was taken into ICE custody on August 28, 2025.

C. Systemic Failures and Jurisdictional Confusion

15. Following his arrest, Petitioner was transferred between multiple detention facilities.
16. While detained in El Paso, Texas, Petitioner appeared before an Immigration Judge on November 13, 2025.
17. At that hearing, the Immigration Judge stated that Petitioner could not be located in the system, and that no active case or custody record existed.
18. For nearly two months, Petitioner remained detained without being properly entered into ICE or EOIR systems, rendering him unable to meaningfully challenge his detention.
19. Petitioner was instructed to return to court on December 10, 2025, but was informed the court lacked jurisdiction to grant bond and told to return again on February 4, 2026.

D. Continued Detention at Otero County Processing Center

20. On or about December 25, 2025, Petitioner was transferred to Otero County Processing Center, where he remains detained.
21. On January 20, 2026, Petitioner filed an affirmative asylum application through the immigration court and was instructed to return on February 10, 2026, to submit supporting evidence.
22. Petitioner was later advised by counsel that his immigration case was allegedly reopened in 2024, despite having been closed in 2020, with no explanation or notice to Petitioner.

E. Family, Community, and Humanitarian Factors

23. Petitioner has a U.S. citizen child, now 24 years old, whom he financially supports with college and living expenses.

24. Petitioner has built a stable life in the United States for over two decades, including employment, tax contributions, and strong community ties.

25. Petitioner fled Ecuador at a young age after receiving credible death threats 
 forming the basis of his pending asylum claim.

IV. GROUNDS FOR RELIEF

COUNT I

Unlawful Prolonged Detention Without Bond Hearing

(Fifth Amendment Due Process)

26. Petitioner has been detained for over five months without an individualized bond hearing.

27. Prolonged civil detention without a bond hearing violates due process, particularly where detention is not meaningfully justified or reviewed.

COUNT II

Warrantless Arrest and Unreasonable Seizure

(Fourth Amendment)

28. Petitioner was arrested by ICE without a warrant, probable cause, or exigent circumstances.

29. This arrest violated Petitioner's Fourth Amendment rights and renders his continued detention unlawful.

COUNT III

Detention Without Proper Legal Authority or Jurisdiction

30. ICE detained Petitioner while:

- He was not properly entered into ICE or EOIR systems;

- No active removal order existed;
- Prior proceedings had been closed.

31. Detention without lawful authority violates statutory and constitutional protections.

COUNT IV

Violation of Procedural Due Process

32. Petitioner was denied:

- Notice of proceedings;
- A meaningful opportunity to contest detention;
- Timely custody determinations.

33. The government's failures deprived Petitioner of fundamental fairness required under the Fifth Amendment.

V. 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, or in the alternative;

C. Order an individualized bond hearing before a neutral decision-maker with the burden on the government;

D. Declare that Petitioner's continued detention violates the Constitution;

E. Grant any other relief the Court deems just and proper.

VI. VERIFICATION

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

Executed this 6TH day of FEBRUARY, 2026.



Manuel Ariolfo Chuchuca-Cabrera

Petitioner, Pro Se

A#

