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Attorney for Petitioner

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRIQUE CAMARGO DE OLIVEIRA,
[redacted],
Petitioner,

v.

WARDEN, PHILADELPHIA FEDERAL DETENTION CENTER,
Respondent.

Civil Action No. __________

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

AND MEMORANDUM OF LAW IN SUPPORT
(28 U.S.C. § 2241)

TABLE OF AUTHORITIES

Supreme Court of the United States

Fay v. Noia, 372 U.S. 391 (1963)
Rumsfeld v. Padilla, 542 U.S. 426 (2004)
Zadvydas v. Davis, 533 U.S. 678 (2001)

United States Court of Appeals for the Third Circuit

Bradley v. Att'y Gen., 603 F.3d 235 (3d Cir. 2010)
Chavez-Alvarez v. Warden York Cnty. Prison, 783 F.3d 469 (3d Cir. 2015)
Diop v. ICE/Homeland Sec., 656 F.3d 221 (3d Cir. 2011)
German Santos v. Warden Pike Cnty. Corr. Facility, 965 F.3d 203 (3d Cir. 2020)
Guerrero-Sanchez v. Warden York Cnty. Prison, 905 F.3d 208 (3d Cir. 2018)

Statutes

28 U.S.C. § 2241
28 U.S.C. § 2243
8 U.S.C. § 1226(a)
8 U.S.C. § 1252

I. INTRODUCTION

1. This is an emergency challenge to ongoing unconstitutional civil immigration detention.
2. Petitioner was arrested on February 25, 2026, while voluntarily appearing for a scheduled ICE supervision appointment. (Exhibit B ¶¶ 8–10; Exhibit D.)
3. ICE asserted at arrest that Petitioner failed to update his address. (Exhibit B ¶ 11.)
4. The documentary record establishes the opposite: Petitioner updated his address in August 2024—both verbally and in writing—and ICE accepted the update and continued supervision. (Exhibit B ¶¶ 5–7; Exhibits C & E.)
5. ICE then scheduled the very appointment at which Petitioner was arrested—February 25, 2026—confirming that supervision remained active after the address update. (Exhibit D; Exhibit B ¶¶ 8–10.)
6. Detention premised on a demonstrably erroneous factual assertion is arbitrary executive action in violation of the Fifth Amendment.
7. Petitioner's next immigration court date is not until December 7, 2028 at 8:30 AM. (Exhibit A.) Absent immediate relief, Petitioner faces prolonged detention pending proceedings scheduled years into the future.
8. Each additional day of unlawful confinement is irreparable constitutional injury. Immediate judicial intervention is required.

II. JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in federal custody in violation of the Constitution and laws of the United States.

10. Petitioner is detained at the Philadelphia Federal Detention Center within the Eastern District of Pennsylvania.

11. The proper Respondent is Petitioner's immediate custodian, the Warden of the Philadelphia Federal Detention Center. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

12. Venue is proper in this District.

III. PARTIES

13. Petitioner is a native and citizen of Brazil.

14. Petitioner is in ICE custody at the Philadelphia Federal Detention Center.

15. Respondent is the Warden of the Philadelphia Federal Detention Center, who has immediate custody over Petitioner.

IV. PROCEDURAL BACKGROUND

16. DHS issued a Notice to Appear dated May 10, 2024 charging Petitioner as removable under INA § 212(a)(6)(A)(i). (Exhibit A.)

17. Removal proceedings are pending in the Newark Immigration Court. (Exhibit A.)

18. Petitioner's next scheduled hearing is a Master Hearing on December 7, 2028 at 8:30 AM. (Exhibit A.)

19. After being placed into proceedings, Petitioner was released on ICE supervision pursuant to INA § 236(a), 8 U.S.C. § 1226(a). (Exhibit B ¶ 4.)

V. FACTUAL RECORD OF COMPLIANCE AND ERRONEOUS DETENTION

20. Petitioner complied with ICE reporting requirements while on supervision. (Exhibit B ¶ 4.)
21. On August 22, 2024, Petitioner notified ICE that his address changed from [redacted] to [redacted] Philadelphia, PA 19111. (Exhibit B ¶ 5; Exhibit E.)
22. Petitioner received documentation reflecting the location of his next reporting appointment after providing the change of address. (Exhibit B ¶ 6.)
23. On August 29, 2024, Petitioner reported as directed and manually completed ICE address-change paperwork. (Exhibit B ¶ 7; Exhibit C.)
24. ICE accepted Petitioner's updated address and continued supervision.
25. After August 2024, ICE scheduled Petitioner for another reporting appointment on February 25, 2026. (Exhibit D.)
26. On February 25, 2026, Petitioner appeared voluntarily and on time for the scheduled appointment. (Exhibit B ¶¶ 8–10.)
27. ICE arrested Petitioner at the check-in and stated he was being arrested for failing to update his address. (Exhibit B ¶ 11.)
28. That assertion is factually incorrect and contradicted by Petitioner's sworn statement and ICE's own documentation. (Exhibit B; Exhibits C–E.)
29. Petitioner has no criminal history, poses no danger to the community, and has demonstrated compliance and reliability by reporting as directed. (Exhibit B ¶¶ 12–14.)

VI. DETENTION AUTHORITY

30. Petitioner is detained under INA § 236(a), 8 U.S.C. § 1226(a).

31. Petitioner is not subject to mandatory detention under § 236(c).

32. Detention under § 236(a) is discretionary and must remain tethered to legitimate regulatory purposes—ensuring appearance and protecting the community.

VII. GROUNDS FOR RELIEF

COUNT I — Fifth Amendment: Arbitrary and Unlawful Civil Detention

33. The Fifth Amendment prohibits arbitrary executive detention.

34. Immigration detention is civil and regulatory, not punitive. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232 (3d Cir. 2011).

35. Civil detention must bear a reasonable relationship to its purpose and may not become excessive. *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 210–11 (3d Cir. 2020).

36. Detaining a compliant supervisee based on an erroneous factual premise—especially where the person appeared voluntarily at the scheduled check-in—does not rationally serve the purpose of ensuring appearance.

37. ICE's own conduct confirms compliance: ICE accepted the address update and scheduled subsequent appointments, including the February 25, 2026 appointment at which Petitioner appeared and was arrested. (Exhibit D; Exhibit B ¶¶ 8–11.)

38. Detention under these circumstances is arbitrary, excessive, and unconstitutional.

COUNT II — Fifth Amendment: Procedural Due Process

39. Due process requires meaningful, individualized procedures before the government may continue civil detention.

40. When detention becomes unreasonable, due process requires heightened procedural protections and meaningful justification. *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475–78 (3d Cir. 2015); *German Santos*, 965 F.3d at 210–11.

41. Given the far-out hearing date (December 7, 2028) (Exhibit A), continued detention threatens to become prolonged and punitive.

42. Under Third Circuit precedent, the Government must justify continued detention through adequate procedures when detention becomes unreasonable. See *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 224 (3d Cir. 2018) (recognizing due process burdens in detention context).

43. Here, detention is based on a disputed—and demonstrably incorrect—factual premise, making immediate judicial review essential.

MEMORANDUM OF LAW

I. This Court Has Habeas Jurisdiction to Remedy Unlawful Immigration Detention

44. Federal courts have habeas jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

45. Although Congress limited judicial review of removal orders in certain respects, those provisions do not eliminate review of detention claims.

46. This Court has authority to order immediate release or to order constitutionally adequate procedures.

II. Detention Based on Demonstrably Erroneous Facts Is Arbitrary and Unconstitutional

47. Immigration detention must remain regulatory and non-punitive. *Diop*, 656 F.3d at 232.

48. A core constitutional requirement of civil detention is that it be rationally related to legitimate regulatory objectives.

49. The factual record here shows compliance, not evasion:

a. Petitioner updated his address on August 22, 2024 (Exhibit B ¶ 5; Exhibit E);

b. Petitioner completed written address-change paperwork on August 29, 2024 (Exhibit B ¶ 7; Exhibit C);

c. ICE scheduled a future appointment after the update, including February 25, 2026 (Exhibit D);

d. Petitioner appeared voluntarily and was arrested at check-in (Exhibit B ¶¶ 8–11).

50. These facts defeat any rational claim of flight risk. Arresting a person at an appointment he attended is the opposite of enforcing compliance.

51. Because detention is based on an erroneous factual assertion contradicted by ICE's own documentation, it is arbitrary and violates substantive due process. *German Santos*, 965 F.3d at 210–11.

III. The 2028 Hearing Date Creates Acute Risk of Prolonged, Punitive Detention

52. Petitioner's next immigration court hearing is scheduled for December 7, 2028. (Exhibit A.)

53. The Third Circuit instructs courts to examine the length and likely duration of detention, the reasons for delay, and whether continued detention remains reasonable. *German Santos*, 965 F.3d at 210.

54. Under *Chavez-Alvarez*, detention becomes constitutionally suspect as it grows prolonged absent adequate justification and procedures. 783 F.3d at 475–78.

55. Here, the constitutional problem is more immediate: ICE cannot justify the initial detention because it rests on a demonstrably incorrect factual premise. That defect compounds the risk of prolonged confinement.

IV. Exhaustion Is Prudential and Must Be Excused on These Facts

56. Exhaustion in § 2241 detention cases is prudential, not jurisdictional. *Bradley v. Att'y Gen.*, 603 F.3d 235, 240 (3d Cir. 2010).

57. Courts excuse exhaustion where administrative remedies are inadequate, futile, or where irreparable injury would result.

58. Exhaustion must be excused here for at least four reasons:

a. Inadequacy: The core claim is constitutional and legal—ICE is detaining Petitioner on an erroneous factual basis. Administrative processes cannot cure ongoing unconstitutional confinement in the meantime.

b. Futility: ICE has already detained Petitioner despite evidence of compliance; requiring further administrative steps would not meaningfully address the executive error that caused the detention.

c. Constitutional Nature: Petitioner asserts Fifth Amendment violations—claims that are squarely within the province of federal habeas review.

d. Irreparable Harm: Each day of unlawful detention is irreparable injury; there is no adequate remedy at law.

59. Requiring exhaustion under these circumstances would elevate form over liberty and undermine habeas corpus's core function.

V. Section 2243 Requires a Rapid Return and Supports Emergency Relief

60. 28 U.S.C. § 2243 directs that the writ or order to show cause "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed."

61. Habeas is intended to provide a "swift and imperative remedy" for unlawful custody. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

62. Given documentary evidence of compliance and the absence of any plausible flight-risk basis, the Court should invoke § 2243 and require a three-day response.

VIII. EXHIBIT LIST

Petitioner relies on the following exhibits attached hereto:

Exhibit A – Notice to Appear dated May 10, 2024 (including hearing date information)

Exhibit B – Affidavit of Henrique Camargo de Oliveira (28 U.S.C. § 1746)

Exhibit C – ICE Check-In Receipt dated August 29, 2024

Exhibit D – ICE Supervision Appointment Notice scheduling February 25, 2026 reporting date

Exhibit E – ICE Check-In Receipt dated August 22, 2024

IX. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue an Order to Show Cause under 28 U.S.C. § 2243;

B. Require Respondent to file a return within three (3) days, absent good cause;

C. Order Petitioner's immediate release from custody;

D. In the alternative, order a constitutionally adequate custody/bond hearing within seven (7) days, at which the Government bears the burden to justify continued detention;

E. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/S/Evan T.L. Hughes, Esquire

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1315 Walnut Street
Suite 803
Philadelphia, PA 19107
Tel. 215.454.6680
evan.hughes@hughesfirm.pro
Attorney ID# 93214

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRIQUE CAMARGO DE OLIVEIRA,
[redacted],
Petitioner,

v.

WARDEN, PHILADELPHIA FEDERAL DETENTION CENTER,
Respondent.

Civil Action No. __________

ORDER

AND NOW, this ___ day of __________, 2026, upon consideration of the Emergency Petition for Writ of Habeas Corpus, it is hereby ORDERED as follows:

1. Pursuant to 28 U.S.C. § 2243, Respondent shall SHOW CAUSE within THREE (3) DAYS of this Order why the writ should not issue.
2. Respondent's return shall address, with supporting documentation where available:
   a. The statutory authority for Petitioner's detention;
   b. The factual basis for alleging Petitioner failed to update his address in August 2024 despite ICE supervision records;
   c. Why continued detention is reasonably related to ensuring appearance or protecting the community given Petitioner's voluntary appearance at the February 25, 2026 appointment.
3. Petitioner may file a reply within three (3) days after service of Respondent's return.
4. The Court will determine whether a hearing is necessary upon review of the return and reply.

IT IS SO ORDERED.

United States District Judge

CERTIFICATE OF SERVICE

I, Evan T. L. Hughes, Esq., hereby certify that on this 26th day of February, 2026, I served a true and correct copy of the foregoing Emergency Petition for Writ of Habeas Corpus and Memorandum of Law in Support, Proposed Order, and Exhibits A–E by certified mail upon:

1. Civil Process Clerk
   United States Attorney's Office, Eastern District of Pennsylvania
   615 Chestnut Street, Suite 1250
   Philadelphia, PA 19106
2. Warden
   Philadelphia Federal Detention Center
   700 Arch Street
   Philadelphia, PA 19106
3. Attorney General of the United States
   U.S. Department of Justice
   950 Pennsylvania Avenue, NW
   Washington, DC 20530

/s/ Evan T. L. Hughes
Evan T. L. Hughes, Esq.

A

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

[redacted] [redacted] [redacted] Event No: IMB2405000090

In the Matter of:

Respondent: HENRIQUE CAMARGO DE OLIVEIRA currently residing at:

[redacted] NEW JERSEY, 08075-3807 [redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of BRAZIL and a citizen of BRAZIL ;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about May 10, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

970 BROAD STREET, ROOM 1200 NEWARK NJ 07102

(Complete Address of Immigration Court, including Room Number, if any)

on December 07, 2028 at 08:30 AM to show why you should not be removed from the United States based on the

(Date) *(Time)*

charge(s) set forth above.

ERIK K ANDERSEN
Date: 2024.05.10 23:0[illegible]:34-07:00
0650090763.CBP

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: May 10, 2024 San Diego, California

(City and State)

EOIR — 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is PORTUGUESE

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

____
(Signature of Respondent)

Date: ____________

____
(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on **May 11, 2024**, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # ____________ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the PORTUGUESE language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Henrique Camargo
(Signature of Respondent if Personally Served)

ERNESTO LOA
Date: 2024.05.11 02:44:00 -07:00
0236456297.CBP
Border Patrol Agent
(Signature and Title of officer)

EOIR — 2 of 3

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

B

EXHIBIT B

AFFIDAVIT OF HENRIQUE CAMARGO DE OLIVEIRA

(28 U.S.C. § 1746)

I, Henrique Camargo de Oliveira, declare under penalty of perjury as follows:

1. I am the Petitioner in the federal habeas corpus case challenging my current ICE detention. I make this declaration based on my personal knowledge.
2. I am a citizen of Brazil and I am currently detained at the Philadelphia Federal Detention Center.
3. After I was placed in removal proceedings, ICE released me on supervision. I understood I had to report to ICE as directed and keep ICE updated with my current address.
4. I complied with all ICE supervision requirements and I always reported when instructed.
5. On August 22, 2024, I told ICE that I moved from [redacted], [redacted] to [redacted].
6. After I provided my new address, I received documentation showing the location for my next visit/check-in.
7. On August 29, 2024, I went to my ICE check-in appointment. During that appointment, I filled out the ICE address-change paper by hand and provided my Philadelphia address.
8. After that, ICE continued supervising me and later scheduled another check-in for February 25, 2026.
9. I went to the ICE office for the February 25, 2026 appointment on time and voluntarily, as I always had.
10. When I arrived for that scheduled check-in, ICE officers arrested me.
11. ICE told me I was being arrested because I allegedly did not update my address. That is not true. I updated my address in August 2024 and I continued reporting as instructed.
12. I have no criminal record.
13. I have never missed an ICE appointment and I have never tried to avoid ICE.
14. If I am released, I will continue to comply with ICE reporting and I will appear for all immigration court dates.

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

Executed on: February 26, 2026
at FDC Philadelphia

Henrique Camargo de Oliveira

Henrique Camargo de Oliveira

VERIFICATION

I, Henrique Camargo de Oliveira, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Emergency Petition and that the factual statements contained therein are true and correct to the best of my knowledge.

Date: February 26, 2026

Henrique Camargo de Oliveira

Henrique Camargo de Oliveira

C

 [redacted]

ICE

[illegible]

Next Reporting Date and Time: August 29, 2025 between 1:00 PM and 2:00 PM

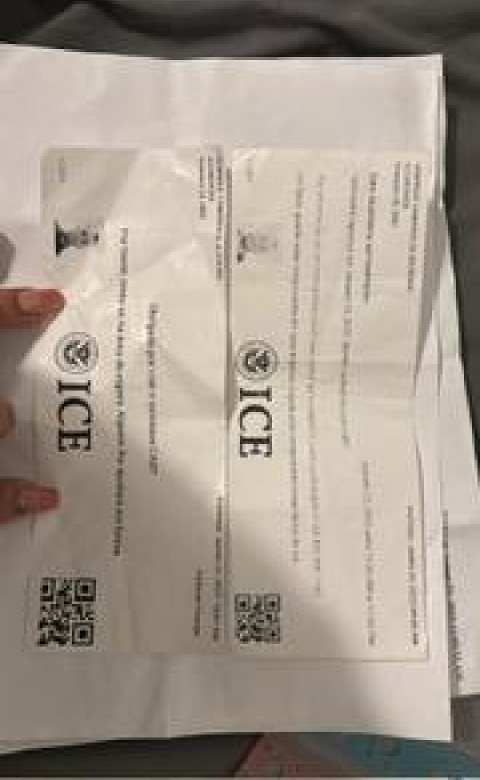
[illegible] August 22, 2025

[illegible]

[illegible]

[redacted]

D



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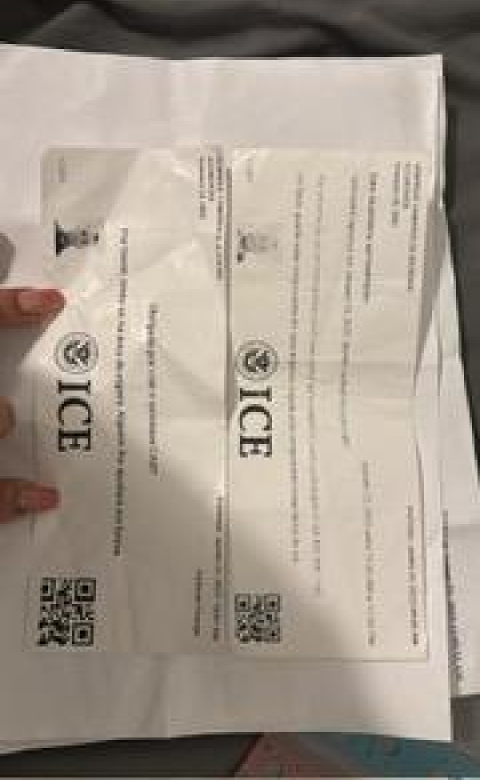


UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRIQUE CAMARGO DE OLIVEIRA,
[redacted],
Petitioner,

v.

WARDEN, PHILADELPHIA FEDERAL DETENTION CENTER,
Respondent.

Civil Action No. __________

ORDER

AND NOW, this ___ day of __________, 2026, upon consideration of the Emergency Petition for Writ of Habeas Corpus, it is hereby ORDERED as follows:

1. Pursuant to 28 U.S.C. § 2243, Respondent shall SHOW CAUSE within THREE (3) DAYS of this Order why the writ should not issue.
2. Respondent's return shall address, with supporting documentation where available:
   a. The statutory authority for Petitioner's detention;
   b. The factual basis for alleging Petitioner failed to update his address in August 2024 despite ICE supervision records;
   c. Why continued detention is reasonably related to ensuring appearance or protecting the community given Petitioner's voluntary appearance at the February 25, 2026 appointment.
3. Petitioner may file a reply within three (3) days after service of Respondent's return.
4. The Court will determine whether a hearing is necessary upon review of the return and reply.

IT IS SO ORDERED.

United States District Judge

A

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] **FINS #:** [redacted] **DOB:** [redacted]

File No: [redacted]

Event No: [redacted]

In the Matter of:

Respondent: HENRIQUE CAMARGO DE OLIVEIRA currently residing at:

[redacted] 08075-3807 [redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of BRAZIL and a citizen of BRAZIL ;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about May 10, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

970 BROAD STREET, ROOM 1200 NEWARK NJ 07102

(Complete Address of Immigration Court, including Room Number, if any)

on December 07, 2028 *(Date)* at 08:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

ERIK K ANDERSEN
Date: 2024.05.10 23:0[illegible] -07:00
0650090763.CBP

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: May 10, 2024 San Diego, California

(City and State)

EOIR — 1 of 3

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is PORTUGUESE

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: ______________________

(Signature of Respondent)

______________________ Date: ______________

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on May 11, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # ______________ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the PORTUGUESE language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Henrique Camargo

(Signature of Respondent if Personally Served)

ERNESTO LOA
Date: 2024.05.11 02:44:00 -07:00
0236456297.CBP
Border Patrol Agent

(Signature and Title of officer)

EOIR — 2 of 3

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

B

EXHIBIT B

AFFIDAVIT OF HENRIQUE CAMARGO DE OLIVEIRA

(28 U.S.C. § 1746)

I, Henrique Camargo de Oliveira, declare under penalty of perjury as follows:

1. I am the Petitioner in the federal habeas corpus case challenging my current ICE detention. I make this declaration based on my personal knowledge.
2. I am a citizen of Brazil and I am currently detained at the Philadelphia Federal Detention Center.
3. After I was placed in removal proceedings, ICE released me on supervision. I understood I had to report to ICE as directed and keep ICE updated with my current address.
4. I complied with all ICE supervision requirements and I always reported when instructed.
5. On August 22, 2024, I told ICE that I moved from [redacted] to [redacted]
6. After I provided my new address, I received documentation showing the location for my next visit/check-in.
7. On August 29, 2024, I went to my ICE check-in appointment. During that appointment, I filled out the ICE address-change paper by hand and provided my Philadelphia address.
8. After that, ICE continued supervising me and later scheduled another check-in for February 25, 2026.
9. I went to the ICE office for the February 25, 2026 appointment on time and voluntarily, as I always had.
10. When I arrived for that scheduled check-in, ICE officers arrested me.
11. ICE told me I was being arrested because I allegedly did not update my address. That is not true. I updated my address in August 2024 and I continued reporting as instructed.
12. I have no criminal record.
13. I have never missed an ICE appointment and I have never tried to avoid ICE.
14. If I am released, I will continue to comply with ICE reporting and I will appear for all immigration court dates.

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

Executed on: February 26, 2026
at FDC Philadelphia

Henrique Camargo de Oliveira

Henrique Camargo de Oliveira

VERIFICATION

I, Henrique Camargo de Oliveira, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Emergency Petition and that the factual statements contained therein are true and correct to the best of my knowledge.

Date: February 26, 2026

Henrique Camargo de Oliveira

Henrique Camargo de Oliveira

C

[illegible]

ICE

Next Reporting Date and Time: [redacted] Between 1:00 PM and 2:00 PM

[illegible] [redacted]

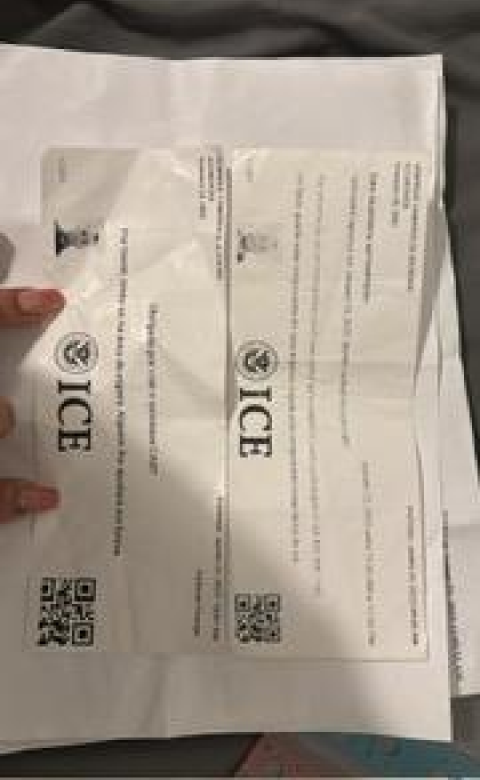
[illegible]

[illegible]

[redacted]

D

E


ICE
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