

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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MAR 20 2026	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Name and Petitioner Number/ Alien Registration Number: Adame-Cano, Omar. (A# [REDACTED])
Place of Confinement: Eloy Detention Center (ICE) 1705 East Hanna Rd., Eloy, AZ, 85131
Mailing Address: Eloy Detention Center (ICE) 1705 East Hanna Rd., Eloy, AZ, 85131
City, State, Zip Code: Eloy, Arizona, 85131

Adame-Cano, Omar.

A# [REDACTED]

(Full name of petitioner)

Case No.:

CV26-01921-PHX-KML--ASB

Petitioner.

v.

Mr. Rokosky, Warden of the EDC,
SECRETARY, U.S. DEPARTMENT OF
HOMELAND SECURITY:
FIELD OFFICE DIRECTOR, ICE ERO
PHOENIX;
and other officials with custody over
Petitioner

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY (28 U.S.C ((§)) 2241)

1. What are you challenging in this petition?

☒ Immigration detention (civil ICE detention)

☐ Federal Conviction/sentence

☐ Other: _____

2. Decision/Authority being challenged (detention/custody status):

Agency/Court: DHS (ICE/ERO) Detention; EOIR Immigration Court, BIA appeal pending.

A-Number/Case: A# [REDACTED]

Immigration Judge decision: Immigration Judge ordered **REMOVAL** to **MEXICO**. (Decision date: January 15, 2026).

BIA appeal: has been sent on **February 5, 2026** – Rejected. **February 18** – Another appeal has been sent due to rejection of previous one. BIA case/receipt No.: _____

Bond Hearings: None provided to date.

3. Did you appeal the decision to a higher agency or court?

☒ Yes(BIA appeal pending) ☐ No

BIA appeal: has been sent on **February 5, 2026** – Rejected. **February 18** – Another appeal has been sent due to rejection of previous one.

4. If you did not appeal, explain why:

N/A (appeal is pending).

5. Other federal petitions/ cases challenging this custody:

☐ Yes ☒ No

6. Grounds for relief(attach additional pages if needed):**GROUND 1 (One of my parents is a Citizen of the United States of America):**

My father is a United States citizen, since I was a minor. I came over here legally through the Nogales border. I had no knowledge of my parent citizenship status until I was detained by ICE/ERO. I have found out that my father became a citizen when I was a minor. We submitted an application in 1997 and after horrible attack of the twin towers in 2001, my case went missing. I did not follow it correctly. All my family became legal. Except me. I delivered the proof of this to the Honorable judge and it was not considered. Instead I was ordered to be **REMOVED** to the country of origin – Mexico. Right after my court, the ICE agents has visited me, they were asking questions correlated to my case and my parent citizenship, evidence of which they have received through my family. The Honorable Judge unfortunately ignored it.

GROUND 2 (An adult US citizen child.):

I am a parent of the United States citizen – my son. He was born in 2001 and has been with me last 5 years. He had the petition submitted on my behalf. I have lack of information regarding this petition, I have no opportunity to identify the petition's status.

My son and I were living together, Honorable court ignored that particular moment.

I am having no opportunity to provide or receive any of the evidence more, without me being outside.

GROUND 3 (Bong Hearing):

When I have had a court hearing, I asked the Honorable Judge about my bond hearing. Honorable Judge readdressed my question to the prosecutor and the prosecutor said that I am not eligible for a bond hearing. Technically my bond paperwork have never been processed and I never got any paperwork with the rejection.

The government never decided to provide me any legal hearing knowing I have a sponsor who is my son.

7. Are you challenging a criminal conviction or sentence?

☐ Yes ☒ No

8. If this case concerns immigration detention/proceedings:

(a) Date taken into immigration custody: **September 24, 2025**

(b) Location of confinement: Eloy Detention Center (ICE) 1705, East Hanna RD., Eloy, AZ, 85131

(c) Bond hearings: **NONE**

(d) BIA appeal: has been sent on **February 5, 2026** – Rejected. **February 18** – Another appeal has been sent due to rejection of previous one.

(e) Briefing: No brief due date exists at this time (per EOIR).;

9. What relief do you want from the Court?

Release from ICE custody under reasonable conditions (ATD/ISAP, reporting, electronic monitoring), or alternatively an expedited individualized bond/ custody hearing; and any other relief the Court deems just and proper.

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

Date: 03/03/26

Printed name; **Adame-Cano, Omar.**

Signature: Omar Adame

A-Number 

**PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C (§) 2241 (IMMIGRATION DETENTION)**

A. Jurisdiction and Venue

This court has jurisdiction under **28 U.S.C. (§) 2241** because petitioner is in federal custody within the District of Arizona and challenges the legality of that custody. Venue is proper because Petitioner is detained at Eloy Detention Center in Eloy, Arizona.

B. Parties

Petitioner: **Adame-Cano, Omar.** (A ) detained at Eloy Detention Center (ICE), 1705 East Hanna Road, Eloy, AZ, 85131.

Respondents: Warden Mr. Rokosky – Warden, Eloy Detention Center (Immediate custodian). Other Respondents include the Secretary of DHS and ICE ERO Phoenix officials with custody over Petitioner.

C. Statement of Facts

1. Petitioner entered immigration custody on **September 24, 2025** and has remained detained since that date.
2. Petitioner is detained at Eloy Detention Center (ICE), 1705 East Hanna Rd., Eloy AZ 85131.
3. On **January 15, 2026**, the Immigration Judge ordered REMOVAL.
4. BIA appeal: has been sent on **February 5, 2026** – Rejected. **February 18** – Another appeal has been sent due to rejection of previous one.
5. Bond hearings: Petitioner has not received any bond hearing to date.

D. Grounds for Relief

GROUND 1 (One of my parents is a Citizen of the United States of America):

My father is a United States citizen, since I was a minor. I came over here legally through the Nogales border. I had no knowledge of my parent citizenship status until I was detained by ICE/ERO. I have found out that my father became a citizen when I was a minor. We submitted an application in 1997 and after horrible attack of the twin towers in 2001, my case went missing. I did not follow it correctly. All my family became legal. Except me. I delivered the proof of this to the Honorable judge and it was not considered. Instead I was ordered to be REMOVED to the country of origin – Mexico. Right after my court, the ICE agents has visited me, they were asking questions correlated to my case and my parent citizenship, evidence of which they have received through my family. The Honorable Judge unfortunately ignored it.

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My son and I were living together, Honorable court ignored that particular moment.

I am having no opportunity to provide or receive any of the evidence more, without me being outside.

GROUND 3 (Bong Hearing):

When I have had a court hearing, I asked the Honorable Judge about my bond hearing. Honorable Judge readdressed my question to the prosecutor and the prosecutor said that I am not eligible for a bond hearing. Technically my bond paperwork have never been processed and I never got any paperwork with the rejection. The government never decided to provide me any legal hearing knowing I have a sponsor who is my son.

E. Requested Relief

Petitioner requests that the Court:

- 1) Grant the writ and order immediate release from **ICE** custody under reasonable conditions; OR
- 2) Alternatively, order an expedited individualized **custody / bong** hearing with the Government bearing the burden to justify detention; **AND**
- 3) Order that Petitioner not be transferred out of the District of Arizona without advance notice while this case is pending; **AND**
- 4) If removal is attempted before resolution, enter a temporary stay to preserve jurisdiction; **AND**
- 5) Grant any other relief the court deems just and proper.

Verification (28 U.S.C. § 1746)

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

Date: 03/03/26

Signature: Omar Adame

Adame-Cano, Omar.

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EMERGENCY MOTION TO EXPEDITE

AND FOR PROMPT INDIVIDUALIZED CUSTODY/BOND HEARING (OR RELEASE)

1. My parent is an US citizen, so is my son. I would ask the honorable court to expedite the decision according to it.
2. The custody of mine began on **September 24, 2025** and remains till the day of the petition submission .
3. ICE did not collaborate to provide me any of the bong hearings nor the release procedures according to my case, my son is an **United States** citizen and my sponsor as well
4. I have sent the appeal to the **BIA**. But the appeal remains pending till the current date.

II. Requested Relief

- 1) Expedite consideration of this Habeas action.
- 2) Order a prompt individualized custody/ bond hearing within a short court-set deadline (e.g., 7-14 days).
- 3) Require the Government to justify continued detention at that hearing.
- 4) Alternatively, order release under reasonable condition at that hearing (ATD/ISAP, reporting, electronic monitoring if required).
- 5) Order no transfer out of the District of Arizona without advance notice to the court and Petitioner while the case is pending.
- 6) If removal is attempted before resolution (including third country removal), enter a temporary stay to preserve jurisdiction.



Adame-Cano, Omar.
A# 

Date: 03/03/26

DECLARATION OF ADAME-CANO OMAR.

1. My name is **Adame-Cano, Omar**. My agency number is A#  I am currently detained by ICE at ELOY DETENTION CENTER in Eloy, Arizona.
2. I have been in immigration custody for almost 5 month for now. Since **September 24, 2025** I was detained.
3. On **January 15, 2026**. Honorable Immigration Judge ordered **REMOVAL**. I sent an appeal on **February 5** and remains pending.
4. I have a family support, I have an adult son who is a **US** citizen and he would be able to be my sponsor, but my bond request was rejected during one of my hearings. I am willing to comply with any of the conditions by ICE/ERO/COURT requires, including **ATD/ISAP** checks in or electronic monitoring.
5. I submit this declaration in support of my **§ 2241** petition and request for release or a prompt individualized custody/ bong hearing.

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

Date: 02/03/26

Signature: Omar Adame

Adame-Cano, Omar.

A# 

Attachment to the GROUND №1

Petitioner has been living in the US for more over than 31 years (thirty one years)
Petitioner does not confront any social or flight risk according to the past and foreseeable future. He does not show any flight or security/ society risk. Petitioner is having a permanent address where he used to live in TUCSON, ARIZONA for more than 20 years. This is showing the Honorable court that the Petitioner is going to appear to any of forgoing hearings due to the factors. Guarantee of his appearance can be a United States citizen – Son of Petitioner who used to live at the same house with him. Circumstances that had been provided are making the detainment unreasonably prolonged.

Date: 03/03/26

Adame-Cano, Omar.

Signature: Omar Adame

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