

Name: Carmela Paiz Gomez

A number: 

Address: 1705 E Hanna Rd, Eloy AZ 85131

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Case No.

petitioner

CV26-01935-PHX-JJT--ASB

V.

PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. s 2241

CHRISTOPHER HOWARD,
Warden of Eloy Detencion Center

JASON CILIBERTI,
United States Immigration and Custom
Enforcement Field Office Director

KRISTI NOEM,
Secretary, United States Department
of Homeland Security

PAMELA R. BONDI,
United States Attorney General

Respondents

PARTIES

- 1) petitioner CARMELA PAIZ GOMEZ is a native citizen of Guatemala. Petitioner was taken into ICE custody August 17, 2025 and has remained in ICE custody continuously since that date. Petitioner is subject to a final order of removal from January 12, 2026.
- 2) respondent CHRISTOPHER HOWARD, warden of ELOY Detention Center where petitioner is currently detained under the authority of ICE, alternatively may be considered to be petitioner's immediate custodian.
- 3) Respondent JASON CILIBERTI is one of the ICE Field Directors and is petitioner's immediate custodian who signed petitioner's continued detention letters.
- 4) Respondent Kristi Noem is the secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Nationality Act (INA). As such, KRISTI NOEM is the Legal Custodian of petitioner.
- 5) Respondent PAMELA R. BONDI is the Attorney General of the United States and is responsible for the Administration of ICE and the implementation and Enforcement of the Immigration and National Act (INA). As such, PAMELA R. BONDI has ultimate custodial authority over petitioner.
- 6) All respondents are sued in their official capacities.

FACTUAL ALLEGATIONS

Petitioner entered the United States on October 20, 2023.

Petitioner was detained by ICE on August 17, 2024.

Petitioner has remained continuously detained since that date.

Petitioner has complied with all institutional rules and has maintained good conduct during detention.

LEGAL FRAMEWORK

The Fifth Amendment protects non-citizens from deprivation of liberty without due process of law.

In *Zadvydas v. Davis*, the Supreme Court held that post-removal detention is presumptuously reasonable for six months. After six months, if there is no significant likelihood of removal in the reasonably foreseeable future, continued detention violates the Constitution.

The Court made clear that civil detention cannot become indefinite.

INTRODUCTION

Petitioner Carmela Paiz Gomez respectfully petitions this Court for a Writ of Habeas Corpus to 28 U.S.C. s 2241. Petitioner has been detained by Immigration and Customs Enforcement for an extended period following a final order of removal. Her continued detention exceeds the presumptuously reasonable period recognized by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and violates the Due Process Clause of the Fifth Amendment.

Petitioner seeks immediate under supervision because her continued detention is no longer constitutionally

ARGUMENT

COUNT I

Violation of the Fifth Amendment Due Process Clause

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.

Petitioner's continued detention is civil in nature and must bear a reasonable relationship to its purpose.

Whatever justification initially existed for Petitioner's detention has become constitutionally excessive due to length of confinement.

This detention period greatly exceeds the brief detention period contemplated in *Demore v. Kim*.

Petitioner has already prevailed before the Immigration Judge on the merits of her applications for Cancellation of Removal.

Petitioner's detention has therefore become arbitrary, excessive, and unconstitutional.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

Assume jurisdiction over this matter;

Declare that Petitioner's prolonged detention violates the Due Process Clause of the Fifth Amendment;

Order Respondent's to immediately release Petitioner from Immigration detention under appropriate conditions of supervision;

OR, in the alternative

Order Respondent's to provide Petitioner with an individualized bond hearing before an Immigration Judge within three days.

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

Respectfully submitted,

PETITIONER PRESENTS A STABLE RELEASE PLAN

If released, Petitioner will reside at:

Address:

[REDACTED]

Petitioner will be received and support by:

Name: Maria Rodriguez

Relationship: Friend

Petitioner intends to engage in the following lawful employment or activities

Petitioner is willing to comply with all conditions of supervision imposed by ICE

Respectfully submitted,

Pro se.

Eloy Detention Center

Date:

Sign: CPG

U.S. Department of Homeland Security
1705 East Hanna Road
Eloy, AZ 85131



U.S. Immigration
and Customs
Enforcement

Paiz-Gomez, Carmela
C/O Eloy Detention Center
A# [REDACTED]
1705 E. Hanna Rd. Eloy, AZ 85131

Notice to Alien of Custody Review

You are detained in the custody of Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody, the Field Office Director will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating by "clear and convincing evidence" that you will not pose a danger to the community and will not be a significant flight risk.

Your custody status will be reviewed on or about: 9/26/25. The Field Office Director may consider, but is not limited to considering the following:

1. The nature and seriousness of your criminal convictions;
2. Other criminal history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Prior immigration violations and history;

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2 (b) (3). An attorney or other person may submit materials on your behalf. Please submit all required documents at least 30 days prior to your review or as soon as you obtain them.

U.S. Department of Homeland Security
Immigration and Customs Enforcement
Attn: Deportation Officer.
1705 E. Hanna Road
Eloy, Arizona 85131

METHOD OF SERVICE

I certify that this form was provided to the alien by:

() CC: Attorney of Record or Designated Representative
(X) CC: A-file

(Hand)

(institution Mail)

C10806 Rogers
Deportation Officer

8/5/25

Signature of Officer

Print Name of Officer

Date

I waive my right to be provided with a 30-day notice prior to any custody review:

Refused
Signature of Alien

Date



U.S. Immigration and Customs Enforcement

PAIZ Gomez, Carmela, A 
Eloy Detention Center

Notice to Alien of Interview for Review of Custody Status

U.S. Immigration and Customs Enforcement (ICE) periodically reviews the custody status of detained aliens who have final orders of removal, deportation, or exclusion. You are required to cooperate with ICE in effecting your removal from the United States.

In determining whether you may be recommended for release, ICE will consider whether there is a significant likelihood of your removal in the reasonably foreseeable future, and whether you pose a danger to the community or pose a risk of flight.

You will be interviewed for this purpose and you are scheduled to appear for this interview on:

X November 14, 2025 at: to be determined at: Eloy Detention Center, Eloy, Arizona
(Date) (Time) (Location)

to discuss whether or not you will be recommended for release. If you wish for additional time to prepare for the interview, you may request that the interview date be postponed. If the hearing is rescheduled at your request, you waive the right to have the interview prior to the date that jurisdiction over your custody status shifts to the Enforcement and Removal Operations Removal Division under 8 C.F.R. § 241.4(c)(2).

In determining whether you may be released, ICE may consider, but is not limited to considering the following:

1. Whether your removal is significantly likely in the reasonably foreseeable future;
2. Criminal convictions and criminal conduct;
3. Other criminal history and immigration history;
4. Sentence(s) imposed and time actually served;
5. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
6. Probation history;
7. Disciplinary problems while incarcerated;
8. Evidence of rehabilitative effort or recidivism;
9. Equities in the United States;
10. Cooperation in obtaining your travel document; and
11. Any available mental health reports.

You are required to complete the information on the following page. You will be notified of the decision in your case when the custody review has been concluded.

Enforcement and Removal Operations

U.S. Department of Homeland Security
1705 E. Hanna Road
Eloy, Arizona 85131



**U.S. Immigration
and Customs
Enforcement**

PAIZ-Gomez, Carmela

A [REDACTED]

c/o Eloy Detention Center
1705 E. Hanna Road
Eloy, AZ 85131

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of United States Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of the information you submitted to ICE's reviewing officials, and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because:

- Pose a significant risk of flight pending your removal from the United States.
- ICE has the necessary means to obtain a travel document to effectuate your removal, and removal is practicable, likely to occur in the reasonably foreseeable future, and in the public interest.
- Threat to public safety.

ICE has made such determination based upon: Your illegal entries into the United States show a disregard to laws and indicate that you are a flight risk. ICE has the means to obtain a travel document to effectuate your removal and removal is likely and reasonably foreseeable.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

CERTIFICATE OF SERVICE

I, Carmela Paiz Gomez, do hereby certify under the

penalty of perjury and the laws of the united states of America that I have served a copy of the foregoing documents in the interested parties postage paid and addressed to:

Assistant Chief Counsel of

Department of homeland security

1705 East Hanna Road, Eloy, Arizona, 85131.

By placing a copy of mailing in the U.S. Mail box located in my assigned housing unit, 1705 East Hanna Road, Eloy Arizona, 85131.

I declare that the foregoing is true and correct to the best of my knowledge and belief.

Signature 

Date : 03-16-26

COVER LETTER – HABEAS CORPUS FILING

Jose Luis Nava Diaz

A# 

Florence Detention Center
3250 North Pinal Parkway
Florence, AZ 85132

To:

Clerk of the Court
United States District Court
District of Arizona
401 West Washington Street, Suite 130, SPC 10
Phoenix, AZ 85003

RE: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)

Petitioner: Jose Luis Nava Diaz

A# 

Dear Clerk of the Court:

Please accept for filing the enclosed **Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, submitted by Petitioner, **Jose Luis Nava Diaz**, who is currently detained at the Florence Detention Center in Florence, Arizona.

Petitioner respectfully challenges his ongoing detention by the Department of Homeland Security and Immigration and Customs Enforcement as **unlawful, arbitrary, and in violation of the Fifth Amendment**.

Enclosed, please find the following documents:

Petition for Writ of Habeas Corpus

Memorandum of Law in Support

Application to Proceed In Forma Pauperis

Supporting Documentation and Exhibits

Petitioner respectfully requests that this Honorable Court review the enclosed materials and **order his immediate release from custody**, as